

Against Self-Determination

It is often claimed that anticolonial nationalism and self-determination have a coeval history, indeed, that self-determination is the principle through which anticolonialists would achieve their declared goal of *independence* from colonialism.¹ The story goes that not only have anticolonialism and self-determination emerged around the same historical juncture but they are also imbricated in one another, so much that the colonial recognition of one automatically leads to the colonial recognition of the other. Yet, on closer inspection, this seems to be a misleading narrative. Not only does the dominant form of self-determination appear to be a principle designed to limit the claims of anticolonial nationalism and to enhance the claims of colonialism, especially the settler-colonial variety and its “right of conquest,” but, even more importantly, colonial and settler-colonial resistance and reticence to recognizing the colonized as nations that deserve independence would only be mitigated once self-determination became the operative criterion by which substantive political independence could be negated. Settler-colonists would only accede to a recognition that the indigenous peoples whose lands they usurped are *nations* on condition that self-determination not only would *not* lead to the declared goals of “independence” and “liberation” from settler-colonialism, but would effectively *obstruct* any path towards those goals.

This can be observed in settler-colonies around the globe. From the Americas to Australia, from Palestine and Algeria to Rhodesia and South Africa, the colonial settlers fought and mostly preserved their “right of conquest” as a right to “self-determination.” Indeed, the intermediate formula of “self-rule” would find its logical fulfillment in the new post–World War I formula of “self-determination.” The case of Palestine and Zionist settler-colonialism has often been noted as exceptional, when, as we will see, it has been, in its major characteristics, anything but that. As in the rest of the settler-colonies, the “right of conquest” of land in Palestine continues to be safeguarded as a “right of self-determination” for the Jewish settler colonists and their descendants, while what is offered to the indigenous Palestinians (as is the case with other indigenous peoples elsewhere) is a recognition of their “peoplehood” and “nationhood” and even of their right to cultural autonomy sans any rights to the land, which is reserved for the colonial settlers by the “right of conquest.” This was on offer by the Zionist colonists since the 1920s but Palestinian leaders did not accede to it until the 1993 Oslo Accords.

The concept of the nation is central to both settler-colonial conquerors and to the anticolonial struggles of the indigenous. The nation, which quickly became a legal category, has been connected juridically since the middle of the nineteenth century to the principal elements of land and blood, or *jus soli* and *jus sanguinis*.² As I will show,

what colonial-settlers were able to achieve is the conjuring up of this connection for themselves and its severance for the indigenous and colonized under the capacious umbrella of “self-determination.” This is as true for Canada’s First Nations as it is for Australian Aborigines, South African and Zimbabwean Blacks, U.S. Native Americans, and the Palestinians, *inter alia*. Indeed, it is in recognition of that fact and in an attempt to defy it that Yasir Arafat declared shortly before he died in 2004 that “we are not Red Indians,” a denial that only serves to confirm that the Palestinians are anything but the same as Native Americans and First Nations, but not in the sense that Arafat meant—that the struggle of the “Red Indians” has been defeated while the Palestinians continue to resist—but precisely in the sense that the nature of the Palestinian struggle and resistance is not unlike the ongoing struggles in the Americas, Oceania, and South Africa, even if the forms and intensity of resistance may vary.³

I will begin with a discussion of colonial nationalism before sketching the historical background of the political concept of self-determination and its peregrinations from its socialist beginnings in the late nineteenth century to its imperial sponsorship in the wake of World War I. I will signal its important use by settler-colonists from the outset, which was simultaneous to its appropriation by the colonized in the same period, extending to post–World War II decolonization and ending with early twenty-first-century colonial-settler recognition of the self-determination of colonized indigenous peoples. This is not intended as a thoroughly detailed history, which many scholars have already undertaken, and on whose work I rely, but rather as a genealogy that identifies the major shifts and discontinuities in the meaning of the concept since the nineteenth century. I will chart this journey of the concept ideologically, politically, and diplomatically. The details of the Palestinian case will illustrate the salience of this colonial-settler achievement not only for the Palestinians but also on a global scale.

Colonial Nationalism

European colonial nationalism was predicated on the understanding that colonizing countries, like Britain and France, formed nations, judged as a civilized form of community and even as a political achievement outside the reach of many of the colonized. The British denied that the Egyptians or the Indians constituted nations rather than different communities, tribes, clans, castes, sects, and so on. The French too denied that the Algerians were a nation. The denial of the nationhood of those colonized by Europe should be contrasted with the support European powers gave in the nineteenth century to nationalisms within the Ottoman Empire for the purpose of breaking it up—here European support for Greek, Bulgarian, and, later, Arab nationalisms are prime examples.

It was in the context of the Scramble for Africa and the Berlin Conference of 1884–85 that discussions supported indigenous Africans’ right to dispose of their lands to European colonists. The “Scramble” had been increasingly carried out through negotiating treaties with native sovereigns. One of the American delegates to the Berlin Conference, John Kasson, insisted that modern international law was leading to the recognition “of the right of native tribes to dispose freely of themselves and of their hereditary territory,” and that this right was to be “extended” to require the

“voluntary consent of the natives whose country is taken possession of, in all cases where they had not provoked the aggression.”⁴ It is this right, argues Siba N’Zatioula Grovogui, that was construed in the twentieth century as “self-determination.”⁵

The rise of anticolonial nationalisms forced a major concession on colonizing powers, one that could threaten colonial rule altogether. Coeval with this development, European colonial settlers in Africa and Asia looked for an arrangement that would limit the authority of the colonial mother country while at the same time preserve and expand colonial-settler privileges. In the case of the European colonists of southern Africa, this began at the turn of the century, whereas in the case of European Jewish colonists of Palestine, it awaited the end of World War I. With anticolonial nationalism spreading throughout the colonial world around World War I, a new colonial formula was needed to appease anticolonial nationalist demands for *independence* while prolonging colonial and settler-colonial rule indefinitely.

As anticolonial resistance adopted the national principle for constituting its own communities, the modern European ontology of nationalism spread globally and universalized itself as the principal form of a rights-bearing political identity endowed with claim-making capacities. The major achievement of nationalism, in its colonial and anticolonial guise, however, was not only the creation of the binary of the national and the foreigner but more importantly its elimination of any space outside the binary; no one in the postnationalist world could exist as neither a national nor a foreigner.

Whereas varieties of nationalism as ideology identified language, religion, economy, territory, ethnicity, race, and blood as bases for common identity and difference, the national and the foreigner were defined juridically across colonial nation-states since the inception of laws of nationality in the second half of the nineteenth century in relation to two exclusive bonds: blood and/or soil. As far as the law and the new nationalist epistemology were concerned, there was to be no existence outside the binary of national and foreigner, legally, subjectively, even ontologically. This has been the condition of human life since the universalization of the national principle through European colonialism globally, which in turn produced and generated what became a universally applicable “international law” that had first been invented based on the initial encounter between European colonial-settlers and the indigenous peoples of the Americas.⁶

The problem of statelessness in the interwar period, as Hannah Arendt demonstrated, was that to be stateless is not to have the right to have rights.⁷ What Arendt did not explain is what it would mean to be nationless. What happens if one is not stateless but nationless? Before World War I, the condition of nationlessness, as indicated above, was indeed prevalent among the colonized whom colonial powers refused to recognize as nations at all. This, however, became less and less tenable after World War II.

There is no longer a population today that is characterized as nationless. This does not mean that there are no populations whose inclusion or exclusion from a certain nation, national grouping, or nationality does not exist: of those there are plenty. There is no population, however, that is considered nationless in the absolute at present, for much of the basis for the exclusion of certain peoples from nationness is the claim that they belong to an *other* nation. For example, those who claimed that

German Jews were not German did so by arguing that German or other European Jews belonged to a “Jewish nation,” just as those who claim that French Muslims are not part of the French nation claim them to be part of other nations, and sometimes of a phantasmatic “Muslim nation,” or—and this is a clear reiteration of an older anti-Semitic claim used against European Jews—that Muslims are part of an *international* solidarity network that overwrites or replaces the norm of national belonging. No one making such arguments has ever thought that Jews or Muslims are not endowed with national belonging when excluding them.

Zionism has also excluded non-Jews from its project as belonging to other nations and thus shares with anti-Semitism the premise that Jews only belong to the Jewish nation. Zionists have often argued that the Palestinians’ belonging to a larger Arab nation is compatible with nationalist claims but that their belonging to a particular Palestinian nation constituted a threat, a problem that it partially resolved in the late 1970s and later in the early 1990s, half a century after its conquest of Palestine, on the basis of the question of *self-determination*. It is through the invocation of “self-determination” that Golda Meir’s denial in 1969 that there ever was a Palestinian people was negated by Menachem Begin’s recognition, in the late 1970s, that they existed, and later, following the Oslo Accords, Israel’s recognition that some of them were endowed with some rights for partial self-governance.⁸ This recognition was possible as self-determination requires the nation as its prerequisite, and thus not only does self-determination reinscribe nations (in both senses of blood and soil) but it also becomes the mechanism that navigates which blood-and-soil schematization is prioritized over others.

Socialist Beginnings

But before self-determination appeared as a new concept, “independence” as the end of colonial or foreign rule had been the more operative notion in English, French, and other European languages. Emerging in the mid-eighteenth century, “independence” defined the American white colonial-settlers’ republicanism and revolutionary struggle against British colonial rule and became the operative criterion to define the early nineteenth-century end of European colonial rule in the settler-colonies of the Caribbean and Latin American states and in the “European” provinces of the Ottoman Empire. This impelled Britain to give increased autonomy to its other white colonial settlements on the road to independence, including Australia, Canada, New Zealand, and of course South Africa, under the rubric of what it called “Commonwealth” or “Dominions.” Independence became also the process defining the new non-settler states that emerged from the collapsing empires after World War I, and finally the states emerging from the end of formal colonialism between the end of World War II and the late 1970s.⁹

In addition to “independence,” the notion of “liberation,” and especially “national liberation,” whose current use is more recent, defined the struggles, both material and rhetorical, of the colonies during World War I and in European countries fighting Nazi occupation in the course of World War II and yet again of the colonized in Asia and Africa fighting against European colonial occupation after World War II, many of whose movements came to adopt the term “liberation” in their very names. Since World War I and more so since World War II, these three terms have come to be

confused as synonyms, despite their differing and disparate histories and genealogies, and particularly despite their varying trajectories. To understand how this development came about, a genealogy of “self-determination” is necessary.

In contrast to the older “independence” and the more recent “liberation” (both terms require separate treatments in their own right), self-determination emerged at the end of the nineteenth century in socialist discourse on the nationalism of smaller European nations and would have a more complicated genealogy and journey throughout the twentieth century and through the present. The phrase “the self-determination of peoples” itself seems to have made its first appearance in the 1860s, even if the expression “self-determination” in reference to the individual rather than the collectivity existed in philosophical tracts since the seventeenth century.¹⁰ Marx and Engels deployed it in relation to the rising European nationalist movements.¹¹ Its increased prominence emerged within the labor movement at the end of the nineteenth century, most especially when the Second International adopted in the platform of its fourth Congress in 1896 the principle of “self-determination.” The context was Karl Kautsky’s attempt to arbitrate between differing Polish socialists who were divided between those who saw the Polish national struggle as part of the socialist struggle and those (including Rosa Luxemburg’s “The Social Democratic Party of Poland”) who saw Polish nationalism as not in the interest of the proletariat or of socialism.

