



## **Episode 739: Libertarians Debate Creation of Israel: Compatible with Libertarian Ideas?**

**Guest: Rafi Farber and Jeremy Hammond**

**WOODS:** All right, here we go. Now, we are about to debate a very contentious topic, but we're going to do so in a civil way, and we're going to blaze a trail here on the show. We're going to show the world how this is done. The resolution we are debating is as follows: Israel was founded on the basis of legitimate homesteading of land and reclamation of lost Jewish property from previous generations of Jews. Arguing in the affirmative is Rafi Farber, and arguing in the negative is Jeremy Hammond. I've introduced both of these gentlemen to you already, and the way this will work is I've got a stopwatch running in the background; I'm going to give both of our debaters a rough estimate of the time they should be taking for each answer, but unless somebody is wildly off from the time I'm just going to try to let this flow as naturally as possible. Now, it's customary for the person arguing in the affirmative to go first, and since Rafi is arguing in the affirmative he will give his opening statement first, and I've told each of them they have about ten minutes. They don't have to take all of that, but try not to go beyond that. Ten minutes to set the stage and explain the outlines of their arguments. So Rafi, take it away.

**FARBER:** Okay, so my argument is a praxiological deductive argument for the legitimacy of the Jewish state of Israel as a Jewish state. I myself am not a minarchist; I'm an anarchist, so I agree with Jeremy that no state has legitimacy as a state, but if you're a minarchist then having a monopoly over the Israeli army and courts, etc., is legitimate, just as any other minarchist state would be legitimate if we're going that way. So let's go that way.

So here's the praxiological argument: I would assume Jeremy's argument is similar, the basis of Jeremy's argument that Israel is illegitimate is that there were indigenous Palestinians there — let's call them Muslim and Christian Palestinians — who lived in Palestine, and then the Jews came in in 1948 or before that, you know; they stole land and kicked Arabs out of their villages — not Arabs; let's call them Palestinians, Christian and Muslim Palestinians. And this land is stolen and has to be returned, so all people who call themselves Palestinians deserve their stolen land back. And there's no statute of limitations on that. So there's a right of return for all Palestinians.

And for example, if there was a village that signed a peace treaty in 1948 with the Israeli Jewish presence there and that treaty was violated — for example, in Deir Yassin, and the village was overrun and conquered and turned into a neighborhood

called Har Nof in Yerushalayim, in Jerusalem — sorry, I'm going to say things in the Hebrew way because it's just my habit, but I'll translate if I do that. Then that goes back to Jeremy — sorry, that goes back to the Palestinians.

And he says all Palestinians that claim to be Palestinians, or almost all of them, are indigenous to Palestine. Okay, so that's his argument. I assume he agrees, and I will concede entirely. They are all indigenous; they were all here before the Jews came back, and they deserve all the land back that was stolen from them, wherever it was. I'm not a historian; I don't know exactly history of the war, but I'm sure Jeremy knows it more than me. And all that comes back, right of return, 100%.

Now, where does that leave? So you take Christian and Muslim Palestinians, right? So all Christians and all Muslims on the entire planet come from some other religion. They are all converts. There's no person who was born Christian or born Muslim without having been converted at some point in the past. Now, the question is if all Palestinians are indigenous to Palestine, that means they were there before they were converted to Christianity or Islam. That means they are also here — I'm saying "here" because I mean Israel right now — before it was even called Palestine. Because before it was called Palestine it was called Judea. And Judea is where the name "Jews" comes from, because we're from Judea; that's why we're Jews, because we're from the tribe of Judah.

Now, if the Palestinians were here before it was called Palestine and it was in Judea, then that means they must have converted from Jews. They must all be Jews if they are indigenous, because if they are not Jews they can't be indigenous, because during the Roman times, during the Roman Empire at the turn of the Common Era during Yeshua's time — or you call him Jesus — the vast, vast majority of Israel or Judea was Jews. So therefore the Palestinians are all Jews, assuming they are indigenous.

Now, if they are indigenous they have a right of return. The only difference between me as a Jew and them as Muslim and Christian Palestinians is that I never converted to Christianity or Islam. I remain Jewish. You know, there were a lot of forced conversions when Islam came to Palestine, and maybe some of the Palestinians voluntarily converted; it's fine, doesn't matter to me. They still get a right of return. But they're all Jews.

So how many Jews were there? I mean, according to Roman historian Tacitus, who lived in 56 to 120 CE — you call it AD; I call it CE — there were about 600,000 Jews in Jerusalem. And Josephus says there were about 1.1 million Jews murdered in the first Jewish revolt against the Roman Empire, around 70 when the Temple was destroyed. So also there were about 100,000 Jews sold into slavery, according to him and according to Cassius Dio, and they were used to build the Coliseum, which I'll get to later.

Now, about 66 years after that there was another Jewish revolt, and 580,000 were killed. That was the Bar Kokhba revolt, when the second Jewish revolt almost took down the entire Roman Empire. A third of the Roman Empire was spent fighting the Jews in Judea, and the general was even called over from the end of the known earth in Britain to lead the campaign, and soldiers were brought from the Danube river. So

there was a vast, vast majority of Jews, and they were all indigenous, and again, therefore, all Palestinian Muslims and Christians are at root Jews.

So if they're indigenous, therefore they are Jews. They must be, because they can't be anything else, because we were the last indigenous people there. Then, therefore, the Muslims – sorry, I propose a name change, nomenclature; we're going to clear up – this is just how I will call them for the sake of my argument. I'm going to call the Palestinians Christian and Muslim Judeans. So there's Jewish Judeans and there's Christian and Muslim Judeans, and they all have a right of return. The Jewish Judeans have a right of return because we have a very clear cultural memory and customs of repeating our claim to Judea, Israel, Palestine, whatever the name is. We repeat this claim three times a day for religion, and every time we eat bread or grain or fruit or wine we – every single time, we always go back to this claim that this is our homeland, and it was stolen from us, and we want it back.

