

Self-Determination as Non-Domination: Ideals Applied to Palestine/Israel

By Iris Marion Young¹

Few political commentators today think that every distinct people can and should have a sovereign state exclusively its own. Yet writings on the self-determination of peoples for the most part continue to assume a paradigm of self-determination that mirrors the sovereign state. In this paradigm, a self-determining people dwells together in a relatively large territory in which only members of their group reside, and this homogenous territory is contiguous and bounded; the self-determining people exercises strong self-government rights over this territory. This autonomous region may not be sovereign, but rather may stand in formalized relation to a larger state. Where groups with conflicting claims to exclusive sovereignty over a territory reside side by side within that territory, however, as in Northern Ireland or republics of the former Yugoslavia, adhering to this paradigm tends to produce injustice and perpetuate cycles of violence.

One reason for such consequence lies in the lack of correspondence between this model of self-determination on the one hand, and the actual situation of conflicting peoples, on the other. Most sizeable territories are inhabited by several peoples who consider themselves distinct, and they are usually dispersed across these territories in smaller enclaves, towns, villages or neighborhoods next to towns or neighborhoods in which members of groups from which they differentiate themselves reside.

Rather than base a conception of self-determination on the assumption that peoples are separate or separable, then, it behooves those of us interested in peace and justice to conceptualize self-determination as compatible with the fact that groups often dwell together in territories; for this reason they often have shared problems, and the activities of those in one group often affect the possibilities of action for others.

In this essay, I offer a conception of self-determination as compatible with being together-in-difference.² Whereas the more standard concept assumes self-determination as non-interference, I conceptualize self-determination as non-domination. Principles of non-domination imply relationships between self-determining units and the joint regulation of such relationships. To understand the application of this model, I suggest that we should assume the situation and claims of indigenous people as the norm rather than the exception. This model of self-determination implies federalism as a mode of being together with other self-determining units. Many discussions of federalism, however, assume that autonomous units are large, homogeneously occupied, contiguous territories. Suspending this assumption opens ways of conceiving of federal relations as more local, plural, and horizontal. To illustrate how this concept of self-determination might contribute to imagining alternatives in a situation of group political conflict, I apply the analysis to the situation of Palestine/Israel.

¹ Professor of Political Science, University of Chicago. This paper is excerpted from my article entitled, "Self-Determination as Non-Domination: Ideals applied to Palestine/Israel," which will be published in *Ethnicities* (forthcoming 2005). The ideas developed in this article began as presentations I made at two conferences: "Collective Rights of Minorities in Multiethnic States," sponsored by Mada al-Carmel – The Arab Center for Applied Social Research held in Nazareth in December 2002; and "Constitutionalism in the Middle East: Israeli and Palestinian Perspectives," sponsored by the Center for Comparative Constitutionalism, University of Chicago, 23-25 January 2004.

² I take this phrase from my essay, "Together in Difference: Transforming the Logic of Group Political Conflict," first published in Will Kymlicka, ed. *The Rights of Minority Cultures* (Oxford: Oxford University Press, 1995), pp. 155-178. See also *Inclusion and Democracy* (Oxford: Oxford University Press, 2000, Chapter 6), for an articulation of a model of local governance among differentiated but not exclusive groups, which there I call "differentiated solidarity". Compare the idea of differentiation in togetherness that Julie Mostov refers to as "soft borders" in "Soft Borders and Transnational Citizens," conference on "Identities, Affiliations, and Allegiances," Yale University, 3-4 October 2003.

I. Indigenous People as Paradigmatic

The claims of indigenous people for self-determination have in the last quarter century achieved considerable legitimacy in the international community as well as in the domestic politics of many states. Despite the effort of some states to implement policies aimed at accommodating indigenous claims for self-determination, almost no indigenous people anywhere in the world believe they have achieved full self-determination. In an apparent paradox, however, almost no indigenous people take as their political goal secession from the state which now claims jurisdiction over them to establish their own sovereign state. I suggest that a concept of self-determination that corresponds to the aspirations of most indigenous peoples can be useful more generally to considering political conflicts that involve peoples who perceive themselves as distinct, but who dwell side by side or are interspersed over contiguous lands.³

Other features of the situation and claims of indigenous people make this a useful paradigm for theorizing self-determination. In every place where the category of indigenous is relatively uncontested, particularly in North and South America, Australia and New Zealand, the indigenous people have suffered histories of serious injustice and domination under colonialism. The claims to self-determination that indigenous people make gain some of their legitimacy in the eyes of others from a judgment that this history of domination was wrong and that the current deprived status of most indigenous people, both as individuals and groups, requires their own autonomy to be ameliorated.

