

Chapter 1 : Refugee Right of Return

The right of return of Palestinian refugees is a legal and a political right. But it is also a moral one, explains Raja Halwani, associate professor of philosophy at the School of the Art Institute of Chicago, in this essay for The Electronic Intifada.

Electronic Intifada June 23, Typically, when we read about the right of return of Palestinian refugees, we come across a description of it as being a legal and a political right. Rarely is mention made that it is a moral right. Yet it is important that we secure this right as a moral one. In philosophy, for example, the most important rights are moral ones or are ones that admit of moral justification. Suppose I live in a slave-owning society. As a member of that society, I would have the right to own slaves. If I did own slaves, I would also have a host of subsidiary ownership rights, such as the right to sell them and the right to set them free. But this right has no moral justification. Indeed, it is a pernicious right, one based on the immoral permission to use other human beings as one chooses. Thus, while it is in that society a legal right, it is not a moral right. Consider now the example of the right to national self-determination, a right that both Palestinians and Israelis claim. This is a political right, certainly. Yet whether it is also a moral right is a controversial issue. Because this right depends on a specifically political concept, namely, that of a nation, whether it has moral justification depends on whether the notion of a nation is a morally good one or not. And the philosophical jury is still out on this question. The point is that legal and political rights, for them to retain their importance and legitimacy, must be ultimately morally justified. This does not mean that all legal and political rights are also moral rights, though some are. But it does mean moral issues are supreme. That is why moral rights are more important than political and legal ones. Moral rights are supposed to be ultimately neither political nor legal rights. They might be enshrined in legal and political documents and so come to be called "legal rights" or "political rights," but they would ultimately admit of moral justification. Thus, moral rights are rights that exist prior to or independently of legal, institutional, and political arrangements. In other words, when someone has a moral right, he has a claim that is recognized and justified by moral principles, not legal or political ones. But notice also that to say that moral rights are basic is not the same thing as saying that they are absolute. To say that a right is absolute is to say that nothing and no one can morally prevent the holder of the right from exercising it. Whether any or all moral rights are absolute is another controversial issue, but the consensus among most philosophers seems to be that very few, if any, rights are absolute. That is because in the case of any right one can think of, one can imagine situations in which overriding that right is more morally important than preserving it. Thus, my right not to be killed is overridden when someone kills me in self-defense as I attack him. The right of return of Palestinian refugees is a legal and a political right. But it is also a moral one. Notice that when Palestinian refugees claim their right to return, they do not mean by this that they have a right to return to a specifically Palestinian state. Rather, they mean by it that they have a right to return to their homes and villages. Nor do they mean by it the right to return as a national people. Rather, they mean by it a right to return as individuals. Absent from these descriptions, and rightly so, is any specific reference to particular political arrangements. Palestinian refugees are fully aware that were they to return, they might have to become Israeli citizens. My point is that the language of the right of return indicates, because it is devoid of any mention of specific political arrangements, that the right in question is a moral, and not just a political, one. This is not to say that political claims and arrangements do not factor in. But they are not, as such, part of the idea of the right of return. They are, logically, secondary ones, to be discussed and managed once the right of return is recognized and steps for its implementation are taken. But how can the right of return be justified as a moral one? Two compatible justifications can be offered. The first is simple: Morally speaking, and everything else being equal, when I am forced to alter the course of my life by an external power, then I have the moral right to be given the option, if feasible, to return to that course of life. Since there is no conceptual requirement that one has to live under a particular political arrangement or constitution for justifying this option, the right of return is a moral right. The other way of morally justifying the right of return is that without rights to secure our basic physical and psychological needs, our ability to