And most people don't even realize this, but we specifically mention the Fall of Betar, which is the last battle; it's like the Waterloo of our last chance at sovereignty. And we mention the loss of that battle and the supposed miracles, and the miracles were – and this is in the Talmud; it might not be historical, but it's Jewish way of keeping the memory alive. The miracles that happened in Betar was that the dead bodies in the battle didn't rot, and God gave the bodies the ability to be buried. And I mention that every grace after meals, that defeat. So if you want any advice on how to keep sovereignty alive or a national identity, mention the last battle every time you eat, and it will stay in your head.

So what this really is, it's a Jewish civil war between Jewish Judeans and Christian and Muslim Judeans who converted out. Now, if they're not indigenous, if they're not stemming from Jews, therefore they are not indigenous, therefore they have to leave, because they are on stolen land. In the 650 years that Jews were here, we homesteaded much of it, and it was stolen from us by the Roman state.

So what happened in 1948? A bunch of Jordanians and Syrians and Egyptians who have nothing to do with, you know, Christian and Muslim Judeans – they're Jordanians and Syrians – maybe some of them do, but most of them are foreigners. They're coming in, and they're trying to kill the Judeans, whether it's Jewish ones or Muslim and Christian ones. And the Jewish ones, they force them out. Okay, good, I don't want to be attacked anymore. Now, in the course of that there was some theft, and that all should be returned; I agree.

Now, let's see here. Okay, so we have the problem here that, let's say the Christian or Muslim Judeans, let's say they hate the Jewish ones. Then what happens, we ask them, okay, are you descended from Jews? And they say, no, al-Yahud, and maybe he's scared that if he admits that he's descended from Jews, then he'll be killed by his leadership. And it sounds like I'm saying this tongue-in-cheek, but there's a lot of evidence for this, and I'll put the links on the website: the fact that indigenous Palestinians, and I'm sure there are a lot of them, and Jews have genetic links. I mean, mitochondrial DNA and Y-chromosomes, and we're originally from the same place because these people are Jewish and they deserve their land. But if that's true, all Jews on the planet get the right of return also.

Now, here's the possible arguments against this thesis. First of all, it might be that Jews in the Judean period never existed. If that's true that's absurd, because the entire Christian Bible would be based on absolutely nothing, let alone the stories of Jesus. Everybody agrees that Jews were the majority, the vast, vast majority, and there's Judaea Capta coins, Bar Kokhba's revolt against the Roman state, and all these – the history is there. It's indisputable.

The other possible argument against this is that the Jews of today are not the heirs of 2000 years ago. Maybe, okay? Maybe I'm a Khazar. Maybe I'm just pretending to be – but I'm offering the world right now my DNA. Test it, compare it with people in the Khazar – this should be done by impartial biologists who have nothing to do with the Judeo-Christian tradition. Maybe Koreans or Japanese or something that have nothing to do with this whole argument. And they'll test it, and we'll figure out in a private court who's the Jew and who's not, and anyone who has no Jewish links in his DNA and no land titles or anything, they have to leave. Okay, fine, but most of them are indigenous. If all of them are indigenous, that's fine too. And besides that, I already mentioned my cultural claims.

The other one is what Christians use a lot, that God rejected the Jews or something, so they lose all their claims because they're no longer the chosen people. But that's not praxiologically demonstrable. You can't use that argument if you can't prove it.

So if we go into possible practical solutions to this whole conflict based on this praxiological necessity that they must be Jews, they must be originated from Jews or they're not indigenous, therefore they're on stolen land, there's 14 million Jews on the planet, there's about 12 million Palestinians according to the PA. If I'm going to take their numbers at their word, fine. Now, let's say 8 of the 12 million admit and prove Jewish ancestry, and so 4 million of them are not. I'm going them two-thirds, but if it's 12 million it's fine.

Okay, so there's 27 million dunams of land in Israel, plus the Palestinian territories – or the Muslim and Christian Judean territories, whatever you want to call them. So we divide that equally up by shares, and then you can buy and sell that on the market. And what will end up happening is that the Jewish Judeans who can prove they're also Jewish ancestry will probably buy all of it up, and it'll be a Jewish majority.

But that's a bit complicated, so here's something more simple. So the Coliseum was built by Jewish slave labor according to Roman historians. Okay, so that goes back to Jews. The Jews, both Muslim and Christian Judeans and Jewish Judeans, should have a right to that Coliseum, because we were forced to build it after the destruction of the Temple by slave labor. So personally I don't want that. I don't want the Coliseum; I don't want anything to do with Rome. I don't even want to step in Rome. I hate Rome. When I see the Arch of Titus all I want to do is destroy it, and when I see the Coliseum all I want to do is also grind it into dust and throw it into the Adriatic Sea, because I really resent the whole building.

But I'm sure that the Muslim and Christian Judeans, whom we call Palestinians, wouldn't mind having the Coliseum and the rest of Rome. So Italy should give them Rome, and also we should give back any land that was stolen from them, and Italy can help out and bring some of the Muslim and Christian Judeans back to Rome if they

want. They can have it as part of a punitive agreement. And also, the last thing you should do is put George Soros and Sheldon Adelson and Mort Zuckerman and all the Jewish billionaires in a room, lock them there together until they come up with about \$650 billion, which would be \$500,000 for every Palestinian head of family, assuming there's — I did the numbers. It's like, let's say 12 million divided by 6 if the average family is 6 people. They get that \$500,000 to buy up all the homesteaded properties so there's no question of who it belongs to, and then it all goes to Jews, and the conflict is solved. That's it.