Almost nowhere do indigenous people form a territorially concentrated large group. Their national identity, moreover, is usually defined in terms of these traditional bands which understand themselves as related to particular locales and the peoples who claim self-determination for themselves are smaller, dispersed local groups who usually dwell alongside non-indigenous people.

Some theorists of nationalism and multiculturalism try to mitigate possible conflict between the claim of distinct peoples for self-determination and the desire of states to maintain control over activities in a territory by arguing that nationalist claims are best recognized through systems of cultural autonomy. According to this view, liberal nationalism consists of guaranteeing that national minorities have governing power over the generation, expression, and transmission of national culture – the ability to speak their own language without suffering disadvantage, freedom of religion and self-government over religious institutions, the constitution of autonomous schools, and the like.⁴ However, almost no indigenous people think that institutions of cultural autonomy are sufficient to give them self-determination, important as these are. Their claims necessarily involve control over land and resources, not only because their identities are tied to place, but also because they judge that their material improvement as individuals and groups requires having land and resources about which they as a group make autonomous decisions.⁵ Finally, indigenous claims for self-determination

³ I discuss the claims of indigenous people in more detail and the concept of self-determination that I think best corresponds to this claim in my essay, "Two Concepts of Self-Determination," in Austin Sarat and Thomas Kearns, *Human Rights: Concepts, Contests, Contingencies* (Ann Arbor: University of Michigan Press, 2001). See also discussions of indigenous politics in Robert A. Williams, *Linking Arms Together: American Indian Treaty Visions of Law, 1600-1800* (New York: Routledge, 1999); Franke Wilmer, *The Indigenous Voice in World Politics* (New York: Sage Publications, 1993); Paul Keal, *European Conquest and the Rights of Indigenous Peoples: The Moral Backwardness of International Society* (Cambridge: Cambridge University Press, 2003).

⁴ For an articulate expression of this position, see Yael Tamir, *Liberal Nationalism* (Princeton: Princeton University Press, 1993).

⁵ Jacob Levy points out that theorists of multiculturalism and cultural autonomy often bracket the question of land rights; see *The Multiculturalism of Fear* (Oxford: Oxford University Press, 2000), Chapters 6 and 7.

often involve claims for redistribution or subsidy of their governmental and social service institutions, and some states have taken steps to respond to these claims. Without such support in many cases, the indigenous group would have little means to exercise their rights of self-determination.

Indigenous people's claims for self-determination thus raise the following questions: What does it mean for groups to be self-determining but not on the model of nation-state sovereignty? How can groups that are relatively small and territorially dispersed among others who understand themselves as belonging to different groups, be self-determining without necessarily ruling over a large territory in which they are concentrated and from which they have the right to exclude others? How can such dispersed self-determination be recognized especially when the group requires control over land and resources to be self-determining? How should relations between these groups and the non-indigenous among whom they dwell be conceived of? Is there a conception of self-determination in which such subsidy, where needed, is coherent with indigenous people's claims of self-determination?

