

Still makes no sense: Supporting "Palestine" while opposing Jihad

At his recent Washington summit on nuclear security, President Barack Obama correctly identified the looming threat of nuclear terrorism.[\[1\]](#) Nonetheless, the president continues to believe that he can simultaneously oppose Islamic radicalism and support Palestinian statehood. Such an ironic belief, it is easy to explain, makes no logical sense. A Palestinian state – any Palestinian state – would undoubtedly become another conspicuous addition to our extant list of Jihadist foes.

Palestine, therefore, would also become another possible nation-based source of anti-American *nuclear terrorism*.

What might actually happen? At some point, at least after they are finally able to stop slaughtering each other, the Palestinian Authority (PA) and Hamas could finally advance a joint plan for Palestinian sovereignty in the 'West Bank' (Judea/Samaria), Gaza, and East Jerusalem.

Such an announcement, while being expressly contrary to binding expectations of the PA's *Oslo Agreement* with Israel, would also undermine authoritative international law at more general levels. Most obvious would be the plan's flagrant indifference to requirements of *The Convention on the Rights and Duties of States* (1934), also called the "Montevideo Convention."

This foundational treaty remains the governing legal document on statehood.

Here, history needs more precise pride of place. On November 29, 2012, the U.N. General Assembly voted to upgrade the

Palestinian Authority to the status of a “nonmember observer state.” By definition, however, this action was not a bestowal of sovereignty, or, indeed, of any “full legal personality.” Significantly, there has never ever been a state of Palestine, not in 1948, when Israel lawfully emerged from its League of Nations mandate, or, for that matter, at any other time.

President Obama, stubbornly ignoring relevant history, remains convinced of a creditable symmetry between Israeli and Palestinian claims for statehood. Still buying in to the most elementary and rhetorical misrepresentations of international law obtaining in that region between 1917 (the *Balfour Declaration*) and 1947 (formal U.N. General Assembly approval of a “Jewish State”), he somehow remains willing to equate a mandated Israeli return to plainly indefensible borders with proper conditions of a contractual “peace.”

Prima facie, all of the Islamic world, not only Jihadists, effectively calls for a One-State Solution from Israel. This unambiguous demand is for Israel itself to disappear, and then, to be suitably transformed from “Occupied Palestine” into a larger and blessedly uniform “Palestine.” Further, this new state, in an immutable aspect of Arab diplomacy not even presumed subject to negotiation, would either be “free of Jews” altogether, or more generously allow “former Israelis” to remain as aptly deferential subjects. With such an allowance, of course, these remnants of a formerly Jewish state could still stay alive, but only under well-known historical conditions of codified subordination and ritualized inferiority.

Such expected Islamist views of *Dhimmitude* would not be narrowly political or military, nor would they be *ad hoc* constructions of the moment. Rather, they would stem from the doctrinally unchanging notion of *umma* (community), a core concept whose foremost and overriding obligation is to answer the obligatory call of Jihad. As had already been declared by leading representatives of all four Sunni schools of law, back

on January 9, 1956: "Palestine is a permanent possession of the global Muslim *umma*, and must therefore be governed in perpetuity by full Islamic law."

It's not complicated. The complete elimination of any Jewish State existing in the *Dar al- Islam* (the World of Islam) has always been a permanent Islamic duty, deducible from continuously-binding rules on the status of non-Muslim minorities (*dhimmi*) living under Islamic authority. This means, among other things, that even if they should somehow be grafted into a "unified" Palestinian whole, that sovereignty's constituent Palestinian communities would remain unalterably opposed to Israel's survival as an independent state.

It's not hard to understand. A Palestinian state, any Palestinian state, even if it could somehow avoid rapid physical takeover by ISIS or ISIS-type proxies, would have a profoundly injurious impact on American strategic interests. In every conceivable scenario, this 23rd Arab state, whatever its ultimate governing authority, would gratefully harbor the very same sort of Jihadist adversaries that we are now trying to destroy elsewhere.

Credo quia absurdum. "I believe because it is absurd."

Incontestably, America's ongoing war against ISIS and related sources of nuclear terrorism requires a secure and U.S.-supported Jewish State. Any American effort, however well-intentioned, to carve yet another Islamist state from Israel's still-living body would substantially degrade U.S. security. Also worth noting here is that our strategic interests and our legal obligations coincide. While not widely understood, especially by some of our current presidential aspirants, international law is an integral part of the law of the United States. This incorporation is true, especially, by virtue of Article 6 of the *Constitution* (the "Supremacy Clause"), and also of several supporting and reinforcing U.S. Supreme Court decisions (most notably, the *Paquete Habana*, 1900).

It follows that any further official support of Palestinian statehood – either by this president, or by his successor – would represent both a meaningful infringement of America's strategic interests, and a violation of American Constitutional law.

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