**WOODS:** All right, so let's see. 12 minutes, 53 seconds, I clocked that in that. I consider that to be more or less within the range, so Jeremy if you'd like to take that time, feel free to do so starting now.

**HAMMOND:** Sure. Couple of points I want to touch on based on his comments just now. First of all, the resolution. There's two parts to it. One is that Israel was founded on the basis of legitimate homesteading of land; the second part is based on the reclamation of lost Jewish property from previous generations of Jews. So let's go ahead and look at that second part. He's claiming that Jews have a right of return to Palestine, to Israel, based on a 2,000-year-old claim. And the land was stolen by the Romans of course, and we all can see this; there's no argument there.

So I would just like to look — I'm actually not going to present an argument. What I'm going to do is quote from his own paper, and I'm quoting from the paper by Walter Block, Alan Futerman, and Rafi Farber, "The Legal Status of the State of Israel: A Libertarian Approach."

So here's what they have to say in a footnote: "But are there no statutes of limitation? Surely, two millennia and counting would more than qualify for any statute of limitations. There is such a thing, for the libertarian, as a 'natural' statute of limitations: the further back ones goes into the past, the more difficult it is to encounter any relevant evidence. Since the burden of proof always rests with he who wishes to overturn extant property rights, mere passage of time can serve as a natural limitation."

And I would submit that this is the case. I agree with that. And as the American Crane Commission put it, "The claim of the Zionists that they have a right to Palestine based on occupation of 2,000 years ago can hardly be seriously considered," and I also agree with that.

Further, in the paper, Block et al write, "First of all, possession is nine-tenths of the law. He who now possesses the land is presumed to be the rightful owner of it. It is up to the one who wants the territory, but does not now occupy it, to make the case for the transfer." And we're looking at the Mandate period and pre-1948 Arabs were a majority. They owned most of the land — well, I should say that they owned more land in every single district than Jews, including in Jaffa, which include Tel Aviv, which is the main Jewish population center.

Further, they write, "We readily admit that there is no single Jew who can trace his ownership rights over any specific piece of land from 2000 years ago. And this, indeed, would be the criterion for transfer of land titles if we were discussing individual

rights. But we are not now doing so. Instead, we are discussing tribes, not individuals. Why are we departing from strict libertarian principles at this point?"

And they go on to write that they aren't. But I submit that they are, because, in fact, earlier in the paper they criticize — the point of the paper actually is — this is a little bit of context about the paper that they wrote, which was published in a peer-reviewed journal. It was a rejoinder to Murray Rothbard's paper — what was it called? Murray Rothbard had written a paper, basically outlining his argument that the state of Israel was illegitimately created and established through the ethnic cleansing of the Arab population. And so Rafi's paper is arguing against that.

And one thing that they do in their argument is they accuse Rothbard of adopting a collectivist approach. And so they write, "To say that an entire terrain" — meaning Palestine — "is occupied (and also talking about 'Arab land') — quoting from Rothbard — " is an expression of unwarranted collectivism." And they reject that. In fact, Rothbard did not write "Arab land"; he wrote "Arab lands," plural, so in fact that's a straw man argument. But they continue in that line of reasoning, and they write, "It is difficult to see why Rothbard would prefer a collectivist national concept as a justification for land ownership such as 'Arab land' rather than concrete homesteading of land and purchase." Well, in fact, Rothbard doesn't apply a collectivist approach. He's Mr. Libertarian, and he stuck to his libertarian principles. In fact, he was referring to homesteading and land purchase.

And so based on their own concessions here, we can pretty much conclude that the claim that Jews have a right to the land based on the claim of 2,000 years ago is a departure from libertarian principles, and therefore it's necessary to look at what occurred in 1948 and the period before the existence of Israel, or the modern Israel, I should say, because there was once a Kingdom of Israel, so we should draw a distinction there.

So was Israel founded on the basis of legitimate homesteading of land? Well, there was land purchases, the Zionist movement, which began in the last 1800s, and a policy of Jewish immigration to Palestine to settle Palestine with the goal of establishing there a Jewish state. And they started out by doing that. Their approach was to try to buy up as much land as they could. But by the end of the Mandate period they had only managed to purchase about 7% of the land in Palestine, and the rest of the — about 71% of the land that became Israel was conquered. And Israel was established not through legitimate homesteading of land, but through the ethnic cleansing of 700,000 Arabs from Palestine. And this is how Israel was established.

Rafi mentions — he kind of identifies the root problem of the conflict as, like, inherent Arab hatred of Jews. In fact, they write in their paper that this is the root problem. "[T]he real cause of conflict" they say: "Arab leadership opposition, shared by much of the Arab population, to any Jewish presence in the land, with or without a state." And they go on in this line of reasoning.

They cite, for example, the massacre in Hebron in 1921, massacre of Jews by Arabs. Also earlier than that in April 1920. And then they quote here from a source, "Savage attacks were made by Arab rioters in Jerusalem on Jewish lives and property. Five Jews were killed and 211 injured...1st May, 1921. Arabs of Jaffa murderously attacked

Jewish inhabitants of the town and Arab raids were made on five Jewish rural settlements; the disorders were suppressed by the police and military forces. Forty-seven Jews were killed and 146 wounded, mostly by Arabs, and 48 Arabs were killed and 73 wounded, mostly by police and military action."

So there were these earlier events, 1920, 1921, 1929, of Arab attacks on Jews, and this they cite as proof that Arabs just didn't like Jews, hated them, and didn't want them living in Palestine at all. Now, their source for that is page 17 of the Survey of Palestine. So we can turn to page 17 of the Survey of Palestine, which was prepared for the Anglo-American Committee of Inquiry of 1946. And we turn right to that page, and they actually list the reasons for those outbreaks.