The Social Democratic Labor Party of Russia made no reference to the question in its first Congress in 1898, but due principally to the insistence of the Russian Jewish workers party, the Bund (officially called the General Jewish Labor Union in Lithuania, Poland, and Russia), which insisted in 1901 on national cultural autonomy of Yiddish-speaking Jews in the Russian Empire, the Russian socialists adopted the principle in their program at their second Congress in 1903, calling for a democratic republic whose constitution would ensure, among other things, “that all nationalities forming the state have the right to self-determination.”¹² It is this commitment that spurred Luxemburg in 1909 to object that not only does such a formulation have nothing to do with socialism and the working class but that in fact it is “at first glance a paraphrase of the old slogan of bourgeois nationalism put forth in all countries at all times: ‘the right of nations to freedom and independence.’”¹³ She added that “a ‘right of nations’ which is valid for all countries and all times is nothing more than a metaphysical cliché of the type of ‘rights of man’ and ‘rights of the citizen.’” Luxemburg cited Marx’s contempt for nationalist politics, especially of what we would call today minorities.¹⁴

Luxemburg’s main point is that nationalism gives economic agency to the national bourgeoisie and grants no economic agency to the national working class, which was the basis of her opposition to anticolonial nationalism as a concern for socialism. In raising the question of class and the benefits that nationalism accrues at the behest of the national bourgeoisie which are extracted from the colonizing bourgeoisie, Luxemburg, however, seemed to fall on the side of a universalism that would not have to await anticolonial or postcolonial criticisms of its Eurocentricity. Lenin took up that task soon after in his famous 1914 text *The Rights of Nations to Self-Determination*.¹⁵ Nonetheless, what Luxemburg was rejecting was the very basis of the new identity being land and blood, rather than class solidarity based on labor relations.

For Lenin, it was clear that “the self-determination of nations means the political separation of these nations from alien national bodies, and the formation of an independent national state.” Agreeing with Luxemburg’s views that nationalism could never bring economic independence nor grant economic agency to the national working class, but faulting her for not realizing that the nation-state is the “norm” of capitalism nonetheless, Lenin countered by insisting that the “‘self-determination of nations’ in the [Russian] Marxists’ Programme *cannot*, from a historico-economic point of view, have any other meaning than political self-determination, state independence, and the formation of a national state.”

Making a distinction between “oppressor nations” and “oppressed nations” was the main crux of Lenin’s criticism of Luxemburg’s generalizations, or what we would call today universalism. Lenin resolved the stance of socialists pithily as follows: “We fight against the privileges and violence of the oppressor nation, and do not in any way condone strivings for privileges on the part of the oppressed nation.”

Lenin’s arguments left a long intellectual legacy in the century to follow. His socialist heirs accepted national solidarity based on land and blood as a “strategic essentialism,” one that is supplemented by class identity and solidarity. It is this progressive legacy of “self-determination” as a right with which to fight colonialism (adopted, for example, by the League Against Imperialism at its first Congress in Brussels in 1927) that persists today among most commentators, who seem oblivious to the later appropriation, transformation, reformulation, and resignification of the term by colonial powers *against* the colonized.

Self-Determination: A Colonial History

But self-determination was soon taken up by colonial Europe and the racially segregationist United States following World War I as a direct anticommunist response to the Russian Revolution and Lenin’s popular stance on self-determination. Lenin’s commitment to the right of self-determination inside Russia and the Soviet Union (created in 1922) and in foreign policy popularized self-determination across the world and necessitated a swift response. U.S. president Woodrow Wilson’s January 1918 Fourteen Points speech and his Four Points speech a month later, championing the democratic principle of national self-determination, were very much in this vein. The Wilsonian legacy, disseminated through American official propaganda (specifically the official Committee on Public Information [CPI] set up by Wilson himself), which circulated Wilson’s speeches around the world translated into local languages, was so successful that bourgeois and petit bourgeois anticolonial movements began to invoke Wilson’s name in their demands for self-determination, confusing its intent and meaning with its pre-Wilsonian Leninist legacy.¹⁶

Wilson’s principle, however, was propagated for the mostly European populations of the defeated empires of World War I—the Russian, the Austro-Hungarian, the German, and the Ottoman—and was *not* applicable to the colonial possessions of the victors. He clarified in 1919 at the Paris Peace Conference that “it was not within the privilege of the conference of peace to act upon the right of self-determination of any peoples except those which had been included in the territories of the defeated empires.”¹⁷ Wilson’s self-determination, unlike Lenin’s, granted political agency not

only to the colonized in the defeated empires but also to the colonizers and sought to balance the two equally, as point five of his project clearly stated: “A free, open-minded, and absolutely impartial adjustment of all colonial claims, based upon a strict observance of the principle that in determining all such questions of sovereignty the interests of the populations concerned must have equal weight with the equitable government whose title is to be determined.” Here Wilson’s explicit aim was to equate the powerful and the powerless (or as Lenin put it “the oppressor nations” with the “oppressed nations”) and seemed to posit self-determination as a mask for the “right of conquest” rather than as its undoing—his formula remained in line with those of the American delegate to the Berlin Conference on the right of Africans to dispose of themselves. His support for the Mandate system that was answerable to the new League of Nations was support for a new institutional cover for imperial conquests.

In this vein, the British invited Prince Faysal of the Hijaz to attend the Paris Conference, in light of the collaboration between Britain and his father during the war, as well as delegates from the then Berlin-based World Zionist Organization (WZO)—none of the eleven American, British, and Russian Jewish delegates who addressed the conference was even a colonial settler in Palestine—seeking to gain international support for the establishment of a Jewish settler-colony in Palestine, which already had the support of the British and Wilson himself.¹⁸

Wilson’s deployment of “self-determination” was not an anticolonial move but rather a proleptic propaganda move of managing the new imperial era emerging following World War I in addition to being a response to Russian Communism. Wilson’s secretary of state, Robert Lansing, sought to caution against the possible “danger” of Wilson’s declaration “putting such ideas into the minds of certain races.” He wrote in his 1921 book chronicling the postwar peace negotiations:

What effect will it have on the Irish, the Indians, the Egyptians, and the nationalists among the Boers? Will it not breed discontent, disorder, and rebellion? Will not the Mohammedans of Syria and Palestine and possibly of Morocco and Tripoli rely on it? How can it be harmonized with Zionism, to which the President is practically committed?¹⁹

This assessment was shared across Europe by the victors, and as Jörg Fisch demonstrates, the post-World War I territorial rearrangements by the victors relied on the *right of conquest* and not on the right of self-determination, which was denied in every part of this rearranged Europe, primarily in order to prevent the emergence of a German superstate encompassing all the German-speaking populations.²⁰ Thus while the socialist and Leninist pedigree of self-determination was co-opted for the purpose of American and European imperial propaganda, in reality what triumphed after World War I was a *right of conquest* through which the territorial spoils of the war were redistributed.

Whereas nationalism, as Benedict Anderson tells us, was first articulated by white descendants of Spanish colonial settlers in the Americas, and “independence,” emerged among those descendants of English colonial settlers in North America, the move for “self-determination” in the colonial world (not to be confused with the earlier revolts by the colonized to end colonial rule) was first pushed also by white colonial settlers

in South Africa following the Boer War, hence Lansing's worry expressed above.²¹ Here, we need to pay special attention to settler-colonies as a *colonial model* that was extended to non-settler colonies. As Timothy Mitchell concludes regarding white colonial-settler self-determination in the colonies, "The principle of self-rule was not, therefore, in contradiction with the idea of empire."²² It was the South African leader Jan Smuts who would articulate the settler-colonial principle of self-rule and "guide the formulation of the 'ideal' of self-determination later attributed to Woodrow Wilson."²³ The earlier principle of "self-rule" had been in use by settler-colonists, particularly across the British Empire, but as it did not include the indigenous populations in its purview, it did not acquire the universal appeal that the Wilsonian sense of "self-determination" would after World War I, primarily due to the latter's application to colonists and natives alike and equalizing nonequals.

Wilson himself, as we saw, insisted that the interests of the colonized should have "equal weight" with colonial interests. Indeed, Wilson refused to recognize the independence of Syria in 1920 and instead supported the French who crushed the fledgling Syrian state and colonized the country. He also refused to recognize the Egyptian call for independence in the same year. Syrian nationalists, fighting for independence from the Ottomans, and Egyptian nationalists fighting for independence from British colonialism, had adopted the Wilsonian principle as early as 1918.

British prime minister David Lloyd George was the first to mention that self-determination should apply to the German colonies in Africa.²⁴ On January 5, 1918, in a speech written for him by the cabinet minister Lord Robert Cecil and Jan Smuts, he declared that the postwar settlement "must respect the right of self-determination or the consent of the governed." This was in response to the Russian Provisional Government's support for self-determination, which it declared, under pressure from the Bolsheviks, in April 1917.²⁵ Wilson gave his fourteen-point speech three days later to Congress; it did not mention self-determination, even though it mentioned the rights of the colonized. "Self-determination," an outright appropriation of the Leninist phrase, replacing Wilson's earlier use of the phrase "the consent of the governed," was invoked in Wilson's February 1918 Four Point speech to Congress as a direct response to the Russian challenge.²⁶

As Susan Pedersen shows, Lloyd George argued that this new rule should be extended not only to the peoples of the Middle East who deserved to have their "separate national conditions" recognized, "but also that native 'chiefs and councils' of the former German colonies were 'competent to consult and speak for their tribes and members.'"²⁷ "In other words," Mitchell concludes, "self-determination would be a process of recognizing (and in practice, of helping to constitute) forms of local despotism through which imperial control would continue to operate."²⁸ Lord Curzon was explicit at a cabinet meeting when he declared in December 1918 that Britain "will play self-determination for whatever it is worth" to maintain colonial gains: or more precisely, to use self-determination as a cover for the right of conquest.²⁹ The former British governor of Nigeria and British representative to the Permanent Mandates Commission of the League of Nations (1922–36), Lord Frederick Lugard, adopted this strategy. He articulated it in his classic guide to how British colonial officials should rule the colonized natives: "The tropics are the heritage of mankind, and neither, on

the one hand, has the suzerain Power a right to their exclusive exploitation, nor, on the other hand have the races that inhabit them a right to deny their bounties to those who need them.”³⁰ His method worked well for the non-settler colonies, where, following Lloyd George, he supported “native rulers and their councils” but not representative government.³¹ In the settler-colonies, however, as in Kenya and Rhodesia (let alone South Africa and Palestine), the European settlers had a different set of local priorities not directly attached to the mother country.

Rhodesia is most similar to Palestine in that its colonization by white colonial settlers began in the 1890s, rather than earlier as is the case with South Africa and Algeria or the Americas and Australia, and indeed the colonists acquired a great deal of power in the early 1920s just like the Zionists did, though Rhodesia’s colonists were the first to become a self-governing colony with their own parliament, army, and police, exercising a Wilsonian “self-determination” as early as 1923 through what was called “responsible government.”³² All in all, Lugard’s influence, Pedersen states, “consolidated and legitimated a reaction against ‘self-determination.’”³³ This is true, however, if self-determination is understood in its Leninist rather than its reformulated Wilsonian version. If the latter, then Lugard’s influence in fact consolidated the new resignified imperial definition of what self-determination meant.