lead well lived and autonomous lives could be severely hampered by leaving it hostage to the contingencies of life, including human and non-human contingencies. Thus, the right of return is a moral right: I consider the first type of justification as more plausible and so more powerful. Nonetheless, I mention the second type so as to alert the reader to its existence. Since the historical record clearly shows that the Palestinians who left Palestine in , , and were indeed either directly or indirectly forcibly removed by the nascent Israeli army, then they are refugees and so have a moral right of return. It is important to emphasize the fact that the right of return is a moral, and not just a political, right because moral rights are bedrock. They are more fundamental than political and legal rights. In other words, they often trump such rights. For example, I may have a legal right to own slaves, but because I do not have a moral right to do this, then the legal right ought to be done away with. The national right to self-determination, a political right, cannot always have the upper hand. If a nation exercises its right to self-determination and in doing so displaces a whole other people, then these latter people would have a right to return. Granted that the right of return of the Palestinian refugees is a moral right, should it be implemented? Given that it is one thing to recognize a right and another to implement it, are there any good reasons why this particular right should be overridden? There have been a number of positive answers given to this last question. I believe that none of them succeeds. But this is a territory that requires separate treatment. The least that can be said for now is that given that the right of return is a moral right, whatever reasons one gives for not implementing it would have to be weighty indeed. He has published numerous articles in the area of moral philosophy.

Chapter 2 : Staff View: The Israeli-Palestinian conflict :

By Raja Halwani Electronic Intifada June 23, Typically, when we read about the right of return of Palestinian refugees, we come across a description of it as being a legal and a political right.*

The questions here are many and philosophical: If yes, what is this difference? What does it mean for a state to have a right to exist? What is the nature of this right? Is there such a right? I will not answer these questions in any definitive manner. Rather, I will, first, show that the above world bodies cannot simply assert, let alone assert with the ease that they have, that Israel has a right to exist. Second, I will set the stage for answering the question. That is, I will explain what it takes to answer the question whether Israel has a right to exist. My concern will not be with legal rights. I am not a legal expert. But even if there is such a concept in international law, it has no bearing on the arguments that follow. My concern will be with whether states have a moral right to exist. If they do not, then they do not, no matter what international law has to say laws have often reflected rights whose moral status is tenuous and sometimes even immoral. One thing it does not mean is that a as-of-yet-non-existent state has the right to come into existence not to be confused with: The reason why it does not mean this has nothing to do with states and everything to do with the fact that non-existent things do not have rights, period. I am sure that some philosophers will disagree with me on this point, but never mind. I find the idea of non-existent things having rights mind-boggling. Even when philosophers talk about the rights of future generations, they do not mean by this that they have a right to come into existence, but that, assuming that they will come to exist, they will have rights. This seems to make sense. Of course, it is one thing to make sense of a purported right, but quite another to show that it exists. So the question now is whether states have such a right. Misled by a bad analogy with human beings, one might think that states do indeed have a right to exist. After all, if I have the right to exist, meaning the right not to be killed, we can say something similar about states: Let them be destroyed or annihilated rather than killed; the point is that, similarly to human beings, they have the right not to be destroyed or annihilated; they have the right to exist. While anything that can be killed can also be destroyed, the reverse is not true: The obvious point is that not everything that can be destroyed is also a thing that can be killed. However, rights are - usually, not invariably as the debate about whether works of art have rights indicates - properties or aspects of things that can be killed, maimed, suffer pain and pleasure. States are not such things. So the analogy is misleading, and whether states have rights to exist - to not be destroyed or annihilated - has to be established on different grounds. Well, if states are not the sorts of things to be killed, to be maimed, to suffer pain and pleasure, what are they, then? Without much defense, and following David Copp, here is one promising line of thought: I accept a distinction between a people, a territory, and a state: The country of Greece, comprised of the state, the people, and the territory, can thus withstand the vast number of changes in the way it is run from monarchies to successive republics. A country can endure through successive changes in its state-aspect, as long as its territory and its people remain more or less intact. Note also that while having a state requires a people and a territory states-in-exile are not counter-examples, there can be a people without a state e. In short, a state is some sort of a political entity existing to serve, no matter how badly, its people. If this is correct, states are not the sort of thing to be killed or maimed or to suffer pain and pleasure. On the face of it then, states are not the sort of thing to have rights, let alone to exist. But states do exist to serve their people, and so, first, whatever rights they do have are derivative from the rights that the people have. If, for example, a state persecutes its own people, or even a chunk of them, questions will be raised about its legitimacy. That is, if a state does not serve its people well or treats them in a systematically unjust manner, then it might very well be that the state - but not the country or the people - has no so-called right to exist. On this score, and waiving issues having to do with the treatment of its Palestinian and Arab citizens, Israel is certainly not persecuting its own people. To have a right usually entails a corresponding duty. If I have a right to this book, this means you have the duty to not interfere with my use of the book. If a state has the right to exist, meaning the right to continue to exist, it would entail the main duty on the part of other states to preserve it, to ensure that it not be destroyed. Now I find this to be a somewhat bizarre conclusion. While it makes sense to claim that people have duties not to kill