So for example, for 1920, the reasons for those outbreaks were as follows, "It was reported by a military commission of inquiry that the reasons for this trouble were Arab disappointment at the nonfulfillment of the promises of independence, which they claim had been given to them during the war" — and of course this is a partly British commission, so they say "claimed promises." They were promised their independence. They're not claiming that; that was the fact. And the second part of this: "Arab belief that the Balfour Declaration implied a denial of the right of self-determination, and their fear that the establishment of a national home would mean a great increase in Jewish immigration and would lead to their economic and political subjection to the Jews."

So it wasn't an inherent hatred of Jews; it was their fears that what the Zionist project was attempting to accomplish, which was a Jewish state, would disenfranchise them, would prejudice their rights, and would result in their displacement. And of course this was not just merely a perception; it was an accurate perception, because this is indeed what the Zionists sought to accomplish with the help of the West, the British and the US, chiefly with the help of the British, and we can look at that a bit later as well.

So turning to the 1921 riots, a commission of inquiry headed by Chief Justice Sir Thomas Haycraft, the Haycraft Commission, reported in October 1921. "They maintained that the root of the trouble lay in Arab fear of the consequences of a steady increase of Jewish immigration. The Arabs regarded Jewish immigration not only as an ultimate means of Arab political and economic subjection but also as an immediate cause of Arab unemployment. The commission found that Arabs were aware that Jewish predominance was envisaged not only by extremists but also by the responsible representatives of Zionism." And this project was of course supported by the British.

They also concluded, the Haycraft Commission: "There is no inherent anti-Semitism in the country, racial or religious. We are credibly assured by educated Arabs that they would welcome the arrival of well-to-do and able Jews who could help to develop the country to their advantage of all sections of the community." And in fact, there was cooperation in a number of the settlements.

And the Haycraft Commission also cites an example of how the Jewish National Fund and the Jewish Agency, which were agencies of the Zionist organizations, they talked about the difference between Zionist settlements and non-Zionist settlements. And so

the Haycraft Commission, again quoting, they write, "The Zionist Commission put strong pressure upon a large Jewish landowner of Rishon LeZion to employ Jewish labor in place of the Arabs, who had been employed on his farm since he was a boy. The farmer, we were told, yielded to this pressure with reluctance, firstly because the substitution of Jewish for Arab labor would alienate the Arabs; secondly because the pay demanded by the Jewish laborers and the short hours during which they would consent to work would make it impossible for him to run his farm at a profit."

And the commission also asked the chairman of the Zionist Commission his views of the situation, and they write, "He was perfectly frank in expressing his view of the Zionist ideal. In his opinion, there can only be one national home in Palestine, and that a Jewish one, and no equality in a partnership between Jews and Arabs, but a Jewish predominance as soon as the numbers of that race are sufficiently increased."

For the 1929 massacre, the Report of the Commission on the Palestine Disturbances of August 1929, otherwise known as the Shaw Commission, concluded: "In less than ten years years three serious attacks have been made by Arabs on Jews. For eighty years before the first of these attacks there is no recorded instance of any similar incidents. It is obvious then that the relations between the two races during the past decade must have differed in some material respect from those which previously obtained. Of this we found ample evidence. The reports of the Military Court and the local commission which, in 1920 and 1921 respectively inquired into the disturbances of those years, drew attention to the change in the attitude of the Arab population toward the Jews in Palestine. This was borne out by the evidence tendered during our enquiry when representatives of all parties told us that before the War the Jews and Arabs lived side by side if not in amity, at least with tolerance, a quality which to-day is almost unknown in Palestine."

In fact, the constitution of the Jewish Agency for Palestine signed in Zurich August 14th, 1920 stated as follows: "Land is to be acquired as Jewish property, and subject to the provisions of Article Ten of this agreement the title to the lands acquired is to be taken in the name of the Jewish National Fund, or the JNF, to the end of that same shall be held as the inalienable property of the Jewish people. The Agency shall promote agricultural colonization based on Jewish labor, and in all works or undertakings carried out further by the Agency it shall be deemed to be a matter of principle that Jewish labor shall be employed."

**WOODS:** Jeremy, I would start wrapping up at this point, please.

**HAMMOND:** Mm hmm, okay. One last point. So in the Hope-Simpson Report, the Report on Immigration, Land Settlement, and Development of 1930, they point out that this policy of the JNF results in as follows: "Actually the result of land purchased in Palestine by the Jewish National Fund has been that the land has been extraterritorialized. It ceases to be land from which the Arab can gain any advantage, either now or at any time in the future. Not only can he never hope to lease or to cultivate it, but by the stringent provisions of the lease of the Jewish National Fund, he is deprived forever from employment on that land." And in fact, this kind of settlement did result in the displacement of Arabs. And another body of settlements was the Palestine Jewish Colonization Association, and the Hope-Simpson Report also pointed out that in the PICA colonies there was cooperation, and Arabs were allowed



to remain and were employed on the land, and there was a difference in relations between Arabs and Jews in the PICA colonies and Arabs and Jews in the JNF colonies.

And so the point being that the idea that the root problem was just inherent hatred of Jews is false. It was the resentment toward the Zionist project and the goal of establishing a Jewish state at the cost of infringing on their rights that was the root cause of the problem – as well as the rejection of their self-determination.

**WOODS:** All right, thank you, Jeremy. Now what we do is, I'm going to give each of you – and again, I want to be flexible here. I'll say – well, let's try to keep it to a five-minute rebuttal, and this I'm going to be a little bit tougher on. A five-minute rebuttal for each of you. And then you'll each get an opportunity to ask the other a question, and we'll do that twice, and then we'll wrap up. So Rafi, go ahead with your rebuttal, and then Jeremy will get his rebuttal.