Thus self-determination for Europe and the United States moved from support for white colonial settlers in the American, African, Asian, and Oceanian colonial settlements to accommodate collaborating colonized nationalist elites, which was put to practice across the globe following World War II, and which became the basis for the Fanonian critique of anticolonial nationalism.³⁴ Decades later, and in the context of the Algerian Revolution, which demanded independence, Charles de Gaulle recognized in 1959 the right of “the men and women who live in Algeria” to “autodétermination.” For de Gaulle, this could regrettably lead to “secession” and therefore to independence, but he sketched several other possible outcomes that he preferred, including the continuation of French rule. The vigilant Algerian National Liberation Front (FLN), in response, firmly and militantly rejected this articulation of “self-determination,” insisting on nothing less than independence.³⁵

Whereas Wilson and Lloyd George proved Luxemburg’s contention that nationalism aids the bourgeoisie, petit bourgeois and socialist Third World liberation movements adopted both Lloyd George’s and the Leninist understanding that it would and should benefit them without noting how the Leninist concept had been resignified by the imperial powers. But as the above genealogy makes clear, the hegemonic idea that “self-determination” is some progressive idea that has always had a socialist and/or anticolonial history that grants the colonized political agency is erroneous, as it ignores how “self-determination” was imperially co-opted and transformed from its socialist context early on and continued to be adopted by imperial and colonial-settler powers for the express purpose of securing and maintaining colonial claims and gains, especially in settler-colonies where agency is granted differentially to the colonists at the expense of the colonized. Last but not least, Hitler and the Nazis, like Wilson and Lloyd George before them, also found the concept of self-determination an excellent mask for the right of conquest which they used to annex

territories with German speakers to the Third Reich, most famously Austria and the Sudetenland.³⁶

European Jewish Settler-Colonialism and the Palestinians

Following the precedent set by Smuts for the white colonists of South Africa, the European Jewish colonists in Palestine, whose leaders were allied with Smuts (they named a kibbutz after him), insisted on a similar arrangement and established self-rule under British tutelage, the very self-rule denied the native Palestinians. Lord Lugard was explicit in justifying this denial and in echoing Zionist arguments; he declared that in the case of the Palestinians, representative institutions were “quite unsuited to Oriental peoples.”³⁷ Jewish self-rule included the Jewish colonists’ right to bear arms and form militias and, not least, develop a separate and separatist economy and state structure.

For the European Jewish colonists, “self-determination” was translated to Hebrew, from Russian, as the “right of self-definition” or “*ha-zechout le’hagdar ‘etzmit*.” This was not a right mentioned in the settler-colonists’ 1948 “Declaration of the Establishment of the State of Israel.” Not unlike the rise of the concept among South African white colonial settlers following the Boer War, which led to the British establishment of the Union of South Africa in 1910 as a British dominion with white self-government, European Jewish colonists began to use self-determination in earnest when they parted ways with their British colonial sponsors after 1939.

In Arabic, “self-determination” was translated as “*haqq taqrir al-masir*,” or the right to determine one’s destiny, endowing the term with an essential sense of futurity. The Arabic phrase appears to be a translation of the French rendering “*le droit des peuples à disposer librement de leur sort*,” current after World War I, which is reminiscent of Kassin’s Berlin Conference formula. But rather than use the term *qadar* as the accurate fatalist translation of “sort,” which would take away people’s agency, the Arabic translators opted for *masir*, equivalent to the French *destin*, endowing those who hold the right with free will. The earliest translation appeared in the Egyptian *Al-Ahram* newspaper, which published reports from Reuters already translated to Arabic. We see this in *Al-Ahram*’s coverage of Wilson’s Four Point speech, dispatched by the Americans internationally by Wilson’s CPI and through the British-based Reuters Agency to the local CPI agents in Cairo who would have it translated before it was published locally, and where Wilson speaks of “*taqrir al-shu’ub li-masiriha*.”³⁸

Such use was adopted in Palestinian petitions presented to the British authorities opposing Zionism and referencing both Wilson and Lloyd George as early as May 1918 and later in the statement presented by the Palestinian delegation to the Paris Conference on February 3, 1919, and most importantly in the Declaration of the Independence of Syria, issued on March 8, 1920, which referred explicitly to the Wilsonian principle of “granting peoples the right to determine their own destinies” or “*i’ ta’ al-shu’ub haqq taqrir masiriha*.”³⁹ In a July 3, 1919, petition issued by the General Syrian Conference and sent to the American King-Crane commission investigating the Palestinian situation, the signatories referenced Wilson and rendered the expression “self-determination” in Arabic as “*taqrir masirina*,” or “determining our destiny,” when speaking of the Palestinian struggle for independence.⁴⁰

The main terms used across Arab anticolonial struggles throughout this period, however, were *istiqlal* and occasionally *hurriyyah*—“independence” and “freedom” respectively—rather than “self-determination.” The term “independence” was translated in the late nineteenth century as *istiqlal*,” an old Arabic term which meant “ruling on your own” without being under the tutelage of an empire or larger polity, akin to “seceding,” in the manner that the “independent states” that *seceded* from the Abbasid State were called in the eighth and ninth centuries. The more modern sense of independence from colonialism would be used in the early 1880s around the ‘Urabi revolt in Egypt and later more regularly in Egyptian political manifestos against British occupation, though the Arabic term would also be used by the Ottomans a few decades earlier (*istiklal-i idare-i dabiliye* or internal administrative independence or autonomy) to describe the struggle for Greek “independence,” which was considered a “secession.”⁴¹ This is clear in the Egyptian press of the turn of the century and later in its ubiquitous appearance in the flyers of the 1919 Egyptian anticolonial nationalist movement, which often defined the Wilsonian principle of self-determination as “self-rule” (*hukm dhati*) and independence (*istiqlal*) (also used in this period by Palestinians and Syrians). As for “freedom,” or *hurriyyah*, it retains in Arabic, as it does in European languages, the older pre-liberal sense of freedom from slavery, wherein a free person is one who is not, or is no longer, a slave.

The futurist aspect of the signification of “self-determination” in Arabic was tailor-made for the Palestinians, whose deferred independence would mark their nationalism in the post-Nakba period, which they defined as “liberation” or *tahrir*. Following the precedents set by the Algerian FLN, formed in 1954, and the North Vietnamese National Liberation Front formed in the same period, the Egyptian Nasserist regime, the Arab League, and several Palestinian personalities helped set up in 1964 the Palestine Liberation Organization (PLO).

Self-Determination as a Legal Principle

In the interim, self-determination became a legal principle and as the form that decolonization should take following the adoption by the United Nations’ General Assembly of Resolution 1514 (XV) in December 1960, titled “Granting of Independence to Colonial Countries and Peoples.” While self-determination was implied in the 1941 “Atlantic Charter” as part of its postwar vision and reference to “self-government,” it was restricted for the future use of those expected to be liberated from the Axis powers following the war’s end and certainly not to those living under the colonial tutelage of the Allies.⁴² Churchill had made that clear.⁴³ In August 1942 and on the first anniversary of the Charter, Churchill, while fighting the war, wrote to Roosevelt cautioning against its application to Asia and Africa and complicating “the defence of India at this time,” not to mention that the Palestinian “Arab majority” might get the idea from the Charter that self-determination would apply to them and put a stop to Zionist colonization (rendered “immigration”) of Palestine altogether, explaining that “I am strongly wedded to the Zionist policy, of which I was one of the authors.”⁴⁴ Churchill’s understanding of self-determination is hardly different from Wilson’s own 1919 principle, which, as we saw, only applied to the peoples living within the defeated empires following World War I and not to those living under the

colonial tutelage of the victors. Churchill's worry about the Palestinians getting the wrong idea that self-determination applied to them reiterates Robert Lansing's similar worry in 1921. As the 1945 United Nations (UN) Charter only mentioned self-determination as a "principle" and not as a right (and this was done after the persistent efforts of the Soviets to include self-determination in the Charter against much opposition), and as the 1948 UN Universal Declaration of Human Rights did not even mention self-determination as a human right (in this case too, the Soviets proposed its inclusion as a human right, but their proposal was rejected), the 1960 UNGS Resolution 1514 (XV) ushered in a whole new era for the application of self-determination.⁴⁵ The Resolution became possible as a result of the Asian-African Conference at Bandung (UNGS Resolution 1514 [XV] passed without a single vote against it, though several colonizing countries and colonial settlements abstained, including the United States, South Africa, and Australia).

It was at Bandung where leaders of formerly colonized nations of Asia and Africa declared in April 1955 the centrality of self-determination to the postwar order and affirmed that self-determination was the "pre-requisite of the full enjoyment of all fundamental Human Rights."⁴⁶ This signaled the reversal of the hegemony of the Wilsonian definition of self-determination (to which the Atlantic Charter was faithful) and a return to the earlier Leninist definition. Asian and African countries, in fact, had been fighting for the inclusion of self-determination at the UN since the end of World War II.⁴⁷ In November 1955, the Third Committee of the General Assembly of the UN had already agreed on the formulation of the right of self-determination to be adopted in the 1960 resolution and in the 1966 UN Covenants. Debates in the Third Committee had raged since 1950 with colonizing countries insisting on a colonial exemption clause in the future resolution. They were opposed by Asian and African delegates; prominent among them were Arab delegates from Syria, Iraq, and Saudi Arabia, who played a crucial role in defeating the colonial clause and in pushing for self-determination as a human right.⁴⁸

European socialists, through the Council of the Socialist International, met in Israel a few months before the resolution. They endorsed national self-determination without calling for the independence of the colonies. They declared from the bosom of the racially segregated Jewish settler-colony that for "multi-racial communities . . . no solution is possible if it is based on any form of racial discrimination, either by the minority over the majority or vice versa."⁴⁹ That Israel had instituted dozens of laws discriminating against its Palestinian citizens on a racial and religious basis, whom it subjugated since its founding in 1948 to martial law and a military government that lasted until 1966, seemed immaterial to the delegates.⁵⁰ In light of the UN resolution and the centrality of "self-determination" in the discourse of anticolonialism, the PLO, in turn, followed suit in 1968 by incorporating self-determination in the language of its foundational documents.

It was in this context that France was forced to accede to Algerian demands for independence, but not before it guaranteed the property rights of all the European *colons* through the Évian Accords of March 1962. The *pièdes noirs*, however, refused to stay, knowing that their racial privileges would be revoked, even if their colonial property was preserved and guaranteed through the right of conquest. They opted to go to France.⁵¹

In Kenya, the Lancaster House Conferences of 1960–63 set the conditions for the independence of the country following the Mau Mau war of liberation, making sure to preserve white colonial-settler property, even if many of the white settlers also opted to leave but not before they were generously compensated for their colonially acquired property by World Bank and British subsidies on a “willing buyer, willing seller” basis, as the British and independent Kenya’s leader, Jomo Kenyatta, insisted.⁵²

In Rhodesia, less threatened by imminent revolution by the indigenous population, the white colonial settlers issued the Unilateral Declaration of Independence (UDI) in 1965. They did so after the British gave them much support, pushing for the deferral of majority rule in their country for decades to come. The 1961 Constitution that Britain devised for Rhodesia for that purpose was supported by a majority of the white colonists, whose ambition, however, remained a formula that would render white supremacist colonial rule in the country permanent. As UDI was issued in the middle of the hegemony of the new anticolonial discourse derived from the Bandung Conference and decolonization and as it avoided the Wilsonian formula of giving equal weight to the colonizers and the colonized to legitimate itself, the British and other Western powers had no choice, under pressure from the recently decolonized countries in Africa and Asia, but to impose sanctions on Rhodesia at the UN. The sanctions did not become mandatory until 1968, by which time the Rhodesians had withdrawn their funds from Britain and transferred them to South Africa.⁵³

By 1966 and through the UN’s adoption of the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social, and Cultural Rights, self-determination became, as the Bandung conference had demanded, the principal human right from which other human rights derived.⁵⁴ The resolution garnered the support of newly independent nations but was opposed by European colonizing countries (France, Britain, The Netherlands, etc.) as well as settler-colonies, including the United States, Australia, New Zealand, and Canada.

