

Israel as the 'National Homeland of the Jewish People': Looking Back and Ahead

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Mar 19, 2010

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Brief Analysis

On March 16, 2010, Tal Becker and Hussein Ibish addressed a special Policy Forum luncheon to discuss the history and future of Israel's Jewish identity in political and diplomatic context. Mr. Becker is an Israel-based international associate with The Washington Institute. Mr. Ibish is a senior fellow at the American Task Force on Palestine. The following is a rapporteur's summary of their remarks.

Tal Becker

A great deal of misinformation and disinformation surrounds Israel's desire to be recognized as a Jewish state. In practice, the concept refers to acknowledgment of the Jewish people's right to self-determination in the land of Israel, also known as Zionism. The land does not necessarily encompass what many call "Greater Israel," which includes the West Bank, or deny the right to self-determination of neighboring Palestinians, who deserve a state of their own. The issue of Israel's recognition as a Jewish state has grown in prominence in the last year as Israeli prime minister Binyamin Netanyahu has made it a point of emphasis.

Some argue that Prime Minister Netanyahu has invented the issue as a pretext to prevent negotiations from going forward. Yet strongly to the contrary, the claim for Israel's recognition as a Jewish state is as old as Zionism itself. In every negotiation aimed at resolving the Arab-Israeli conflict, Israeli demands have included the right to self-determination as a Jewish state in one form or another.

Britain's Balfour Declaration of 1917 and the decades of the British Mandate in Palestine that followed both reflect international acknowledgment of the Zionist goal of creating a Jewish national home. This notion was also included in United Nations Partition Resolution 181, which in November 1947 recommended the creation of a Jewish and an Arab state (not a Palestinian state). Eventually, even Palestinian leader Yasser Arafat indicated his agreement with

the Jewish people's right to a homeland -- most notably in the 1988 Algiers Declaration, for which Resolution 181 served as the organizing principle to resolve the conflict and establish Palestinian independence. Additionally, in its reservations regarding parameters set forth by former president Bill Clinton, the Palestine Liberation Organization (PLO) did not dispute the Jewish people's right to their homeland.

Some argue that Judaism constitutes a religion, not a people, but such an argument is absurd. According to international law, peoplehood entails a combination of objective and subjective factors. On the objective side, a collective must be seen to share certain common identifying criteria or characteristics involving language, history, and culture. On the subjective side, the collective must be perceived to view itself as a people. Without a doubt, both Jews and Palestinians meet this latter criterion. Therefore, both have the right to self-determination. The trick is to accommodate both, rather than denying one or the other.

The idea that a majority group in a democratic state would seek to enshrine certain public attributes that reflect its character is neither unique nor rare. Constitutions of countries such as Denmark, Finland, Armenia, Bulgaria, Georgia, Germany, and Italy all give some preference to the will of the majority. While the basic rights of minorities are protected, the majority's inclination to shape its country's public profile is honored. This principle is not undemocratic. Yet for Israel, the challenges have always been sharp. The nation's quest for recognition as a Jewish state has long aroused controversy and, increasingly, Hizballah, Iran, and others are invoking the issue in attempts to delegitimize Israel's right to exist.

The argument has been made that attempts by Israel to highlight its Jewish character are designed to eliminate, disenfranchise, or disengage Arabs. In reality, Israel is a democracy and must ensure civic equality to all its citizens. For the Palestinians, territorial self-determination will be found not within Israel's borders but in a Palestinian state alongside Israel. Ultimately, two states should exist -- Israel as the homeland of the Jewish people and Palestine as the homeland of the Palestinian people.

According to some, the quest to name Israel a Jewish state represents an attempt to predetermine the Palestinian refugee issue, which dates back to the late 1940s. The argument goes that such a moniker would undermine the claim of refugees to their "right of return" to their original communities, since such a return would threaten Israel's Jewish character. And yet any measure to define Israel as a Jewish homeland must go hand in hand with recognition of minority rights and a comprehensive peace process. Denying Israel's status as a Jewish homeland altogether essentially ensures a perpetuation of the conflict.

Hussein Ibish

The Balfour Declaration of November 2, 1917, begins with the phrase "His Majesty's government view with favour the establishment in Palestine of a national home for the Jewish people...." At least two details in this language stand out: (1) the declaration commits to "a national home for the Jewish people" but not to "a Jewish state"; and (2) it supports "a national home" but not "the national home." This declaration introduces the concept of a Jewish national home into international relations in a most decisive manner.

On July 24, 1922, the Mandate for Palestine adopted by the Council of the League of Nations made the Zionist project a practical reality rather than simply a rhetorical position by holding that "the principal Allied Powers have also agreed that the Mandatory [power] should be responsible for putting [the Balfour Declaration] into effect."

Beginning in the 1930s, several proposals, most notably the Peel Commission Report of 1937, suggested that Palestine be partitioned into Jewish and Arab states. A decade later, UN Resolution 181 called for the establishment of "independent Arab and Jewish states and a special international regime for the city of Jerusalem." This partition resolution, along with a unilateral declaration of "a Jewish state in Eretz Israel" by the Jewish leadership, is generally regarded as the birth certificate of the Israeli state.

A central irony is that if the 1947 partition resolution has served as the primary international birth certificate for Israel, it must do the same for the yet-to-be-established Palestinian state. In its "land for peace" formula, UN Security Council Resolution 242 of 1967 and its numerous legal successors logically extend the fundamental attitude that seeks to balance Jewish and Arab rights in Palestine.

As a sovereign member state in the United Nations, Israel defines its own character. Yet the question of Israel's Jewishness has never been raised and is not reflected in its peace treaties with Egypt or Jordan. Asking Palestinians to enter into such a debate now seems odd and gratuitous.

The Palestinians have already recognized Israel as a Jewish state. This is most notable in PLO chairman Yasser Arafat's September 9, 1993, letter to Prime Minister Yitzhak Rabin, in which he stated unambiguously, "The PLO recognizes the right of the state of Israel to exist in peace and security." Yet today, Palestinians are justifiably concerned that if they were to recognize Israel explicitly as "the nation-state of the Jewish people" (to use Prime Minister Netanyahu's words), they might be perceived as endorsing measures that discriminate against the Palestinian citizens of Israel.

Having asserted that Israel plainly is a Jewish state in one sense, one must assert that, in another sense, Israel at present is clearly not a Jewish state. The interpretation depends entirely on which version of Israel one is talking about. In other words, are we discussing Israel according to its post-1948 or post-1967 borders? If we stick with Israel's internationally recognized boundaries, then the state is indeed Jewish.

To conclude, what we might call Israel de jure, which excludes the occupied territories and assumes the creation of a Palestinian state in the foreseeable future, can certainly be considered both Jewish and democratic, although it still struggles to afford equality to a large non-Jewish minority. Israel de facto, on the other hand, includes the occupied territories. Assuming that no Palestinian state is created in the foreseeable future, we cannot consider this state either Jewish or democratic in any meaningful sense.

This rapporteur's summary was prepared by Yurter Ozcan. ❖

Policy #1644

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