**FARBER:** Yeah, okay, my rebuttal is most of what he said is irrelevant to what I was saying. A bunch of injustices happened back then. The only thing that is substantive to what I was saying is the statute of limitations. Now, I would agree that a statute of limitations is a good general guideline for ignoring claims, because the vast majority of people in the world cannot draw any claims past 2,000 years – except Jews. We can. Why can we? Because we have a very strong cultural memory of repeated customs and genetic evidence. And besides that, we have obvious, obvious homesteading evidence.

But before I get into what the obvious homesteading evidence is, you said possession is nine-tenths of the law. I agree possession is nine-tenths of the law. All of the indigenous Palestinians, which must be Jews, stay in Palestine. Nobody touches them; nobody bothers them, and if any Jewish Judean bothered them in 1948 or before, then they get their land back. Okay, I concede you're right. Fine.

But you see, statute of limitations, there can't be any natural law number for what a statute of limitations is. Libertarianism is based on natural law or the idea that men have freedom – men, women, whatever – have freedom, liberty to do what they want. The nonaggression principle. But you can't say, oh, natural law says 2,000 years is the limitation. It's a good general guideline, except when you have all the evidence that I have or that Jews have in general.

Now, what's the obvious homesteading evidence? And nothing – I don't want anything transferred, except for two things. Two things I want transferred, and I want it transferred, like, now, because I really want them. The first is the Temple Mount, Har HaBáyit. Muslims or Muslim Judeans or whatever you want to call them call it Haram esh-Sharif. There's very big confusion about that. Well, obviously the whole platform was built by Herod by donations or taxes from Jewish taxpayers or donors to build the place. It's in Josephus. And it was built by Jewish priests or kohanim. So the kohanim have markers of their genes that they built the place, and I want it back, because the contract was when you built that place that it's going to be used as a Jewish temple.

Now, I don't have a problem with a mosque on there. The al-Aqsa mosque is nowhere near where the Bet HaMikdash was, where the Jewish Temple was. The Jewish Temple

was where the Dome of the Rock was, so that I want moved. The al-Aqsa mosque can stay there, and Muslims are welcome to worship there as long as I'm welcome to worship there too however I want. But the property goes to all the Jews, including the Muslims, and the majority shareholders get control of it just like any corporation.

The other thing that I want transferred by shares to all the Judeans, the Muslims and the Christians and the Jews, is the Cave of the Patriarchs. That's in Hebron. That was also obviously built on by Herod, which is donated by taxpayers or donors to build the place, to renovate it. And it's ours — Jews — Abraham, Isaac, and Jacob are buried there. I don't know if they're actually buried there, but the tradition is they're buried there, and Jews like to pray there and Muslims like to pray there, so let's all pray there together and privatize the area in shares and I want it. Everything else stays where it is, and that's fine.

Now, there was something, Jeremy said something about landownership; there was a bunch of landownership. So I saw on his site — I'll send the link to the Tom Woods page that all the linked resources are going to be. So it says, "Table 2: Ownership of Land in Palestine, Share of Jews and Arabs (including other non-Jews), as at 1st April, 1943." Now, there's these categories there. I'll put the picture on the website. There's Urban, Citrus, Bananas, Rural built-on area, Plantations, Cereal land (taxable), Cereal land (not taxable), and Uncultivable. So the total of Arabs and other non-Jewish ownership is 24,670,455 dunams. And the Jews have only 1 million, so it's 24 million to 1 million, Arabs to Jews.

But he doesn't show you that the table says that 16,925,805 dunams of this 24.6 million, 70%, is categorized as uncultivable. That cannot be owned. Like, Jeremy is attributing all of this landownership and quoting all these commissions by statisticians, so I don't know what they said; I don't trust any of them or the UN or any of these commissions that were sent in. It's all irrelevant to me, because everybody stays. But you can't own uncultivable land or use that as part of your argument, because it's just owned by fiat or by what the government of the time says. That's not libertarian. That has nothing to do with it — is my time up?

**WOODS:** I was going to let you — yeah, you have about another minute if you'd like to use it.

**FARBER:** Oh okay. So he talks about ethnic cleansing. So maybe there was ethnic — he says that was the goal. I mean, this is all irrelevant to my argument, but I'm just arguing the historical perspective anyway. Let's say the goal of the Zionist enterprise was the ethnically cleanse all the other non-Jews there. So first of all we have the evidence of the Declaration of the State of Israel where Ben-Gurion explicitly says, "We appeal — in the very midst of the onslaught launched against us for months now — to the Arab inhabitants of the State of Israel to preserve peace and participate in the upbuilding of the State on the basis of full and equal citizenship and due representation in all its provisional and permanent institutions." And, "We extend our hand to all neighboring state," etc., etc.

Now, maybe Ben-Gurion was lying, because he was a head of state and he was a bad person, and I agree with that, and maybe he was trying to trap all the Arabs in the state of Israel so he could kill them later. Maybe. That's certainly possible. But there's

a problem, because there are no Jews in any other Arab state in any significant population, because they were all expelled from every single Arab state in 1948 with their properties confiscated. Maybe some of them left voluntarily, but most of them were expelled. Now, if we wanted to ethnically cleanse all of the non-Jews, wouldn't we have done so after 1967? Everyone was cheering us on to win this war, and Rothbard mentions it in the article: wow, they're cheering; how could they be cheering? That's warmongering. But they were cheering. Everyone was for it. Everyone liked the Jews' victory — for good or for bad. I'm not judging that. I don't need anybody's cheerleading.

But we could have just expelled everybody and really ethnically cleansed the area. There would be zero non-Jewish Judeans there. And that didn't happen, so you're calling the only Middle Eastern country with an equal representation in terms of population of Jews and non-Jews — it's Israel. The rest are ethnically cleansed, but the ethnically cleansing you're telling me is Israel. It doesn't make any sense based on what I can actually see.