The momentum at the UN continued and led to the 1970 “Declaration of the Principles of International Law Concerning Friendly Relations and Cooperation among States in Accordance with the Charter of the United Nations.” In the wake of the U.S.-sponsored coups removing from power anticolonial leaders who adhered to a Leninist understanding of self-determination (Iran’s Mossadegh in 1953, Guatemala’s Arbenz in 1954, Jordan’s prime minister Nabulsi in 1957, Congo’s Lumumba in 1961, Brazil’s Goulart in 1964, Indonesia’s Sukarno in 1965, and Ghana’s Nkrumah in 1966), and itself entangled in the Vietnam War and its imperial support of the South Vietnamese regime, not to mention its intensified alliance with Israel after the latter conquered the rest of Palestine and defeated Egyptian President Nasir in the 1967 War, the United States expressed unhappiness with the draft. Along with other Western countries, the United States countered with its own proposal, which, though it included “the principle of equal rights and self-determination of peoples,” added a “safeguard clause,” wherein self-determination was linked to “peoples possessed of a government representing the whole peoples of the territory without distinction as to race, creed, or color.”⁵⁵ It is at this moment that the short-lived hegemony of the post-Bandung era of Lenin’s definition of self-determination ended, and the restoration of the Wilsonian principle to hegemonic status, at least at the UN, was achieved.

In the 1970 Declaration, self-determination was substantially denied to those living in settler-colonies who were *not possessed* of a government representing them. As Bradley Simpson concludes:

The 1970 Declaration of the Principles of International Law marked a turning point in the evolution of self-determination claims, simultaneously expanding and telescoping them. It expanded the definition of self-determination from an act of colonial emancipation to a process linked to representative government, one that could be equally applied to South Africa under apartheid . . . the Declaration also stated that self-determination could take forms other than independence, including “the free association or integration with an independent State or the emergence into any other political status freely determined by a people,” widening the scope of possible outcomes beyond those envisioned by anticolonial movements. “It is our long-standing position,” U.S. secretary of state William Rogers later argued, “that independence is only one of several possible outcomes of [a] process of self-determination.”⁵⁶

Thus, the initial attempt, in the light of Bandung and the momentum that preceded and succeeded it, to expand the meaning of self-determination at the UN in 1960 was successfully countered by the European settler-colonies and European colonizing countries by 1970, which reformulated yet again what self-determination signified. This is not unlike the earlier moment when Wilson abducted and resignified the Leninist notion of self-determination for imperial propaganda.

It bears affirming in this context that international law, theorized by Francisco de Vittoria in the context of the Spanish conquest of the Americas and in order to justify it, did not “precede” the “problem of Spanish-Indian relations”; rather, and as Antony Anghie explains, “international law was created out of the unique issues generated by the encounter between the Spanish and the Indians.”⁵⁷ The colonial-settler origins of international law therefore are hardly surprising when it comes to incorporating how important both the right of conquest and later the right of self-determination themselves had always been to European colonial settlers since at least the eighteenth century and more so since World War I.

In the Palestinian context, whereas Palestinian nationalism demanded “independence” during the Mandate, and “liberation” following the establishment of the Jewish settler-colony, the PLO continued to insist on *liberation* from settler colonialism, but it also invoked the right of “self-determination” as part of its struggle since its establishment. The Palestinian National Charter issued by the PLO in 1968 invoked the right of self-determination in Article 19 (it was invoked similarly in the 1968 Palestinian Nationalist Charter’s Article 17), as a right that renders the 1947 UN General Assembly’s Partition Plan, which partitioned Palestine between the native Palestinians and Jewish colonial settlers, null and void due to the fact that the Plan “opposed the will of the Palestinian people and its natural right to its homeland and due to its contradiction of the principles called for by the United Nations, most prominently, the right to self-determination,” and in Article 24 as a “right” in which the Palestinians “believe” and which they insist on “exercising.”⁵⁸ The 1988 Algiers Palestinian “Declaration of Independence” mentioned cursorily the Palestinian “battle for liberation”

and instead stressed the issue of “independence” and invoked the right to self-determination again in relation to its violation by the Partition Plan.⁵⁹

The 1993 Oslo Accords, in contrast, made no mention of that right whatsoever, let alone of “independence” or “liberation.”⁶⁰ Instead, the Oslo Accords stipulated PLO recognition of the legitimacy of Israel as a state established on Jewish-colonized Palestinian lands. Thus, the Oslo Accords were in effect the best expression of the century-old Berlin Conference’s “right” of the Palestinians “to dispose of themselves” through ceding their “hereditary” right to their “soil” to a foreign power.⁶¹ Upon the orders of the United States and on the occasion of U.S. president Clinton’s visit to Gaza in 1998, the Palestinian Authority (PA) convened the PLO’s Palestinian National Council (PNC) to modify the Palestinian National Charter, for the express purpose of canceling articles Israeli officials found objectionable in it, including Article 19, which based itself on *jus soli*, though the PNC did keep Article 24, which bases itself on *jus sanguinis*.⁶²

What emerges from the colonial and anticolonial use of the principle of self-determination in the Palestinian-Zionist context is its dependence on the same legal references to the question of nationality, not least the British Nationality and Status of Aliens Act of 1914, and its 1918 amendments, namely, the two main definitions of the right to nationality: blood and land, or, *jus sanguinis* and *jus soli*.⁶³ These became the two bases invoked by the British Mandatory authorities and the Zionists to establish a Jewish claim to Palestine.

Zionism argues that based on *jus sanguinis*—that is, its fantastical claims that Jews have across history formed one race that shares one blood, rendering them one people and one nationality from the dawn of time—it has a claim on the land of the Palestinians, or *jus soli*.⁶⁴ This was the argument that the WZO delegation to the Paris Peace Conference presented without ever invoking the right of self-determination, namely, “the land is the historic home of the Jews . . . and through the ages they have never ceased to cherish the longing and the hope of a return.”⁶⁵ The way Zionism constructed the claim is through chronologically tracing its claim of *jus sanguinis* to the ancient Hebrews, who were defined as Jews, and that the Hebrews, as alleged progenitors of modern European Jews, were allegedly in exclusive possession of *jus soli* over all of what has become Mandatory Palestine, which they had transmitted to modern Jews through *jus sanguinis*. Zionism’s project was thus to claim *jus soli* based on the Christian and later anti-Semitic and now nationalist claim of *jus sanguinis* among Jews. The British colonial authorities would echo this principle in the text of the 1922 Palestine Mandate’s Article 7, where it is asserted that “the Administration of Palestine shall be responsible for enacting a nationality law. There shall be included in this law provisions framed so as to facilitate the acquisition of Palestinian citizenship by [foreign] Jews who take up their permanent residence in Palestine.”⁶⁶ Whereas the Zionists at the time denied that the Palestinians had any equivalent *jus soli*, let alone *jus sanguinis*, to Palestine, as they did, the British authorities could not accommodate these claims in the Palestine Citizenship Order that they issued in July 1925, though they would attempt to limit the Palestinians’ *jus soli* as pertained at the time to the recent Palestinian expatriate communities living in Europe and the Americas.

Thus, following the Lausanne Treaty (signed in 1923), which set forth the conditions of the post–World War I period in the former Ottoman territories, Article 2 of the Palestine Citizenship Order gave Palestinian expatriates two years to apply for Palestinian citizenship, which was cut down by the British High Commissioner to nine months.⁶⁷ As Mutaz Qafisheh states: “This less than nine-month period . . . was insufficient for natives who were working or studying abroad to return home. Consequently, most of these natives became stateless. On one hand, they had lost their Turkish [Ottoman] nationality by virtue of the Treaty of Lausanne, on the other hand, they could not acquire Palestinian nationality according to the Citizenship Order.”⁶⁸ A conservative estimate of their number puts it at 40,000.⁶⁹

In contradistinction to the denationalization of the indigenous people of Palestine, the Palestine Citizenship order, in line with the Mandate’s explicit goal of facilitating Jewish colonization of the country, did so through Article 7, which addressed the naturalization of foreigners. It stipulated in addition to the applicant’s residency in the country for two years, having a good character and “an adequate knowledge of either the English, the Arabic or the Hebrew language,” even though Arabic was the language of the natives regardless of religion, with Hebrew spoken by some of the recent Jewish colonial settlers from Europe and the English language by the colonial authorities. Based on this, tens of thousands of foreign Jews were extended *jus soli* at the moment that tens of thousands of Palestinian expatriates lost it.

For Zionism, not only Jews who colonize Palestine can be represented by Zionism but also Jews who do not partake of the colonial project, or even Jews who oppose Zionism altogether. Indeed, post-1948 Israeli claims that German compensation for the murder of European Jews should be paid to the Israeli state, which did not exist at the time of the genocide, not to mention that the murdered European Jews were European not Palestinian or Israeli Jews, challenge the very basis of *jus soli* and *jus sanguinis* (even if these Jews were said to share *jus sanguinis* with the “Jewish people” by Zionist and Nazi nationalist and racial criteria—and presumably by the post-Nazi West German regime paying the reparations—they did not possess *jus sanguinis* or *jus soli* to Israel or to the “Israeli people,” neither of which existed when they were killed).⁷⁰ This should be contrasted with the Israeli claims that the Palestinians it expelled from their lands do not deserve compensation nor do those who live under its occupation deserve independence, as they never had a state of their own at the time of their expulsion or current occupation. These claims are considered valid by Israel both before and after it recognized the self-determination of Palestinians.

It is instructive to mention in this context that the territory on which the state of Israel was built in 1948 was not itself ever a state ruled by Jews or even by the ancient Hebrews, not even in the biblical narrative, something Zionism does not contest. The prominent Israeli Zionist historian Benny Morris states explicitly that “the core of the [ancient] Jewish state . . . was the hill country of Judea, Samaria, and Galilee. Through most of the period there was a minority population of Philistines, and later, Hellenistic and Romanized pagans concentrated in the coastal plain, in such towns as Caesarea, Jaffa, Ashkelon, and Gaza.”⁷¹ This is why the West Bank is more important to Zionist settler-colonists compared to the 1948 territories, as they claim that the Jewish state that ruled for some six decades in ancient times was based there and not within the

1948 borders, a problem that complicates further Zionist claims of Jewish *jus soli* to the 1948 borders.