Some Palestinian advocates think that their claims of justice might be well furthered by trying to achieve recognition under international law as an indigenous people.⁶ I make no judgment about whether this is a worthy political strategy, nor do I wish to take a position on whether Palestinians qualify as indigenous under the current definition of international law. I am suggesting that the indigenous paradigm is more useful for exploring the question of what self-determination might mean normatively for Palestinians than the nation-state sovereignty paradigm. The situation of Palestinians now residing in Israel, as well as those residing on the West Bank, in Gaza, in East Jerusalem, in Jordan, Syria and Lebanon, has certain similarities with the situation of many indigenous people. Many were forced to move during a process of colonization. Israeli regions such as the Galilee and the Negev contain predominantly Arab populations adjacent to and surrounded by Israeli Jewish state power and development. Many Palestinians are concentrated in the Gaza Strip, surrounded by hostile forces and cut off from many material benefits and deprived of the freedom to move and associate. Other Palestinians are more dispersed, living in relatively small villages across territories in the West Bank or Israel where Jews and other non-Palestinians live; or they dwell in neighborhoods and enclaves in mixed cities such as Jerusalem, Tel Aviv-Jaffa or Haifa. Cultural autonomy is an important part of a claim of Palestinian self-determination, and many Palestinians lack cultural autonomy. Like indigenous people, however, Palestinian claims to self-determination cannot be accommodated without autonomy with respect to land and resources as well as culture. The exercise of self-determination for Palestinians, finally, requires redistributive transfers to enable their governmental and social services.

II. Two Concepts of Self-Determination

Even though many theorists and political actors today question the idea that the realistic response to most claims of nations or peoples to self-determination is to establish a separate sovereign state for each people, most writings on self-determination assume the model of state sovereignty as their paradigm. I refer to this as the non-interference model of self-determination. For the group to be self-determining means primarily that outsiders do not interfere with the decisions and actions those governing institutions make over what goes on inside their territorial jurisdiction. Arguably, a pure non-interference concept of sovereignty has never existed in practice. International law and practices of international governance in the late twentieth and early twenty-first century, moreover, increasingly involve forms of transnational authority constraining the actions of sovereign states and forms of negotiation and cooperation between entities within different states.

⁶ Amal Jamal, "Politicizing Indigeneity: On the Morality of Arab Collective Rights in Israel," unpublished ms. Tel Aviv University (2005).

There are, moreover, several drawbacks to the non-interference model of self-determination. A major reason groups seek self-determination is to protect against domination by others. The non-interference model fulfills the purpose only imperfectly, and sometimes not at all. A non-interference model assumes that autonomous units can be and are properly separate and need have no interaction other than that into which they voluntarily enter. However, in fact, the world's peoples are often geographically mixed, or dwell in close proximity to one another, within physical and social environments that jointly affect them. They have numerous economic and social interactions where each affects the others, and each risks being adversely affected by actions of the others because of their relationship. Some of the weaker units may be vulnerable to domination by more powerful units not because they directly interfere, but because they determine conditions under which the weaker party is forced to act.

The non-interference model of self-determination, moreover, does nothing to protect insiders from domination by the governing institutions or by other insiders. Some contemporary human rights theorists worry, for example, that a strong non-interference model of self-determination must turn a blind eye to traditions and practices through which men dominate women.⁷ Inasmuch as most autonomous jurisdictions contain ethnic minorities vulnerable to domination by majorities, moreover, a non-interference model of self-determination implicitly gives such majorities license to dominate internal minorities.

I propose a different model of self-determination, one that puts the objective of mutual respect and the avoidance of domination more at the center. Self-determination means autonomy: the self-determining entity should be able to set its own ends and be able to act toward their realization, within the limits of respect for and cooperation with other agents with whom one interacts and with whom one stands in relation. Conceived of as non-domination, self-determination entails a *presumption* of non-interference.⁸ However, outside agents who believe that the actions of an autonomous agent affect them adversely can legitimately make a claim on the affecting agent to have a right to negotiate with them about the terms of their relations and the actions that may harm them. Self-determining entities need to join a decision-making body to work out procedures for adjudicating such claims and potential conflicts. To the extent that self-determining units dwell together in a common environment, moreover, they are liable to face some common problems. What it means to face such problems autonomously, then, is that they have institutions through which they are able to discuss those shared problems and decide on joint actions to address them. Within such institutions, self-determining entities ought to have equal status and mutual respect.

III. Institutional Design Implications: Horizontal Federalism

Under circumstances where distinct peoples or units are spatially, economically, and environmentally interdependent, self-determination as non-domination requires relations of joint governance among self-determining units. Under these circumstances, that is, self-determination as non-domination *entails* federalism because the people or unity claiming self-determination dwells together with others – on lands together or next to each other, in a common regional environment of relatively dense social and economic interaction. They are economically interdependent on issues such as trade, the demand for labor, the effects of

⁷ Susan Moller Okin, *Is Multiculturalism Good for Women?* (Princeton: Princeton University Press, 1999).