each other, duties perhaps entailed by our rights to life, it sounds strange to claim that states have the duties to preserve other states as opposed to people or inhabitants of states. Now my intuitions about this might be off kilter, but if they are on the right track, they might indicate why states as such do not have any rights and why whatever so-called rights they have are entirely derivative from whatever rights their people have. But be that as it may, the more crucial idea is that it is clear that states do not have any duty to preserve illegitimate states. It is bizarre enough to claim that states have duties to preserve each other. But it goes beyond the bizarre - to the realm of the false, so to speak - to claim that states have duties to preserve illegitimate states. Surely no such duties exist. It then follows that illegitimate states have no rights to continued existence. But others have to do with its treatment of other people. States as such have no rights, and whatever rights they have derive from the rights of the people. Second, whether a state actually has the rights in question depends on the particular state and the extent to which it is treating its people well and not existing at the very expense of another people. With respect to the first claim, Israel presents no special difficulties. It is with respect to the second claim that difficulties arise. First, Israel came into existence at the expense of the Palestinians - from to roughly , it managed to ethnically cleanse over , Palestinians from their villages and lands, and has managed to almost completely destroy these villages. So its very genesis is morally dubious at best and illegitimate at worst. One might object that almost all states came about in immoral ways, and so we should not make an exception of Israel. But there is a simple reply to this: Its genesis aside, Israel defines itself as the Jewish state. In doing so, it recognizes only Jewishness as a nationality and excludes other non-Jewish identities - hence its obsession with maintaining the demographic Jewish majority of the country. First, Israel refuses to allow the return of the Palestinian refugees precisely because it deems doing so to be threatening to its Jewish character, understood in terms of Jewish numerical majority. Second, being a Jewish national of the state is not the same thing as being, say, a French national of France. If I were to immigrate to France and obtain French citizenship, I automatically become a French national. Not so with Israel. If I, a non-Jew, were to become an Israeli citizen, I would not thereby become a Jewish national not unless I convert. These concerns are three and can be described as external its treatment of the Palestinian refugees , internal its potential non-democratic practices that stem from its exclusionary nature , and internal-external its potential attitude towards potential Israeli citizens who are non-Jews. The point is not that Israel is not a legitimate state. It is, rather, more modest, namely, that no one, in light of these concerns, can simply assert, let alone assert with ease, that Israel has the right to exist. Whether it does depends on its legitimacy, and the above three concerns raise serious doubts about that. Were Israel to have its way, it would annex large swaths of the West Bank and, from what we can tell, it would also keep the Syrian Golan Heights, a territory currently, like the West Bank, under Israeli occupation. Such an action would not only be illegal under international law, but also immoral, if only in its subjection of people to control they do not want. But my concern is really the state: If not, then the country has no such right. This does not mean, of course, that it would be moral to treat its people badly, to kill, terrorize, or maim them, for example. Any right to that effect will derive from its legitimacy as a state. The conclusion is confirmed by the thought that if Israel is, by its very essence, a state that excludes other people who have rights against it, then other states surely do not have duties to preserve it. No state has the duty to preserve another state that is illegitimate which is not the same as having the duty to attack it; these are not the same duties. I will conclude with two final issues. But this is a far cry from recognizing its right to have these things. Second, it seems that from what I have said that it follows that two claims cannot both be true, namely, that Israel is the Jewish state and Israel has a right to exist. Such accusations, however, are dangerous, for they could, and many cases do, have the effect of shaming or cowering the accused speaker into silence. Sometimes this is not so bad. After all, such people are simply hurling epithets. Were they to be engaged in some semblance of rational argument, even if racist or, generally, bigoted, shutting them up is not good. It deprives us of the chance to convince them that they are wrong and possibly changing their minds, or at least the minds of a third party. And it deprives us, the ones arguing with them, of the chance of re-polishing the beliefs we take to be true by having these beliefs continuously challenged, even if by bigots. If we do not challenge our beliefs, they can become stale, and our holding them becomes a matter of rote. Mill had more to say on this issue, and I will return to another important point by him. But first, a few matters need to be