In contrast, the way Zionist ideologues initially denied the Palestinian indigenous population the privilege of nationality, and consequently of self-determination, was through denying them *jus sanguinis*. Embarrassed as a socialist that the Zionist project was denying the indigenous Palestinians their right to self-determination, Yitzhak Ben Zvi (he later became the president of Israel) argued in 1921 that only the Bedouins among the Palestinians were of pure Arab racial stock; the rest of the natives were simply peasants and urbanites who did not make up a national grouping, unlike the European Jewish colonists from a motley of European and non-European countries who, in his opinion, did. These arguments are identical to those made by the British and the French to prove that Egyptians, Indians, and Algerians did not constitute nations. For Ben-Zvi, the Palestinian natives were

Arabs in language and culture but by origin and race are mixed and composed of different elements . . . As is proven by its national, religious and racial composition, the population of this country is not of one national character and do not constitute a single nation.⁷²

Ben-Zvi asserted (as did David Ben Gurion in other contexts) also that the Palestinian peasants were in fact descendants of the ancient rural Hebrew population who later adopted the language, culture, and religion of their conquerors.⁷³ It is unclear whether intermarriage with Arab Muslim conquerors and the resulting miscegenation might have been the operative criterion for him to deny them *jus sanguinis*.

In contradistinction to the Zionists, the Palestinians have always invoked *jus soli* to base their anticolonial claim. This was the case since the inception of the Zionist colonial threat, especially following the Balfour Declaration (which crucially was issued by the government of Lloyd George) and in the arguments presented at the UN regarding the 1947 Partition Plan. It is most interesting to note in this regard that, unlike the post-Mandate use by the Zionists of the concept of self-determination, neither the Balfour Declaration of 1917, nor the Palestine Mandate issued by the League of Nations in 1922, nor the UN Partition Plan employed the language of “rights,” let alone of the right of self-determination, for Jewish colonial settlers, even as they were granting them *jus soli* in Palestine.⁷⁴ Zionism, however, insists that the Palestinians do not have the right of *jus soli*. Its claims include that the Palestinians are new immigrants from neighboring countries, or, following John Locke’s argument about Native Americans, that the Palestinians did not care for the land and therefore do not have rights to it at all.⁷⁵ Some Zionists also claim that the Palestinians lack a specific and exclusive *jus sanguinis*, as they share blood and ethnicity with other Arabs (which was the opinion of the ruling Zionist party MAPAI, later the Israeli Labor Party) and even non-Arabs and therefore lack particularity as a Palestinian nation. Some Zionist arguments (like those of the Revisionist leader Vladimir Jabotinsky) would grant the Palestinians *jus soli* in principle but insist that such a right was in conflict with the colonizing Jews’ superior, because historical and ancient, right to the land.⁷⁶ Such arguments create a hierarchy of priorities of those in possession of *jus soli* through a right of conquest based on alleged origins and historical longevity, and on

the basis that, as modern Europeans, colonizing Jews were developing the land, which lay fallow in the hands of the natives.

This was also Ben Gurion's reasoning about the matter. In 1924, he explicitly stated,

The Arab community in the country has the right of self-determination, of self-rule . . . The national autonomy which we demand for ourselves we demand for the Arabs as well. But we do not admit their right to rule over the country to the extent that the country is not built up by them and still awaits those who will work it [i.e., more European Jewish colonists].⁷⁷

Dismissing Palestinian resistance to Zionist colonization as the resistance of the ruling class, Ben Gurion insisted that while proceeding with colonization, it would be the duty of Jewish workers to raise the Palestinian workers from poverty and ignorance.⁷⁸ The "authenticity" of the Palestinian worker for the Zionist laborite ideologues was asserted in order to affirm "the inauthenticity and the illegitimacy" of the Palestinian national movement simultaneously, therefore denying it the right of self-determination.⁷⁹

In a letter to the British assistant under-secretary of state, Chaim Weizmann, the head of the WZO and a close friend of Smuts, invoked his opposition to Palestinian self-determination in 1930 while supporting it for world Jewry, affirming that the "rights that the Jewish people has been adjudged in Palestine [by the Mandate] do not depend on the consent, and cannot be subject to the will, of the majority of its present inhabitants." Indeed, Weizmann was clear that when the British promised the Zionists a National Home in Palestine "the agreement of the Palestinian Arabs was not asked." The reason that Palestinian consent was of no import, he added, was on account of the "unique[ness]" of the Jewish "connection" to Palestine. As for the Palestinians themselves, they could not "be considered as owning the country in the sense in which the inhabitants of Iraq or of Egypt possess their respective countries." To grant them self-determination or self-government or a "Legislative Assembly . . . would be to assign the country to its present inhabitants." He agreed that the Zionists would have no problem with the Palestinians being given self-governing powers over "Arab education, hospitals, religious and cultural institutions for the Moslem and Christian communities, etc.," but not over the future of their country or the Jewish colonial settlers.⁸⁰

A few years later, in February 1941, Weizmann became more open about Zionist plans to expel one million Palestinians to Iraq (initially conceived in 1934) and replace them with five million Polish and other European Jewish colonists. On one occasion, he told his plans to the Soviet ambassador in London, Ivan Maisky (of Jewish background himself), in the hope of obtaining Soviet support. When Maisky expressed surprise about how five million Jews would fit in an area on which only one million Palestinians live, Weizmann replied with a racist argument not unlike that used against the Jews of Europe during the same period, namely, that the Palestinians' "laziness and primitivism turn a flourishing garden into a desert. Give me the land occupied by a million Arabs, and I will easily settle five times that number of Jews on it."⁸¹ Expulsion would be an optimal Zionist plan to usurp *jus soli* from the Palestinians.

Others among Zionists invoke the alleged Zionist acceptance of the Partition Plan, which granted colonizing Jews *jus soli* over more than half the land of the Palestinians while limiting the Palestinians' own *jus soli* to less than half of Mandatory Palestine.⁸²

Colonizing Palestine entailed a series of classic settler-colonial considerations of determining who constituted and who did not constitute a nation, who and who is not entitled to *jus soli* and *jus sanguinis*, who, through right of conquest, could establish sovereignty and possess a right to self-determination, and who could establish racialized and religious origins based on biblical scriptures and who could not. This process is not unlike arguments advanced by Protestant "pilgrims" colonizing what is today the United States, or Afrikaner Protestant nationalism in South Africa seeing the country as a biblical promised land.

Jus Soli* or *Jus Sanguinis

Historically, Zionism moved from *jus sanguinis* to *jus soli*. In the process, it surpassed the Hitlerian Nuremberg Laws (which the Zionist federation of Germany supported in 1935), which established Jewishness through having one Jewish grandparent in the last three generations, or of being one-eighth Jewish, by also adding that spouses of Jews and spouses of descendants of Jews are considered Jewish by the law, which is in contradiction with Halakha and continues to be opposed by Israeli Orthodox Jewish rabbinical authorities.⁸³ The PLO, in contrast, moved from *jus soli* as a basis for Palestinianness before the *Nakba* to a combination of *jus soli* and *jus sanguinis* (through paternity), after 1948, wherein to be Palestinian one has to have been born in Palestine or if one were born after 1948 inside or outside it, one needed to have a Palestinian father.⁸⁴

The Palestinians were granted the right to a state in the 1947 Partition Plan. However, the General Assembly implicitly granted them the right of self-determination in its 1969 Resolution 2535 B XXIV, when it recognized the Palestinian refugees' "inalienable rights under the Charter of the United Nations and the Universal Declaration of Human Rights," and explicitly in its December 8, 1970, Resolution 2672 C XXV, which, basing itself on previous resolutions, including the Declaration of the Principles of International Law passed in October 1970 with the U.S. modifications in place, recognized in Article I "that the people of Palestine are entitled to equal rights and self-determination in accordance with the Charter of the United Nations." The United States, Israel, Canada, Australia, and New Zealand, among other settler-colonies, voted against the resolution. The only settler-colony supporting it was Salvador Allende's Chile.⁸⁵

The first time Israel officially accepted the existence of a Palestinian people, or more precisely "Palestinian peoples," that it did not subsume under the category "the Arab people" was in the Camp David Accords it signed with Egypt in 1978. The Accords called for "autonomy" of the West Bank and Gaza Palestinians as a realization of what was referred to as "the legitimate right of the Palestinian peoples [*sic*] and their just requirements. In this way, the Palestinians will participate in the determination of their own future."⁸⁶ The moment Israel recognized the Palestinians as "peoples" is the moment it *recognized* that its recognition of their self-determination (based as it was after 1970 on the restored Wilsonian hegemony of the term at the

UN) already excluded two alternative and here opposing principles, *independence* and *liberation*, and which at any rate would be applicable exclusively to the Palestinian “peoples” inhabiting the West Bank and Gaza Strip (this was hardly a development exclusive to the Palestinian context only; the Canadian government also recognized in 1976 the right to “self-determination” of the indigenous Dene Nation in a not dissimilar way).⁸⁷ It could do so thanks to the U.S. victory in imposing its “safeguard clause” on the 1970 Declaration of the Principles of International Law discussed above, which was echoed in the UNGA Resolution 2672 C XXV recognizing Palestinian self-determination. Note that what Weizmann feared in 1930 if the Palestinians were granted self-determination was no longer a threat after 1970, as what self-determination came to mean by then is not unlike Weizmann’s 1930 support for the Palestinians to administer their own municipal, cultural, and religious affairs. The Israelis continued to insist, however, that “the Palestinian Arabs have long enjoyed self-determination in their own State—the Palestinian Arab State of Jordan,” to which Israel had expelled a large majority of them in 1948 and again in 1967.⁸⁸

In 1993, and through the Oslo Accords, Israel opted not to prioritize *jus sanguinis* over *jus soli* or vice versa but rather to interplay the two. The Accords in turn achieved a crucial statistical conversion from the accepted facts that reigned prior to their signing and a qualitative modification of self-determination as relates to the Palestinians. No longer able (or needing) to deny the Palestinians the right to self-determination, the dilemma for Israel was how to divide the Palestinians between those who could partially access *jus soli* and those who could not access it at all. As the option of expelling the majority of the Palestinians outside the identity of Palestinianness was much harder to achieve than their physical expulsion over the preceding forty-five years, Israel opted for the interplay between *jus soli* and *jus sanguinis* as the optimal way of achieving its aims of extending self-determination for the colonizing Jews and of limiting the application of self-determination to the indigenous Palestinians, while insisting, as its Nationality Law 5712-1952 stipulates, that the precondition for *jus soli* is *jus sanguinis*, in that only those who establish *jus sanguinis* as Jews could access *jus soli* in Palestine.⁸⁹ According to the Accords, the Palestinian people became those who live in Gaza and what Israel now defined as the West Bank (drastically contracting the territory of the West Bank as it existed before June 1967), excluding those in East Jerusalem. Palestinians in Israel or in exile no longer figure in the new definition at all as that would relate to *jus soli*, which they had lost by virtue of their internal or external exile. The Oslo Accords invoke a limited *jus soli* for a portion of the Palestinians who live on parts of the 1967 land and nullify it for those Palestinians who no longer live on those parts of the land as a basis to access it. This is a variation on the process used by the U.S. government and the Hawaiian state authorities in granting rights to lease Hawaii’s conquered “state” lands to a portion of the indigenous Native Hawaiians, limited to those who can prove a 50 percent “blood quantum” to qualify as “indigenous,” and how that “blood quantum” has been internalized by many Kanaka Maoli.⁹⁰ This was carried out precisely through the PLO’s transferring, through recognition, to Israel the Palestinian “hereditary” right to their “soil” by granting juridical legitimacy to Israel’s establishing itself on 78 percent of the

land of the Palestinians in 1948. Here the PLO played the role assigned to local chiefs as initially envisioned by Lloyd George's understanding of self-determination.