⁸ I derive the distinction between self-determination as non-interference and as non-domination from Philip Pettit, *Republicanism* (Oxford: Oxford University Press, 1997). Pettit's theory concerns freedom for individuals only; I extend the distinction to conceptualize autonomy for peoples.

production and finance on their people, and in the distribution of resources and opportunities. Most generally, federalism designates a system of "self-rule plus shared rule."⁹

Even though interdependent in these and other ways, peoples that dwell together are often unequal in their resource base, wealth, or capacity for asserting their interests. All these factors underlie a potential for conflict between the goals and interests of the units, and they also generate efficiency needs for joint action to address the problems. If these mutually affecting units do not have regulated means of settling conflict fairly, if they do not have ways of preventing interdependence from becoming an unequal dependence, or if they do not have mechanisms for ongoing cooperation, then domination of some of the formally autonomous units by another or others is likely to ensue. Federalism is the general name for governance arrangements between self-governing entities in which they participate together in such cooperative regulation.

Both theoretical literature about federalism and most existing federations operate with a model influenced by the concept of self-determination as non-interference. They assume that the units of a federation are each single relatively large contiguous bounded territories. In most models of federalism, furthermore, these self-governing units do not relate to one another directly, but rather only through a central federal government. In most federal systems, finally, the definition of the powers of each of the self-governing units is the same. Each element of this typical model of federalism can be questioned as necessary to or most desirable for a system of self-rule with shared rule that can correspond to a concept of self-determination as non-domination.

Asymmetry v. symmetry - The last of the conditions mentioned has been brought into question by proponents of *asymmetrical federalism*. A federation is symmetrical when its constitution defines identical rights and powers for each of the constituent units with relation to the central government and to one another. The United States embodies a symmetrical federalism. Canada, on the other hand, has been moving toward an asymmetrical federalism in which the jurisdictional powers of Quebec differ in certain respects from those of the other provinces. Given the historical, geographical or power relationships between some federated units, there can be good reasons to define their jurisdictional powers differently, and/or to differently define their relationships to the federal governance processes.

Horizontality v. decentralization - Typically systems called federal consist of a constitutional center with limited but overriding power over units that have no formal relation to one another except through that center. Some theorists of federalism argue, however, that this model falls short of the principles of federalism altogether. Ferran Requejo argues that this model confuses federalism with regional decentralization and/or the application of a principle of subsidiarity.¹⁰ Daniel Elazar distinguishes what he calls a "matrix" model of federalism from the more typical center-periphery model. The matrix model is more complex than the center-autonomous locale model. It disperses authority and power among units in networks of different relationships.¹¹

⁹ Daniel J. Elazar, *Exploring Federalism* (Tuscaloosa: University of Alabama Press, 1987), p. 12. For additional conceptual accounts of federalism, see Graham Smith, *Federalism: The Multiethnic Challenge* (London: Longman, 1995); Monserrat Guibernau, *Nations without States: Political Communities in a Global Age* (Cambridge: Polity Press, 1999).

¹⁰ Ferran Requejo, "Political Liberalism and Multinational States: Legitimacy of Plural and Asymmetrical Federalism," in Alain G. Gagnon and James Tully, ed., *Multinational Democracies* (Cambridge: Cambridge University Press, 2001), p. 182.

¹¹ Daniel J. Elazar, "Autonomy in a Post-statist World, introduction to Daniel Elazar, ed., *Governing Peoples and Territories* (Philadelphia: Institute for the Study of Human Issues, 1982; see also op. cit., *Exploring Federalism*, Chapter 2.

We can conceive of federal systems with both *vertical* and *horizontal* relationships in potential federal systems. Any federal system will have some rules and procedures that govern the relation of the units to the federation in a vertical way, including the implementation of a federal constitution, and the regulation of a common currency, the terms of inter-unit commerce, and a common set of environmental conditions. For many other issues, units can relate to one another directly without invoking or going through a central federal government. This is what I mean by a "horizontal" dimension to federalism.¹²

Large contiguous territories vs. smaller discontinuous territories - Federated systems, finally, need not assume that the units of self-determination are relatively large, contiguous bounded territories, as in, for example, the German federation. Small units such as cities, towns and neighborhoods can count as self-governing units that are nested within federal constitutions which regulate their relationships with one another.