addressed. Note first that, depending on what we mean by "offensive," there could always be someone who will find something offensive. I and many others find people chewing with their mouths open annoying; some find certain colors to be so; others find perfumes to be annoying; and yet others find eating cheese to be so. The examples can be multiplied. If this is what we mean by "offensive," it is clear that accusing others of being offensive when they say or do certain things is a practice that should be eliminated, for then the accusation of offensiveness functions primarily to register or express the subjective annoyance of the accuser. And in that case, who really cares?

Chapter 3 : Philosophy: On Being Offended

Raja Halwani 23 June The right of return of Palestinian refugees is a legal and a political right. But it is also a moral one, explains Raja Halwani, associate professor of philosophy at the School of the Art Institute of Chicago, in this essay for The Electronic Intifada.

Amsterdam ; New York, N. Description Book " xix, p. Quinn, and Andy Wible: Preface Acknowledgments Patrick D. What Must a Bisexual Do? First Gays, Then Polygamists? Minorities and the Philosophical Marketplace David L. Responding to Hate Crimes Mark Chekola: Promiscuity and Sexual Temperance Bassam Romaya: Bloodworth-Lugo and Carmen R. What Do We Want? Is It a Choice? Sexual Orientation as Interpretation Allison B. More than Just Access to Our Partners: Celebrating the Career of Richard D. In Honor of Richard D. A Response to My Critics: A Response to Richard D. Beyond Tragedy to What? Walking in Our Heels? Media, Identity, and Pedagogy Carmen R. Lugo-Lugo and Mary K. The Bisexual Woman as an Inauthentic Lesbian: Catholics and Evangelical Protestants on Homoerotic Desire: Mill, Dignity, and Homosexuality James A. Nielsen Book Data The book is a collection of the presentations of the Society for Lesbian and Gay Philosophy from to The essays are organized historically, starting in Their topics cover virtually every philosophical field, and such that each is connected to gay and lesbian studies. Topics include how we are to understand sexual orientation, whether same-sex leads to polygamy, teaching gay studies to undergraduates, promiscuity and virtue, the "war on terror" and gay oppression, the rationality of coming out, the ethics of outing, connections between being gay and being happy, and last, but not least, dignity and being gay. Nielsen Book Data Online.

Chapter 4 : Raja Halwani, Racial Sexual desires - PhilPapers

The right of return entails the option for these refugees to permanently return to the sites of their original lands and villages. It is one of the most contentious aspects of the Israeli-Palestinian conflict and one of its defining aspects.