As there is no outside to the nation and as the majority of the Palestinians cannot be expelled outside Palestinianness in order to deprive them of *jus soli*, what the Oslo Accords (and the Camp David Accords before them) do is sever the connection between *jus sanguinis* and *jus soli*. The Accords maintain implicitly and explicitly that those erstwhile Palestinians, not included in the Accords, might continue to access *jus sanguinis* but it is a *jus sanguinis* that is severed from any access to and not convertible into *jus soli*. Here the nationalist principle remains intact on the identitarian level while losing its territorial base and claim. Thus, the total number of Palestinians as legitimate claimants to their land was reduced to anywhere between one-third to one-fourth of the actual number of Palestinians (depending on Israeli considerations) whose land was taken from them.⁹¹ In contrast, the Jews of the Jewish State were multiplied to include all Jews around the globe, who, by virtue of an alleged *jus sanguinis*, could access the land of the Jewish State.

Self-determination here moves from a liberal imperial and Wilsonian legal principle that in theory could be accessible to colonizers and colonized “with equal weight” to one that is established within the purview of the colonizers who decide which portion of it the colonized could access. We are back to the pre-Wilsonian nineteenth-century colonial understanding of what it meant to grant the colonized the “right to dispose of themselves.” This is not unlike how the Canadian, Australian, and U.S. governments have manipulated the questions of *jus sanguinis* and *jus soli* in relation to their colonized indigenous populations, determining which parts of them could have rights to parts of their original lands.

Nationalism is thus sustained even if self-determination has been delinked from it in crucial ways, creating a new national binary within Palestinianness—*Palestinians with a limited and inferior jus soli and Palestinians with none*. Here too, and as will be explained below, the parallels with the Americas and Australia, and with Rhodesia and South Africa, are legion.

The UN, Self-Determination, and Indigenous Peoples

How then is the legal right of self-determination, one granted to colonizers and to, what anticolonial nationalism would deem as, native “collaborators” to benefit the Palestinian struggle for “liberation”? The UN Charter enshrined the Wilsonian version of the principle (but not *the right*) of self-determination in its Article 1, declaring that states respect “the principle of equal rights and self-determination of peoples.” The United States fought bitterly and successfully against the inclusion of the “right” of self-determination in the Charter. Still, the UN suspended that principle for the Palestinian people when it adopted the Partition Plan in 1947 without even consulting them. Self-determination was invoked again by the Palestinians and by their colonizers and has come to be recognized in varying ways by international law for both of them over the decades.

On September 13, 2007, after two decades of debating it, the UN issued the Declaration of the Rights of Indigenous People (UNDRIP) that stipulated in its Articles 3 and 4 that “indigenous peoples have the right to self-determination. By virtue of that

right they freely determine their political status and freely pursue their economic, social and cultural development . . . [and they] have the right to autonomy or self-government in matters relating to their internal and local affairs, as well as ways and means for financing their autonomous functions.” The debates that preceded the adoption of UNDRIP since 1969, but especially since 1985, when the earliest drafts of the Declaration were debated, challenged the post-1970 restored Wilsonian approach and the UN Charter.⁹² The UN had established a Working Group on Indigenous Populations in 1981, which became the main forum to initiate and debate indigenous rights within the UN. Settler-colonial states, including the United States, Australia, Canada, and New Zealand, vigorously opposed recognition of a non-Wilsonian self-determination to indigenous peoples as part of UNDRIP and voted against adopting it in the General Assembly.⁹³ Israel refused to vote on the matter altogether.⁹⁴ Nonetheless, as is evident from Articles 3 and 4, the question of land and territorial rights remained outside the Declaration’s purview.

During the more than two decades of debating the Declaration, there were many attempts by colonial-settler states to do away with or redefine self-determination in a Wilsonian sense to ensure that benefits appropriated through European colonial-settler conquest of indigenous land and property remain off limits, as well as to deny any possible future demands for secession by the colonized (objections were raised by Canada, Colombia, Guyana, Surinam, and New Zealand, among others). This included the proposal from the representative of New Zealand to transform even the Wilsonian sense of the term, which should be redefined to mean the “empowerment” of indigenous people within the framework of the colonial-settler states within which they reside.⁹⁵

The compromise was reflected in Articles 3 and 4, which rejected any territorial notions of self-determination, ensuring that the Declaration’s recognition of *jus sanguinis* did not entitle it to conversion into *jus soli*. The preamble to UNDRIP in fact states explicitly that “nothing in this Declaration may be used to deny any peoples their right to self-determination, exercised in conformity with international law,” which could easily apply to colonial-settlers, as it often has. Since 2007, the four colonial settlements that opposed UNDRIP have all endorsed it, including the Obama administration in 2010, which insisted that UNDRIP’s definition of self-determination does not contradict the extant Wilsonian one in international law. The Obama administration affirmed UNDRIP’s Article 46 which ensures that UNDRIP does not threaten territories colonized by European colonial settlers.⁹⁶ The article stipulates:

Nothing in this Declaration may be interpreted as implying for any State, people, group or person any right to engage in any activity or to perform any act contrary to the Charter of the United Nations or construed as authorizing or encouraging any action which would dismember or impair, totally or in part, the territorial integrity or political unity of sovereign and independent States.

The Declaration has therefore limited the general understanding of self-determination in international law further as one that grants the right to *independence* by transforming this right when applied to indigenous population as one that grants them

only the right to “self-government” and political participation within existing states.⁹⁷ Here, UNDRIP follows the Israeli formula for West Bank and Gaza Palestinians adopted in the Camp David Accords of 1978, which, in turn, was made possible by the 1970 “safeguard clause” imposed by the United States on the UN discussed above.

When it came to land rights and “restitution” for stolen lands, a compromise was reached in Article 28 transforming “restitution” into “redress.” The Article asserted: “Indigenous peoples have the right to redress, by means that can include restitution or, when this is not possible, just, fair and equitable compensation, for the lands, territories and resources which they have traditionally owned or otherwise occupied or used, and which have been confiscated, taken, occupied, used or damaged without their free, prior and informed consent.”⁹⁸

In the Palestinian case, the Balfour Declaration of 1917 granted world Jewry, colonizing or not, a “national home” in Palestine, while denying the indigenous Palestinians self-determination in any form. The moment the Palestinians were granted the right to a state through the 1947 Partition Plan, all of them were granted *jus sanguinis*, yet half of them were granted *jus soli* on about 43 percent of their land with the other half, who were located in the purported Jewish State, denied any *jus soli*. Meanwhile, the Partition Plan granted current and future Jewish colonizers of Palestine a superior *jus soli* over the land of the Palestinians, one that was necessarily linked to *jus sanguinis*, as it ensured that the land was large enough to accommodate more colonizing Jews (or “a substantial immigration” of them, as the resolution put it) from around the world who had not yet immigrated to the country.

By 1993 and through the Oslo Accords, whereas all Palestinians continued to have *jus sanguinis*, more than two thirds of them were denied *jus soli*. Palestinians in Israel, whom Israel failed to expel in 1948 and since, have continued to be denied *jus soli* as per the Partition Plan. The expelled and exiled Palestinians were denied *jus soli*, but in their case, the denial is in contradiction with the Partition Plan, in the sense that the latter forbade expulsion of populations in the first place. The remaining third was divided between East Jerusalemites, who are now relegated to a lesser status than Palestinians in Israel but are equally denied *jus soli*, and West Bankers in areas behind the “Separation” Wall and in the parts of the West Bank now considered part of Greater Jerusalem, and most West Bankers on the eastern side of the Wall and outside the boundaries of Greater Jerusalem and all Gazans (who have been granted a more inferior *jus soli* than they had had in 1947), with the explicit decoupling of *jus sanguinis* from *jus soli* as applied to them and the rest of the Palestinians.

In contrast, the Oslo Accords, following the Partition Plan, continued to grant world Jews *jus soli* by virtue of the Zionist claim that they possess *jus sanguinis*. In whatever permutation, whatever form self-determination took when applied to the Palestinians, it was in a form that denied them their land and their claims to it (while safeguarding that conquered land for the Jewish colonists) and most importantly denies them political independence and liberation from settler-colonialism and foreign occupation.

But the Palestinians are not alone. Isabelle Schunte-Tenckhoff asserts that “with the (re)emergence of indigenous peoples on the international scene, there has been a dislocating or disjoining of the concepts of ‘a people’ and of ‘self-determination.’” In

this manner, the right to self-determination is increasingly regarded as a right whose substance varies according to the (cultural) identity of its beneficiary,” or as I have been arguing, the substance of self-determination varies according to the *colonial* identity of its beneficiary: for the settler-colonists a purported *jus sanguinis* is *linked* to a purported *jus soli* while for the colonized *jus sanguinis* is *delinked* from *jus soli*.⁹⁹

As is evident from the history of its application or nonapplication to the Palestinians and of the recent debates and adoption of UNDRIP, self-determination is not based on the convertibility of *jus sanguinis* into *jus soli* for the Palestinians or any other indigenous people. The contraction of *jus soli* and its constant redefinition since the Oslo Accords by the Israelis and the Americans have also contracted its exercise for the business class-dominated PA, whose struggle today is to stem the tide of that contraction for its own class use, and certainly not to expand it for the use of the Palestinian people.¹⁰⁰

Given this transformation through the Camp David and Oslo Accords (let alone UNDRIP), self-determination, as it stands, is not only *not* conducive to achieving the restoration of Palestinian rights, it is in fact a most harmful principle that legitimates their cancellation. Following the reversal of the hegemony of the Bandung momentum on the question of self-determination beginning in the late 1960s, settler-colonists have made their peace with having to recognize that the populations they conquered are a “people” or a “nation” and that they have “rights,” including the right of self-determination, something they had previously resisted. They acceded to this recognition on the grounds that none of this should or would mean that the colonized can or could obtain restitution for their conquered lands *ever*. Contrast this with how Israel received and continues to receive restitution for lost Jewish lives and property in Germany and the rest of Europe until today.

Therein lies the historical and contemporary *form* of the problem of self-determination and its legal and rhetorical links to anticolonial nationalism and the nation-state, but most especially in the European settler-colonies. The situation of the Palestinians seems to instantiate one form or perhaps functions as one of its many iterations—think of the Maoris, the Australian Aborigines, the First Peoples of Canada, U.S. Native Americans, Hawaii’s Kanaka Maoli, and indigenous peoples across Latin America. Yet another form of the problem would be that of Rhodesia and South Africa. In the case of Rhodesia, upon the imminent defeat of the white colonists, through the Lancaster House Agreement of 1979, which facilitated the “independence” of Zimbabwe, the British government undertook to safeguard all the settlers’ colonially acquired land. The Agreement tied the hands of the postindependence government of Zimbabwe from initiating land reform in the country (i.e., expropriating the lands colonized by white colonial settlers) for ten years initially, while the British government (as well as the U.S. government under Jimmy Carter) provided funds to “compensate” white colonists on a “willing seller, willing buyer” basis, ensuring that *jus soli* was preserved for the white colonists and continued to be denied to Zimbabwe’s native black population. This situation ended up holding for two decades, until the year 2000, when the Mugabe government initiated a forced takeover of white-owned farms without compensation amid much corruption within

the government, many of whose cronies would take over these lands instead of redistributing them to poor farmers. The Western response to this violation of the right of conquest of white settlers was swift. Sanctions were immediately imposed on Zimbabwe by the United States, Britain, and the European Union.¹⁰¹

As is clear from the British arrangement of 1979, while Britain could not openly bolster the white supremacist rule of UDI in 1965 due to the hegemony of a post-Bandung understanding of self-determination, in light of the post-1970 reformulation of self-determination at the UN with the “safeguard clause,” it made sure that any self-determination the indigenous population acquired after 1979 did not include land rights, which, by right of conquest, were guaranteed for the white colonial settlers.