**WOODS:** Okay, Jeremy, time for your five minutes.

**HAMMOND:** Okay, well, he described what I discussed about the pre-1948 period as irrelevant, but it's only irrelevant assuming the legitimacy of the argument that Jews have a right to Palestine based on the claim of 2,000 years ago, and I think I've already shown from their own paper that that claim can't really be taken seriously and is a departure from libertarian principles.

And there's no "if" when it comes to ethnic cleansing of Palestine. Israel was established through the ethnic cleansing of most of the Arab population. This is not a hypothetical. It's not an "if." He says, well, if this is what the Zionists, the Jews wanted, they could have done so in 1967. Well, I would submit that that wasn't politically feasible, although there was additional expulsions in 1967, just as there was in 1948. He quote David Ben-Gurion expressing benevolent intent, but I can quote some other quotes from Ben-Gurion showing that he didn't have quite such benevolent intent.

So for example, June 1938 he said, "My approach to the solution of the question of the Arabs and the Jewish state is their transfer to Arab countries." He told the Jewish Agency executive, "I am for compulsory transfer. I do not see anything immoral in compulsory transfers" — his euphemism for ethnic cleansing. And you know, there are similar quotes from other Arab leaders. Ben-Gurion said, "It is better to expel them than for Arabs to become citizens of the proposed Jewish state."

And in fact, during the 1948 war, on March 10th, 1948, the Jewish leadership under David Ben-Gurion adopted what they called Plan D, which was essentially the outline for how their operations were going to be carried forward from that point forward, and it effectively made official policies that had already been implemented. So brigade commanders were to use their own discretion in mounting operations against what they called enemy population centers, meaning Arab villages, by choosing between the following options:

"Destruction of villages (setting fire to, blowing up, and planting mines in the debris), especially those population centers which are difficult to control continuously.

"Mounting search and control operations according to the following guidelines: encirclement of the village and conducting a search inside it. In the event of resistance, the armed force must be destroyed and the population must be expelled outside the borders of the state."

So this idea that — Rafi uses the word "if" — there was an intent to ethnically cleanse, then such and such would happen, well, this is just a fallacy. There is no "if." We know Palestine was ethnically cleansed. And he's kind of saying this is irrelevant, and in fact in the paper, they explicitly argue that — although they deny the ethnic cleansing in their paper, they explicitly say that even if that was how Israel was established, it would still be legitimate based on the claim of 2,000 years ago. And I would submit that that's not legitimate, and I would submit that that's completely incompatible with the nonaggression principle that libertarians adhere to. And I don't see any way to reconcile this attempt at justification for ethnic cleansing with libertarianism and its fundamental principles.

**WOODS:** Okay, Jeremy, your statement is finished?

**HAMMOND:** Yes.

**WOODS:** Okay, so now what we're going to do is the fun question-and-answer period. Rafi, you get to ask Jeremy a question, and Jeremy, I would ask you to keep your answer to between two and three minutes, just in the interest of time.

**FARBER:** Okay, Jeremy, I'm going to try to take us out of this arguing what happened in history and try to come up with some kind of resolution. My question is what do you think of my resolution for this: let's get all of the Jewish billionaires in a room and have them come up with as much money as they can to give every non-Jewish family on Palestine half a million dollars to leave with Canada or Europe or whatever taking all the people, and they have \$500,000 in their pocket, and end of story? There's already polls that were done in the 2005, 2006 in An-Najah University in Schechem, I think, or you call it Nablus — that most of the non-Jewish Palestinians want to leave. So if they want to leave, can we pay them to get out and end the conflict? What do you think of that? Is that okay?

**HAMMOND:** Sure, if that's what they would like to do. However on the other hand, those Palestinians that would wish to exercise their right to return to their homeland ought to be able to do that.

**FARBER:** Yes, of course, I agree.

**HAMMOND:** So both — okay.

**WOODS:** All right, well, that was a quick one. Jeremy, now you can ask Rafi a question.

**HAMMOND:** Sure. You mention at the beginning, you conceded that Palestinians did have land stolen from them, and they deserve that land back. I'm curious, however, how you kind of define that, or which land are you referring to as land that was stolen, because this just isn't clear to me. You've referred to the West Bank as, you know, Samaria and Judea, and this is kind of the Zionist way of expressing the view that the West Bank belongs to Israel, so I'm just kind of unclear on what land you think was stolen from them, again, with reference to the 7% that was legally acquired before the establishment of Israel. So which land are you referring to that was stolen? How do you define that?

**FARBER:** Okay, I would define that as any clearly homesteaded land. And I wouldn't say, like, you build a fence around some area and say, oh, that's fine, or definitely in this table it says uncultivable land is 16.9 dunams. None of that is stolen. I would say also I don't call Judea and Samaria Judea and Samaria because I'm trying to be apologist for the government of Israel. I hate the government of Israel. I want them to go away. I don't like them, okay? The interest of any government, whether it's the PA or Israel, is to always perpetuate conflict because the only reason to solve conflict would be if you're concerned about your capital stock, because you want to end conflict so you can build capital. But governments don't need to build capital, because they can just steal it. So I'm not an apologist for the Israeli government; believe me. I probably hate them more than you.

Now, as for what you call the West Bank, but I call it Judea and Samaria because it's my history, because it's called Judea, because that is my history. I mean, it's not like something I just made up. I say it meaning my cultural links to this are as strong as a rock. I cry over these things, and I pray to God every single day. Like, nobody but Jews have — ask me about the Jewish leadership of that period of time. I know their names. I know their positions. I know what they wore. I know what kind of shoes they wore. I know what they said. I know so much about them, and I feel like I know them, and I can talk with them in their original language. All of this, this statute of limitations, it doesn't apply to here because I have such a strong claim, and so do all other Jews.