Wednesday, January 04, On Being Offended Without wishing to exaggerate, it seems that there are today common and prevalent conversation phrases that take one or more of the following forms: Such accusations, however, are dangerous, for they could, and many cases do, have the effect of shaming or cowering the accused speaker into silence. Sometimes this is not so bad. After all, such people are simply hurling epithets. Were they to be engaged in some semblance of rational argument, even if racist or, generally, bigoted, shutting them up is not good. It deprives us of the chance to convince them that they are wrong and possibly changing their minds, or at least the minds of a third party. And it deprives us, the ones arguing with them, of the chance of re-polishing the beliefs we take to be true by having these beliefs continuously challenged, even if by bigots. If we do not challenge our beliefs, they can become stale, and our holding them becomes a matter of rote. Mill had more to say on this issue, and I will return to another important point by him. But first, a few matters need to be addressed. Note first that, depending on what we mean by "offensive," there could always be someone who will find something offensive. I and many others find people chewing with their mouths open annoying; some find certain colors to be so; others find perfumes to be annoying; and yet others find eating cheese to be so. The examples can be multiplied. If this is what we mean by "offensive," it is clear that accusing others of being offensive when they say or do certain things is a practice that should be eliminated, for then the accusation of offensiveness functions primarily to register or express the subjective annoyance of the accuser. And in that case, who really cares? If I say to Rachel that I find her unrelenting habit of eating cheese to be offensive, then so what? Why should she or anyone else care? Accusing others of offensiveness really does nothing but express the spoiled attitude of the accuser. But it is likely that we mean more by accusing someone of being offensive than simply registering our annoyance with or dislike of what she says or does. It is likely that we are registering our view that what is being said or done is repulsive, abhorrent, or, minimally, wrong. These are not mere subjective reactions and accusations, by the way. They purport to say something more than that the accuser personally finds what is being said or done to be horrid; they try to impute an objective quality to what the accused has said or done, namely, that it is horrid, repulsive, abhorrent, or wrong. This point coheres with the typical cases in which people accuse others of being offensive. When some of us react to such observations with the retort that they are offensive, we clearly mean more than that we find them annoying or that we dislike them; we mean to say that they are, at minimum, wrong, and maybe even viciously so, expressing not only a weak grasp of the facts, but a measure of idiocy that is hard to fathom. Of course, the observations in the above examples are wrong. But the issue is whether the reaction of finding them offensive is the proper sort of reaction. My concern is the effect such tactics have. Most interesting is the fact that such silencing is successful mostly in those cases when the opinion offered and then the speaker silenced is not popular. The reason why this works is obvious: For example, I am able to silence John with the accusation of offensiveness when John claims that Arabs are backward people precisely, though not wholly, because John is aware that his opinion is in the minority which does not require - obviously - that John literally be outnumbered by other people present at my shaming him. It is also not necessary for such shaming or silencing to work that the opinion of the silenced person be false: What is crucial is, as mentioned, that the opinion be in the minority. This is important because we do not want minority opinions to be silenced, and we should not have them be silenced; if accusations of offensiveness silence them, then such accusations need to go. We should quit the habit. They should be replaced by other reactions, such as, "And please tell us why you think so," and "Could you please support that claim? Moreover, minority opinions are, clearly, not always wrong or bigoted. If the true ones are silenced, we all stand to lose by this. Unless we all wish to keep our heads in the sand, we need to continuously test our own beliefs and opinions. Having them clash with minority ones can only do us good. Accusing them of offensiveness and silencing them can only do us bad. Indeed, if accusations of offensiveness are a form of invective, then we truly treat minority opinions unjustly. This is

connected to one crucial point Mill makes in "On Liberty" Chapter II, paragraph 44 , namely, that it is often those whose opinions are part of the majority ones that rely on invective to silence their interlocutors. Indeed, those whose opinions are in the minority, according to Mill, often cannot afford to rely on invective, for the only chance they often have to receive a proper "hearing" is to present themselves in a "studied moderation of language and the most cautious avoidance of unnecessary offence, from which they hardly ever deviate even in a slight degree without losing ground. After all, this is why we have free speech and this is what good, solid democracies are built upon.

Chapter 5 : Raja Halwani, Sexual Ethics - PhilPapers

The right to return has a solid foundation in international law. Article 13(2) of the Universal Declaration of Human Rights (UDHR) states, "Everyone has the right to leave any country, including his own, and to return to his country".

Chapter 6 : "The Just Solution to the Israeli-Palestinian Conflict" - News - Hamilton College

On Israel's Right to Exist With the recent election of Hamas and its formation of a new Palestinian government, a few world bodies, notably the United States, the European Union, and Israel, have refused to deal with it unless it met certain demands: to renounce violence, abide by previous agreements with Israel, and recognize Israel - or, as it is also put - to recognize Israel's right to exist.

Chapter 7 : The Israeli-Palestinian Conflict - Raja Halwani, Tomis Kapitan - Bok () | Bokus

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Chapter 9 : The Israeli-Palestinian Conflict (ebook) by R. Halwani |

While Halwani was a strong advocate of right of return, he was also quick to point out that he believes only a small percentage of the refugees would want to return to the state of Israel, and that most would rather relocate to the West Bank or the Gaza Strip.