In the case of South Africa, the moment that political self-determination was granted to the majority nonwhite population in 1994, international economic bodies and instruments took away economic self-determination and limited the new state’s sovereign ability to exercise it by insisting that the power of economic decisions related to property remain in the hands of the white colonial-settler population who owns it, the IMF and the World Bank. Here Lenin’s understanding of self-determination as “political” in nature and Luxemburg’s understanding that it could never be “economic” come into play, but in a more insidious form, wherein whatever erstwhile pretensions about political and economic sovereignty existed have now been done away with. In this case, the interplay between *jus soli* and *jus sanguinis* to undo the right to self-determination is camouflaged as an exchange of political rights, which every South African regardless of race now had, for economic ones wherein white South Africans in alliance with (white) international capital maintained almost exclusively—*jus politicum* versus *jus economicum* (not unlike what the Évian Accords achieved in Algeria, the Lancaster House Agreement achieved in Zimbabwe, the Lancaster House Conferences achieved in Kenya, or UNDRIP insists on in the Americas and Oceania). Here self-determination guarantees white colonial settlers’ *right of conquest* of the land and its wealth based on a white supremacist *jus sanguinis* at the moment that it equalizes them politically with the nonwhite natives regarding *jus soli*, while prohibiting the newly equalized blacks, Indians, and coloreds from using self-determination as an antidote to the landed (and other) wealth acquired through the right of conquest.¹⁰²

The twisted history of *jus soli* and *jus sanguinis* sheds light on the difficulty of getting outside the various binds of the nation form in colonial and postcolonial settings, most especially in settler-colonial settings. What the story of the Palestinians and indigenous people everywhere clarifies is that self-determination is not only *not the only* route to “liberation” or “independence” from settler-colonialism within the nation form but that it is also the principle, and the legal and rhetorical strategy, that has so far blocked both from ever being realized. In short, whereas self-determination led to political independence of European states after World War I and of the European colonies in Asia and Africa after World War II, in the settler-colonies, and in line with the ideas circulating at the Berlin Conference more than 130 years ago, self-determination has mostly been and continues to be the enemy of the nationalist goals of “liberation” and “independence” from settler-colonial rule.

NOTES

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1. This is an assertion found in Palestinian anticolonial literature, as in other anticolonial settings. See, for example, Shafiq al-Rushaydat, *Al-Muqawamah al-Filastiniyyah wa Haqq Taqirir al-Masir* (Palestinian resistance and the right of self-determination) (Cairo: Matba’at Awlad Abduh Ahmad, 1970).

2. Joseph Massad, *Colonial Effects: The Making of National Identity in Jordan* (New York: Columbia University Press, 2001), 18–49.

3. “Not Red Indians,” interview with Yasir Arafat conducted in October 2004 by Graham Usher, *Al-Ahram Weekly*, November 4, 2004, accessed January 20, 2018, <http://www.masress.com/en/ahramweekly/18801>.

4. Protocol of January 31, 1885, Parliamentary Paper, c. 4361, 209; Gavin & Betley (1973) 240, cited in Matthew Craven, “Between Law and History: The Berlin Conference of 1884–1885 and the Logic of Free Trade,” *London Review of International Law* 3, no. 1 (March 2015): 47. See also Siba N’Zatioula Grovogui, *Sovereigns, Quasi Sovereigns, and Africans: Race and Self-Determination in International Law* (Minneapolis: University of Minnesota Press, 1996), 80.

5. Grovogui, *Sovereigns, Quasi Sovereigns, and Africans*, 80.

6. See Antony Anghie, *Imperialism, Sovereignty, and the Making of International Law* (Cambridge: Cambridge University Press, 2004). See also Grovogui, *Sovereigns, Quasi Sovereigns, and Africans*.

7. Hannah Arendt, *The Origins of Totalitarianism, New Edition with Added Prefaces* (New York: Harvest, HBJ Book, 1972), 296.

8. Meir declared, “It was not as though there was a Palestinian people in Palestine considering itself as a Palestinian people and we came and threw them out and took their country away from them. They did not exist.” *London Sunday Times*, June 15, 1969.

9. See William Roger Louis and Ronald Robinson, “The Imperialism of Decolonization,” *Journal of Imperial and Commonwealth History* 22, no. 3 (1994): 462–511.

10. Jörg Fisch, *The Right of Self-Determination of Peoples: The Domestication of an Illusion*, trans. Anita Mage (Cambridge: Cambridge University Press, 2015), 8, 21–24, 117–18.

11. Eric D. Weitz, “Self-Determination: How a German Enlightenment Idea Became the Slogan of National Liberation and a Human Right,” *American Historical Review* 120, no. 2 (April 2015): 481–82.

12. On the Bund, see Henry J. Tobias, *The Jewish Bund in Russia: From Its Origins to 1905* (Stanford, Calif.: Stanford University Press, 1972), esp. 160–76. On socialism and the national question, see Ronaldo Munck, *The Difficult Dialogue: Marxism and Nationalism* (London: Zed Press, 1986).

13. This and subsequent quotes are taken from Rosa Luxemburg, *The National Question*, first published in 1909, accessed January 20, 2018, <https://www.marxists.org/archive/luxemburg/1909/national-question/>.

14. Cited in *ibid.*
15. Vladimir Ilyich Lenin, *The Rights of Nations to Self-Determination*, published in 1914, accessed January 20, 2018, <https://www.marxists.org/archive/lenin/works/1914/self-det/>. All subsequent quotes from Lenin refer to this text.
16. Erez Manela, *The Wilsonian Moment: Self-Determination and the International Origins of Anti-Colonial Nationalism* (Oxford: Oxford University Press, 2007), 50–53.
17. Cited in Fisch, *The Right of Self-Determination of Peoples*, 136.
18. Manela, *The Wilsonian Moment*, 59. For the names of the WZO delegates, see <http://www.jewishvirtuallibrary.org/jsource/History/zoparis.html>, accessed January 20, 2018.
19. Robert Lansing, *The Peace Negotiations: A Personal Narrative* (Boston: Houghton Mifflin, 1921), 97.
20. Fisch, *The Right of Self-Determination of Peoples*, 147–59.
21. An earlier precedent than the Boers' was set by French colonial settlers in Algeria who demanded in 1870 a civilian government to replace the military.
22. Timothy Mitchell, *Carbon Democracy: Political Power in the Age of Oil* (London: Verso, 2013), 71.
23. *Ibid.*, 72.
24. Fisch, *The Right of Self-Determination of Peoples*, 152.
25. Cited in Manela, *The Wilsonian Moment*, 39.
26. *Ibid.*, 41.
27. Cited in Susan Pedersen, *The Guardians: The League of Nations and the Crisis of Empire* (Oxford: Oxford University Press, 2015), 25.
28. Mitchell, *Carbon Democracy*, 80.
29. Cited in Pedersen, *The Guardians*, 27.
30. Frederick Lugard, *The Dual Mandate in British Tropical Africa*, 5th ed. (Hamden, Conn.: Archon Books, 1965), 61.
31. *Ibid.*, 195.
32. See Larry W. Bowman, *Politics in Rhodesia: White Power in an African State* (Cambridge, Mass.: Harvard University Press, 1973).
33. Pedersen, *The Guardians*, 109.
34. See Frantz Fanon, *The Wretched of the Earth* (New York: Grove Press, 2004).
35. De Gaulle is quoted in Horne, *A Savage War of Peace*, 344–45.
36. Fisch, *The Right of Self-Determination of Peoples*, 160–72.
37. Cited in Pedersen, *The Guardians*, 373.
38. "Radd al-Duktur Wilson," *Al-Abram*, February 15, 1918. On the process of disseminating and translating the speeches by CPI, see Manela, *The Wilsonian Moment*, 51.
39. See the first such petition sent in 1918 in Bayan Nuwayhid al-Hut, ed., *Watha'iq al-Harakah al-Wataniyyah and Filastiniyyah, 1918–1939, min Awraq Akram Zu'aytar* (Beirut: Mu'asasat al-Dirasat al-Filastiniyyah, 1984), 2. See also the petition sent by the Muslim-Christian Association of Jaffa on November 16, 1918, to the British military governor, in Al-Hut, *Watha'iq al-Harakah al-Wataniyyah*, 7. The statement presented by the Palestinian delegation to the Paris Conference on February 3, 1919, is included in Al-Hut, *Watha'iq al-Harakah al-Wataniyyah*, 16–17. See the text of the declaration in Wadi' Bashshur, *Suriyya, Sun' Dawlah wa Wiladat Ummah* (Damascus: Matba'at al-Yaziji, 1996), 310. The Palestinian communiqué sent by the First Palestinian Arab Congress to the Peace Conference on February 3, 1919, paraphrased Wilson's "self

determination” as “leaving the choice to the peoples as to the type of rule they want for themselves and their countries.” See al-Hut, *Watha’iq al-Harakah al-Wataniyyah*, 16.

40. Al-Hut, *Watha’iq al-Harakah al-Wataniyyah*, 33.

41. On “internal administrative independence,” see Christine Philliou, “The Ottoman Empire’s Absent Nineteenth Century: Autonomous Subjects,” in *Untold Histories of the Middle East: Recovering Voices from the 19th and 20th Centuries*, ed. Amy Singer, Christoph Neumann, and Selcuk Aksin (London: Routledge, 2011), 153. On “secession” see, for example, the editorial in *Al-Mufid* on July 16, 1882. Also, the Egyptian nationalist leader Mustafa Kamil used it in March 1904 in an article in *Al-Liwa’*, Cairo, cited in Mu’assasat al-Ahram, *50 ‘Aman ‘ala Thawrat 1919* (Cairo: Markaz al-Wathat’iq wa al-Buhuth al-Tarikhyyah li-Misr al-Mu’asirah, 1969), 22.

42. For the discrepant views of Roosevelt and Churchill, see Fabian Klose, *Human Rights in the Shadow of Colonial Violence: The Wars of Independence in Kenya and Algeria*, trans. Donna Geyer (Philadelphia: University of Pennsylvania Press, 2009), 11–17.

43. Fisch, *The Right of Self-Determination of Peoples*, 182–83.

44. On the use of the term “immigrants” to describe colonial settlers, see Lorenzo Veracini, *The Settler-Colonial Present* (London: Palgrave Macmillan, 2015), 32–48. Churchill to Roosevelt, August 9, 1942, reproduced in *Roosevelt and Churchill: Their Secret Wartime Correspondence*, ed. Francis Loewenheim, Harold Langley, and Manfred Jonas (New York: Saturday Review Press, 1975), 234.