Now about the West Bank, un-homesteaded land in the West Bank or Judea and Samaria doesn't belong to anybody. I used to live in Samaria. I lived in a place called Karnei Shomron. I don't live there anymore; I moved last month. I live in the Golan now. If you want to give that back to somebody — who are you going to give it to; ISIS? I don't think you want that. You'd rather have Jews here than them. So the un-homesteaded land in the West Bank doesn't belong to anybody, so Jewish settlements that exist there are totally legitimate. Yes, the occupation should end. There should be no government army of either kind in the West Bank, and there should be private police, or if you're a minarchist government police shared by Palestinians and Jews — whatever.

I don't know exactly what it should be, but whenever there was a treaty in 1948 between an Arab village and the Israeli government, or the baby Jewish government or whatever it was, that was violated, and these Arab villages were invaded, and they weren't evacuated on their own, and they weren't shooting at Jewish settlements, then if Etzel or Lehi or whatever was comprised of the IDF back then invaded it and killed people and took the land, yes, that is non-Jewish Palestinian land or Muslim/Christian Judean land, and it should be returned provided that they submit

to a genetic test that they are descended from Jews. Otherwise they can't stay, because it's stolen from us, because there is no statute of limitations. There in general is, but in this specific case there is not. So yeah, if you want to go through history with me, and we can — or not with me, but with an impartial judge, based on libertarian homesteading theory what was considered non-Jewish Judean land, then I'll submit to that judge arbitration or whatever it is. I don't know, because I'm not a historian.

**WOODS:** All right, let's see. So now, Rafi, if you would like to ask a second question, now is your chance.

**FARBER:** My second question to Jeremy is in 2005, the Israeli army, headed by the very evil Israeli government, went into Aza, as you call Gaza, and expelled forcibly about 10,000 Jews from their homes and kicked them out, and there was a bunch of suicides and destroyed families. And it was called Gush Katif. That was the Jewish settlement in Aza. And they weren't stolen from anybody; they were there way before 1948. Was the legitimate? Is the Israeli government kicking out Jews from their homes legitimate?

**HAMMOND:** Absolutely not, not if they were there prior — you know, if that was their home. However, settlements established in violation of international law by the state of Israel are illegitimate, they're illegal, and these actions, you know, are immoral.

**FARBER:** What makes them illegal? Just because an international body says so? Who care what a statist body says? Aren't we talking about homesteading?

**HAMMOND:** Sure, let's talk about homesteading. I mean, so here's Israeli Defense Minister Moshe Dayan in 1969: "We came to this country which was already populated by Arabs, and we are establishing a Hebrew, that is a Jewish state here. In considerable areas of the country we bought lands from the Arabs." And he's talking about that 7%. "Jewish villages were built in the place of Arab villages. You do not even know the names of these Arab villages, and I do not blame you, because these geography books no longer exist; not only do the books not exist, the Arab villages are not there either. Nahalal arose in the place of Mahalul" — and I don't know the pronunciation of this, but I'm just giving my best stab — "Gevat — in the place of Jibta, Sarid — in the place of Haneifs and Kefar Yehoshua — in the place of Tell Shaman. There is no one place built in this country that did not have a former Arab population." So we can talk about homesteading (laughing). And I would say that this land that was homesteaded by Arabs was stolen from them through ethnic cleansing of 700,000 from their land.

**FARBER:** Okay, I'm willing to go through it on a case-by-case basis on a neutral judiciary to decide which ones are which. You're obviously the maximalist in terms of the ethnic cleansing, and I'm a minimalist. I'm not a historian; I don't know exactly what happened, but let's give it to a third party and he'll decide.

**WOODS:** All right, Jeremy, do you have a second question that you'd like to ask.

**HAMMOND:** I don't.

**WOODS:** Okay, so in that case, Rafi, would you like to begin with the closing statements?

**FARBER:** I'm going to close my statement with a little bit of hope, hopefully. I'm an anarcho-libertarian, and I said before that having states decide what the peace process should be is probably the worst idea for ending a conflict. A conflict must be ended in the private sector unless there's a special case of a government run by some kind Ron Paul figure that really doesn't want any power, but that's almost impossible.

So I'm going to close with a story that happened to me when I was on Har HaBáyit a few months ago. Now, Har HaBáyit is the Temple Mount, or Haram esh-Sharif, which is the holiest spot in the world to me as a Jew. And I want to tell you something a little bit shocking. Now, I used to go to Har HaBáyit with a man named Moshe Feiglin, who is an Israeli politician, who I see as the Ron Paul of Israel, because he believes in ending the conflict by paying off, whatever it is, \$100,000 or \$200,000 to each non-Jewish Judean family in the territory, just buying their property and restitution to all the people who have claims – I don't know if he goes that far, but that's how far I go.

And I spent an hour with him driving to Har HaBáyit every month, because he would go up with me – I would go up with him, really – and I would teach him about praxiology and Austrian economics and money supply and monetary policy. The last time I was on Har HaBáyit with him, I was wearing my Murray Rothbard t-shirt, "Enemy of the State" – which I'm wearing right now, actually, because in case there was video I wanted to show it – on Har HaBáyit. I am one of only five or six Jewish religious Jews on the planet who will go up all the way to the middle of the Holy of Holies, to the Dome of the Rock – I'm not talking about al-Aqsa; al-Aqsa's irrelevant to this. I'm talking about the Dome of the Rock, which is not a mosque, and Muslims do not pray towards it; they pray away from it. It's not really that holy to them – maybe a little bit.