IV. Application to Palestine/Israel

The most that I can claim for this application of the ideas laid out in previous sections of this paper is that it may help political actors both inside and outside Palestine/Israel conceptually sort out alternatives among institutional possibilities. The theoretical distinction between a non-interference and a non-domination model of self-determination suggests that there are three primary ways to conceptualize change in Palestine/Israel from the current situation of occupation and resistance: (1) two separate sovereign states; (2) a single secular individualist state for the region; and (3) a federation of self-governing units. The first two both have problems that derive from their assumption of the paradigm of a unitary state. The third alternative serves as a better ideal of self-determination for both Palestinians and Israeli Jews under a paradigm of non-domination.

1. *Two separate sovereign states* – The most commonly expressed vision of the future of the region today calls for establishing a Palestinian state in the West Bank and Gaza, and perhaps including East Jerusalem, though positions differ on this question. This Palestinian state would exist independently of and alongside the state of Israel, which will return to its pre-1967 borders. I support the establishment of a Palestinian state. Whatever the institutional arrangements that may be most just and desirable in the long term, a necessary step toward those arrangements is that Palestinians in the occupied territories, as well as many of those now in the Palestinian diaspora, should exercise more self-government and have greater legal authority over land and resources. Most articulations of the two-state solution to the conflict between Israel and Palestinians, however, assume a model of self-determination as non-interference, which implies being separate. This image of clearly separate sovereign states relating to one another only as neighbors and through formal bilateral agreements is hard to square, however, with the existing reality that Palestinians and Jews dwell so thoroughly among one another, and that the current terms of their relationships are profoundly unequal.¹³

The two separate sovereign state image of the future of Palestine/Israel does not adequately address the spatial togetherness of the two groups. Palestinians dwell in Israel in towns or neighborhoods adjoining those of Jews; currently tens of thousands of Jews live in settlements in the Occupied Territories. The territories envisioned as belonging to each group, especially to the Palestinians, are not contiguous, and the city of Jerusalem is a contested space claimed by both. Of course, these present facts result from a history of

¹² Compare Rainer Baubock, "Political Boundaries in a Multilevel Democracy," contribution to a conference on "Identities, Affiliations and Allegiances," Yale University, 3-5 October 2003.

¹³ The discussion that follows of problems with most versions of the two state solution has benefited from reading the "Proposal for an Alternative Configuration in Palestine-Israel," Alternative Palestine Agenda, www.ap-agenda.org.

domination and expropriation of Palestinian territory by Israel. Nevertheless, they would be difficult to reverse entirely, and at this stage a partial reversal could leave Palestinians even worse off.

Palestinians and Israelis are similarly affected by the natural environment of the region, its weather and shortage of water. They are also economically interdependent, but on an unequal basis. Creating a Palestinian state in the West Bank and Gaza, and declaring that state sovereign, which is to say that it exercises a right of self-determination as non-interference, does little to address the deep and unjust inequalities between Israel and the Palestinians. Can a Palestinian state be viable when Israel continues to dominate military and police power over lands adjacent to and separating the Palestinian territories? Given existing inequalities of power and technical know-how, how can a Palestinian state alongside Israel be assured of fair access to water? Shouldn't Palestinian workers be able to move freely in the region to go to work, including into Israel? In order that the Palestinian economy develop and the Israeli economy flourish, do trade and investment opportunities not need to be facilitated on a region-wide basis?

The creation of a Palestinian state, furthermore, does not address the situation and aspirations of Palestinians living in Israel, who comprise more than one fifth of its citizens.¹⁴ Unless they would be willing to move to a Palestinian state outside Israel, which polls say most of them are not willing to do, having the two states *simpliciter* does not lift the burden of inequality and domination they currently suffer in Israel. Because many Palestinian Israelis have or desire personal and political connection with Palestinians now living in the occupied territories, as well as with those living in Jordan, Lebanon and Syria, Palestinian institutions from which they are entirely separate sit poorly with their aspirations for connection with the Palestinian project of self-determination. In this connection, most articulations of a plan of two separate states do not respond to the aspirations of Palestinians now living outside either territory to return to those territories.