45. Fisch, *The Right of Self-Determination of Peoples*, 189, 195. It should be noted that the French version of the Charter in contrast to the English referred to peoples’ “droit à disposer d’eux-mêmes,” cited in Fisch, 194.

46. “Final Communiqué of the Asian-African Conference,” in George M. Kahin, *The Asian-African Conference, Bandung, Indonesia, April 1955* (Ithaca, N.Y.: Cornell University Press, 1956), 80.

47. See Roland Burke, *Decolonization and the Evolution of International Human Rights* (Philadelphia: University of Pennsylvania Press, 2010), 35–50.

48. *Ibid.*

49. Cited in Talbot C. Imlay, “International Socialism and Decolonization during the 1950s: Competing Rights and the Postcolonial Order,” *American Historical Review* 118, no. 4 (October 2013): 1129.

50. See Sabri Jiryis, *The Arabs in Israel*, trans. Inea Bushnaq (New York: Monthly Review Press, 1976).

51. On the “exodus” of the *colons*, see Todd Shepard, *The Invention of Decolonization: The Algerian War and the Remaking of France* (Ithaca, N.Y.: Cornell University Press, 2008), 207–28.

52. Janet McIntosh, *Unsettled: Denial and Belonging among White Kenyans* (Berkeley: University of California Press, 2016), 26.

53. See André Astrow, *Zimbabwe: A Revolution That Lost its Way?* (London: Zed Press, 1983), 6–16, 154–60.

54. For an analysis of the role of self-determination as pertains to indigenous rights, see Isabelle Schulte-Tenskhoff, “Treaties, Peoplehood, and Self-Determination: Understanding the Language of Indigenous Rights,” in *Indigenous Rights in the Age of the UN Declaration*, ed. Elvira Pulitano (Cambridge: Cambridge University Press, 2012), 64–86. See also Kristian Myntti, “The Right of Indigenous People to Self-Determination and Effective Participation,” in Pekka Aikio

and Martin Scheinin, *Operationalizing the Right of Indigenous People to Self-Determination* (Turku, Finland: Institute for Human Rights, Åbo Akademi University, 2000), 85–130.

55. Cited in Bradley R. Simpson, “Self-Determination, Human Rights, and the End of Empire in the 1970s,” *Humanity* 4, no. 2 (Summer 2013): 242.

56. *Ibid.*, 243.

57. Antony Anghie, *Imperialism, Sovereignty, and the Making of International Law*, 15.

58. For the texts of the Palestinian Charters, see Faysal Hurani, *Al-Fikr al-Siyasi al-Filastini, 1964–1974, Dirasat lil-Mawathiq al-Ra'isiyyah li-Munazzamat al-Tahrir al-Filastiniyyah* (Beirut: Markaz al-Abhath, Munazzamat al-Tahrir al-Filastiniyyah, 1980).

59. Palestine Liberation Organization, “’Plan al-Istiqlal,” “The Declaration of Independence,” in *Shu’un Filastiniyyah*, 188, November 1988.

60. For an analysis of the absence of the right to self-determination in the Oslo Accords, see Antonio Cassese, “The Israel-PLO Agreement and Self-Determination,” *European Journal of International Law* 4, no. 4 (1993): 564–71.

61. This is hardly unique to the Palestinians. As Antony Anghie reminds us, the 1962 UNGA Resolution 1803, regarding Third World countries’ permanent sovereignty over natural resources, “talks of the rights of people to ‘dispose of their natural resources’ in language that eerily reflects that proposed at the Berlin Conference of 1884–5,” in Anghie, *Imperialism*, 240.

62. See James Benett, “Clinton in the Mideast: in Gaza: Clinton Stirs Palestinians with a Nod to Statehood,” *New York Times*, December 15, 1998.

63. See *British Nationality and Status of Aliens Law of 1914*, Article 1, in *The Statutes Revised*, Great Britain, vol. 23, 2&3 GEO V. To 6&7 GEO V., 1912–1916 (London: Wymans & Sons Ltd., 1929), 285–86.

64. For a refutation of claims that all modern Jews are descendants of the ancient Hebrews rather than later converts to Judaism, see Shlomo Sand, *The Invention of the Jewish People* (London: Verso, 2010).

65. “Pre-State Israel: Zionist Organization Statement on Palestine at the Paris Peace Conference, February 3, 1919,” Jewish Virtual Library, accessed January 20, 2018, <http://www.jewishvirtuallibrary.org/jsource/History/zoparis.html>.

66. For the history of nationality in Palestine, see Mutaz M. Qafisheh, *The International Law Foundations of Palestinian Nationality: A Legal Examination of Nationality in Palestine under British Rule* (Leiden: Martinus Nijhoff Publishers, 2008).

67. For the text of the Palestine Citizenship Order, see *Statutory Instruments*, Great Britain, 1950, 474–81.

68. Mutaz M. Qafisheh, “Palestinian Nationality in the 1917–1925 Period,” *Bulletin du Centre de Recherche français à Jerusalem*, no. 21 (2010): para. 88, accessed November 3, 2015, <http://bcrfj.revues.org/6405>.

69. *Ibid.*, para. 89.

70. On Israel’s claims that it is the heir to the property of Jewish victims of the Nazi genocide, see Tom Segev, *The Seventh Million: The Israelis and The Holocaust*, trans. Haim Watzman (New York: Hill and Wang, 1991).

71. Benny Morris, *Righteous Victims: A History of the Zionist-Arab Conflict, 1881–2001* (New York: Vintage, 2001), 4.

72. Yitzhak ben Tzvi, *Hatnu’a Ha’aravit* (The Arab movement), cited in Zachary Lockman,

Comrades and Enemies: Arab and Jewish Workers in Palestine, 1906–1948 (Berkeley: University of California Press, 1996), 62.

73. David Ben Gurion and Itzhak Ben-Zvi, *Eretz Yisrael be'Avar vebeHayyah* (Eretz Israel in the Past and the Present), trans. D. Niv (Jerusalem: Yad Yitzhak Ben-Zvi Publishing, 1979), 195–206. Lockman, *Comrades and Enemies*, 384n.

74. See Joseph Massad, “The Rights of Israel,” Al-Jazeera English Online, May 6, 2011, accessed January 20, 2018, <http://www.aljazeera.com/indepth/opinion/2011/05/20115684218533873.html>.

75. A baseless claim famously made by Joan Peters. See Edward Said and Christopher Hitchens, eds., *Blaming the Victims: Spurious Scholarship and the Palestine Questions* (London: Verso, 1988).

76. For Jabotinsky’s acknowledgment of Palestinian national rights, which Zionism had to defeat by force, see Massad, *The Persistence*, 4–5.

77. Cited in Lockman, *Comrades and Enemies*, 78.

78. Ibid.

79. Ibid., 79.

80. Weizmann to Shuckburgh, March 5, 1930, in Weizmann, *The Letters and Papers of Chaim Weizmann*, volume 14, series A, July 1929–October 1930, ed. Camillo Dresner (New Jersey and Jerusalem: Transaction Books, Rutgers University, and Israeli Universities Press, 1978), 239–43.

81. Entry of February 3, 1941, cited in Gabriel Gorodetsky, *The Maisky Diaries: Red Ambassador to the Court of St. James’s, 1932–1943* (New Haven, Conn.: Yale University Press, 2015), 331.

82. On this, see Simha Flapan, *The Birth of Israel: Myths and Realities* (New York: Pantheon, 1988).

83. Lenni Brenner, *Zionism in the Age of the Dictators: A Reappraisal* (New York: Lawrence Hill, 1983). Israeli Law of Return, Article 4B, and 3A(a).

84. See Joseph Massad, “Conceiving the Masculine: Gender and Palestinian Nationalism,” *Middle East Journal* 49, no. 3 (Summer 1995): 467–83.

85. For the text of the resolution and the tabulation of votes, see George Tomeh, ed., *United Nations Resolutions on Palestine and the Arab-Israeli Conflict*, vol. 1, 1947–1974 (Washington D.C., Institute for Palestine Studies, 1975), 79–81.

86. For the text of the agreement, see the Jimmy Carter Library, accessed January 20, 2018, https://www.jimmycarterlibrary.gov/research/camp_david_accords. I should note that there are two mentions of Palestinian peoplehood; one refers to the “Palestinian people” only insofar as they have “representatives,” while the more important reference to rights refers to “Palestinian peoples.”

87. Glenn Sean Coulthard, *Indigenous Americas: Red Skin, White Masks: Rejecting the Colonial Politics of Recognition* (Minneapolis: University of Minnesota Press, 2014).

88. See the statement in the UN General Assembly of the Israeli UN ambassador, Yehuda Blum: GAOR XXXVth Session, 77th Plenary Meeting, December 2, 1980, 1318, para. 108.

89. For the text of the law, accessed January 20, 2018, see <http://www.refworld.org/docid/3ae6b4ec20.html>.

90. For the contraction of the West Bank and the expansion of Jerusalem, see Joseph Massad, “The Language of Zionism,” *Al-Abram Weekly*, May 6–12, 2010, accessed January 20, 2018, <https://web.archive.org/web/20100511170530/http://weekly.ahram.org.eg/2010/997/re9.htm>. For the Hawaiian situation, see J. Kēhaulani Kauanui, *Hawaiian Blood: Colonialism and the Politics of Sovereignty and Indigeneity* (Durham, N.C.: Duke University Press, 2008).

91. Joseph Massad, "Reducing the Palestinians," *Al-Ahram Weekly*, December 25–31, 2003, accessed January 20, 2018, <http://www.masress.com/en/ahramweekly/21110>.
92. See Erica Irene Daes, "The UN Declaration on the Rights of Indigenous Peoples: Background and Appraisal," in *Reflections on the UN Declaration on the Rights of Indigenous Peoples*, ed. Stephen Allen and Alexandra Xanthaki (Portland, Ore.: Hart Publishing, 2011), 11–40.
93. In fact, Canada had objected to including the right to self-determination in the first draft of the proposal in 1985. See *ibid.*, 21.
94. For the votes, see <http://unbisnet.un.org:8080/ipac20/ipac.jsp?profile=voting&index=.VM&term=ares61295>, accessed January 20, 2018.
95. Daes, "The UN Declaration on the Rights of Indigenous Peoples," 31.
96. See <https://www.reuters.com/article/us-obama-tribes/obama-backs-u-n-indigenous-rights-declaration-idUSTRE6BF3RF20101216> (accessed May 18, 2018).
97. On the new innovations of self-determination as a result of UNDRIP, see Helen Quane, "The UN Declaration on the Rights of Indigenous Peoples: New Directions for Self-Determination and Participatory Rights," in Allen and Xanthaki, *Reflections*, 259–87.
98. On the question of land and how UNDRIP addressed it, see Jérémie Gilbert and Cathal Doyle, "A New Dawn Over the Land: Shedding Light on Collective Ownership and Consent," in Allen and Xanthaki, *Reflections*, 289–328.
99. Schulte-Tenckhoff, "Treaties," 81.
100. See Ali Abunimah, *The Battle for Justice in Palestine* (New York: Haymarket, 2014).
101. See Richard Bourne, *Catastrophe: What Went Wrong in Zimbabwe* (London: Zed Books, 2011), 160–93.
102. Naomi Klein, *The Shock Doctrine: The Rise of Disaster Capitalism* (New York: Picador, 2008), 245–74.