So I go up all the way there, which is totally forbidden religiously to me, because I am not a priest, and even if I was a priest I am ritually impure, and the fire and brimstone punishments are totally scary if you're a religious Jew. The reason I go there is because there is a little bit of a legitimacy, in terms of Jewish religiousness, that I can go, because I'm demonstrating my ownership of the place by walking there. And I believe I own it, because it is homesteaded by my ancestors. I'm one of only five or six maybe religious Jews that go up there together with Moshe Feiglin. I haven't gone there because he's been banned from the Temple by Benjamin Netanyahu for being a – but all I really wanted to do there was just to pray. I just wanted to have a religious experience, and I didn't want – like, since I'm one of the five Jews who's crazy enough to go up all the way to the middle, you can think of it as some, like, I want to spark conflict and I want to kill all the Arabs. It has nothing to do with it. I just want to pray. That's what most Jews want to do.

Now, when I was there, I was getting rocks thrown at me. There were bombs going off in al-Aqsa mosque with the doors closed. I don't know why they were throwing bombs when the doors were barricaded by the Israeli police. I just wanted to walk around, and I wanted to bow down. I can't even bow down because the Israeli police won't let me, or they'll put me in prison.

And when I was there there was this little girl who was screaming at me, and I was holding my girls in both arms — it was a three-year-old girl and a one-year-old girl at the time. I was holding them, and they were scared. This little girl, this eight-year-old girl was screaming at me "al-Yahud klabna," "Jews are dogs," "get out of here," etc. And I just looked at her, and, like, tears started coming out of my face, not because I was scared of her because police were surrounding me from both sides to protect me from the rocks that were being thrown. And I just looked at her; I looked her in the eye, and I went, *pfft*, just like a kid would do to another kid. You know, "na-na, na-na, boo-boo"? And you know what she did? She giggled. For about three seconds she giggled.

And you know, it broke my heart, because I don't want — I just want peace. Just have faith that there is hope, because one of the only five Jews on the planet who will go that far into the very center of the conflict is wearing a Rothbard t-shirt, and he's an anarchocapitalist, and he spends hours talking to someone named Moshe Feiglin who's running for Prime Minister of Israel in the Zehut Party, a new party he's formed after he was kicked out of Likud for being "too extreme" — that I am there with that t-shirt teaching Austrian economics to him to fix monetary supply and end this conflict. That's what I want.

And my request to you, Tom, is as a Catholic libertarian I just want to send this out to all Catholic libertarians and Catholics who are maybe not libertarians — but one thing I do want from Catholics and would really warm my heart is the Vatican, Vatican City, I don't lay any claims to it; I don't want it. Even if I had a claim to it I don't want it. But what I do want is the Jewish manuscripts that are there or the commentaries on the Talmud that I've never seen before, that we're not even allowed to see, that were stolen from us — have nothing to do with the Palestinians because this happened during the Middle Ages — I want those back. You don't even have to give it to the Israeli state; you can give it to Yeshiva University or Jewish Theological Seminary or [inaudible] College. I really, really want those back, because I want to see what they say, and I would appreciate a petition to the pope to get them back. Thanks.

**WOODS:** Okay, well, thank you very much, Rafi. Jeremy, your turn to make your closing statement.

**HAMMOND:** Sure. Again, I would just sum up by pointing out that the argument that Jews have a right to Palestine based on a claim of 2,000 years fails even on their own terms. Again, possession is nine-tenths of the law, and the Zionists failed to make the case that they were the rightful owners of the land. Again, there's a statute of limitations by their own admission on the passage of time, and again, they write that, "We readily admit that there is no single Jew who can trace his ownership rights over any specific piece of land from 2,000 years ago" — which, you know, if we were to theoretically say that there was a theoretical right of ownership based on this claim of 2,000 years, that would be the criteria. By their own admission, that criteria isn't so in this case. So that claim just can't be taken seriously, even on their own terms.

Secondly, the idea that there was no injustice to Arabs from them being kicked out of their homes, even if we assume that that claim is legitimate, the idea that that would not be unjust for the Jews to come in and kick out Arabs from their homes, the idea that that's not an injustice to Arabs — you know, Arabs weren't responsible for what



happened 2,000 years ago. It wasn't the Arabs who stole the land; it was, as Rafi said, the Romans. And this also, the point can be made that Israel was kind of established in the wake of the Holocaust, and Western countries didn't want to accept Jewish immigrants or Jewish refugees into their borders. And this is one of the reasons that Western countries supported the Zionist project. They figured, well, they can all just go to Palestine. And the Arabs of Palestine were essentially made to pay the penalty for European crimes against European Jews, and the idea that there's no injustice here is ludicrous.

And finally, the means by which Israel was established, there was no legitimate political process. The idea that there's a myth that Resolution 181, the Partition Plan for Palestine, created Israel or otherwise conferred legitimacy to the Zionist unilateral declaration of statehood May 14th, 1948, that's a myth. It did neither. And the actual means by which Israel came into existence was the ethnic cleansing of the mostly Arab population, and I would submit that this is completely incompatible with libertarian principles, and namely the principle of nonaggression.

**WOODS:** All right, and with that we will declare this discussion concluded. I want to thank both of these gentlemen for being here, Rafi and Jeremy alike. You can find out more about both of them and their work and links that they both think you'll find interesting over at the show notes page for this episode. This is Episode 739, so the page is [TomWoods.com/739](http://TomWoods.com/739). Thank you, gentlemen, very much. It's been extremely enlightening, and I know we're going to get a lot of great feedback from this, and you're probably going to get some correspondence from people who are interested in what you had to say. Thanks so much for your time today. Very much appreciated.

**HAMMOND:** Thanks so much for having me, Tom.

**FARBER:** Thanks. I'm so honored to be on your show. I've been a big fan of you for so long, really.

**WOODS:** Thanks to you both.