2. *A singular secular state for Palestine/Israel* – We can imagine a completely different form of political institution for this region, one in which a single and individualist political unit covering the territory that is now Israel along with the territories Israel occupied in 1967, but one belonging to no particular nationality or religious group. With the establishment of a separate Palestinian state apparently on hold, discussion of a singular secular individualist state has revived to some extent.¹⁵ That all members of a polity should have equal civil and

¹⁴ For details on the situation of the Palestinian minority in Israel, see Adalah: The Legal Center for Arab Minority Rights in Israel, *Legal Violations of Arab Minority Rights in Israel*, 1998; Nadim N. Rouhana, *Palestinian Citizens in an Ethnic Jewish State: Identities in Conflict* (New Haven: Yale University Press, 1997); Yossi Yonah and Ishak Saporta, "The Politics of Lands and Housing in Israel: A Wayward Republican Discourse," *Social Identities*, Vol. 8, no. 1, 2002, pp. 91-117; Nimer Sultany, *Citizens without Citizenship*, Haifa, Mada al-Carmel – The Arab Center for Applied Social Research, 2003.

¹⁵ For example, Seif Da'Na, "Single, secular, democratic," *Al-Ahram Weekly Online*, 19-25 July 2001, Issue no. 543; Thomas L. Freidman, "One Wall, One Man, One Vote," *New York Times*, 14 September 2003; Ahmad Samih Khalidi, "A One-State Solution: A Unitary Arab-Jewish Homeland Could Bring Lasting Peace to the Middle East," *The Guardian*, 29 September 2003; Yakov M. Rabkin, "The One-State Prescription for Mideast Peace," *Montreal Gazette*, 12 November 2003; Daniel Lazare, "The One-State Solution," *The Nation*, 3 November 2003; Ali Abummah, "Palestine/Israel: One state for all its citizens," *The Electronic Intifada*, 16 October 2003, www.electronicintifada.net. While he refers to his alternative as binational, Tony Judt's vision appears to me to be of a singular, secular, individualist state; see Tony Judt, "Israel: The Alternative," *The New York Review of Books*, Vol. 50, no. 16, 23 October 2003. My reading leads me to think that two different visions come under the general label of "bi-nationalism" in current discussions about the future of Palestine/Israel, corresponding to two of the alternatives I state here, one a singular state, the other a more federated conception. Responses to Judt by Abraham Foxman, Amos Elon, Michael Walzer, and Omer Bartov appear in the *New York Review of Books*, Vol. 50, no. 19, 4 December 2003.

political rights is a basic principle of morality and international law, and a secular individualist state is arguably the most direct way to institutionalize that principle. At least at this point in the history of conflict in the region, however, this is a problematic alternative just because it recognizes only individuals and gives no status to peoples. Some Jews, both inside and outside Israel, find this suggestion an anathema because they understand it as the elimination of Israel as a state for the Jewish *people*.¹⁶ Insofar as this alternative gives no specific recognition to groups or to the aspirations of peoples to self-determination, they are right. Peoples, such as the Jewish people and the Palestinian people, have a legitimate claim for a social and political means to govern themselves in their own ways and to enact public expressions of their history and culture as a people. The humanist vision of a secular individualist state conflicts with these goals. Each people has some grounds for their fear of being oppressed as a group with such a nominally neutral state, moreover – Jews because they would soon be a minority, and Palestinians because Jews would begin with greater power, wealth and privilege.

3. *Bi-national federalism* – Institutions implementing an understanding of self-determination as non-domination offer a third conceptual alternative. In this application, we envision a distinct political unit or units for the Jewish people and the Palestinian people. Each unit or set of units exercises political, cultural and local resource autonomy. As I imagine this alternative, it does not involve only two units, one Palestinian and one Jewish; rather, it imagines a number of smaller and dispersed Palestinian- and Jewish-identified units, as well as some that are identified only by locale. Citizens of each, however, whatever their group affiliations, have equal civil and political rights additionally within a system of shared rule in which the units participate. A general vision of federation between Palestinian and Jewish units in Palestine/Israel cannot imagine simply a vertical relation between local and federal institutions. Instead, locally self-governing towns or districts coming under Palestinian jurisdiction would need to engage in relations of cooperation and negotiation with neighboring local towns or districts coming under Israeli jurisdiction. Such interspersed federated discontinuous local districts would extend over the breadth of what is now Israel and the Occupied Territories. Insofar as they might have direct relationships, they would be thereby enacting horizontal federalism of the sort discussed above.¹⁷

Envisioning self-determining units as relatively small, the size of municipalities or metropolitan areas, and horizontally related to other such units, has an additional normative advantage. Units that begin such a relationship understanding themselves as representing distinct peoples might evolve more sense of mutual identification over time because they interact about problems they face together or establish cooperative relations around specific issues or interests.

The conception of self-determination as non-domination implies that sovereignty as non-interference is not the appropriate principle for any of the world's peoples, and thus means that the existing states of the world, as well as peoples claiming self-determination but who do not have states, ought to develop more integrated institutions of cooperation at local, regional and global levels. A scenario of self-determination as non-domination for Jews, Palestinians, and others in Palestine/Israel thus cannot be isolated from an imagined future for the wider Middle East region. The fates of all the peoples in the region are necessarily

¹⁶ See, for example, Yoel Esteron's critical response to Judt's article, *Haaretz*, 28 November 2003.

¹⁷ The Alternative Palestinian Agenda's "Proposal for an Alternative Configuration in Palestine-Israel" contains thought through details about discontinuous jurisdictions and how they might exist in relation to one another. In one of his columns arguing against the idea of separate sovereign states of Palestine and Israel, Edward Said mentioned that enactment of a right of self-determination for the groups might best be realized in "federated cantons," but he gave no details. Edward Said, "The One-State Solution," *New York Times*, 10 January 1999.

linked by factors such as environmental conditions and economic interaction. Stable institutions of self-determination for both Jews and Palestinians in this region ultimately would seem to require establishing federated institutions of conflict resolution and cooperative action among several of the now existing states in the region together with a reconfigured set of autonomous units in Palestine/Israel.¹⁸

The question of the right of Palestinians displaced in the way that created Israel to return to their homelands is difficult for any of these three options to face. It is perhaps the least vexing for the singular state alternative. Any institutional arrangement for the future of Palestine/Israel should recognize the Palestinians in Jordan, Syria, Lebanon and in the Occupied Territories who were, or whose parents and grandparents were, forced out of their homes. Insofar as a vision of horizontal federalism might and should be extended beyond Palestine/Israel to the entire mid-East region, however (as well as in principle to other parts of the world), self-determination as non-domination might also offer resources to imagine ways that Palestinian refugees can claim their rights of relationship to other dispersed Palestinians.

The primary purpose of this paper has been to explain and defend the moral value of a conception of self-determination as relational autonomy or non-domination, as against the still more accepted principle of self-determination as non-interference. Because of the dense interrelation of Palestinian and Jewish people in the lands of Palestine/Israel, I find this conception particularly apt here for trying to imagine alternative institutional possibilities. Conflicts among peoples all over the world, however, often involve similar spatial and economic interdependence that require imagination of autonomy without separation. Most of these proximities, and unequal relations of interdependence also result from histories of unjust domination which should be recognized, but cannot be completely undone. The question is now how to afford peoples who consider themselves distinct self-determination while limiting their ability to dominate others and supporting their ability to cooperate.

The alternative I have imagined for Palestine/Israel is not a political proposal. Political actors involved in the conflict themselves must develop those. Despite the rigidity of some leaders and other political actors both inside and outside the region - and not least the leaders of my government, the United States - there is nevertheless hope for change because both Palestinian and Israeli participants in civil society have been working across the divide to try to offer new possibilities for peace.

¹⁸ Jeff Halper argues for a region-wide confederated system in the Middle East that might function like the European Union; individuals would hold citizenship in one unit, for example, but be able to move freely among and reside in other units. "A Middle Eastern Confederation: A Regional 'Two-Stage' Approach to the Israeli-Palestinian Conflict," *Arabic Media Internet Network*; 15 December 2002, available on line at www.one-state.org.