

the unfailing fealty of the American political elite to the false pieties of a narrative imposed by Israel (and its bare-knuckle enforcers in Washington)—most recently witnessed in Kerry backing down from his use of the word “apartheid.” And with powerful tools like the campaign for boycott, divestment, and sanctions against Israel’s racist and colonialist policies, new ways of seeing a different future for Palestine and Israel are emerging. As is illustrated in detail by the commentaries that follow, this new vision offers something other than the dismal prospect of eternal subjugation of the Palestinian people by their Israeli overlords that was always implicit in the Kerry plan.

Rashid I. Khalidi

Behind Israel’s Demand for Recognition as a Jewish State

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THE LATEST ROUND of Israeli-Palestinian negotiations, now in their 21st year, saw the emergence of a new Israeli demand: that Palestinians, as represented by the Palestine Liberation Organization (PLO), recognize Israel as a Jewish state. First raised by Prime Minister Ehud Olmert and Foreign Minister Tzipi Livni during the failed Annapolis talks in 2007, this issue is now considered a “deal breaker” by Israeli prime minister Benjamin Netanyahu, who has gone so far as to say that there will be no deal *unless* and *until* the Palestinians meet this new demand.¹

Israel’s insistence on some form of recognition is not new. Israel demanded that the PLO expressly recognize its right to exist “in peace and security” as a condition for signing the Oslo Declaration of Principles in 1993; in exchange Israel recognized the PLO as the “representative of the Palestinian people.” Israel also demanded, and obtained, the abrogation of the PLO’s charter, specifically the removal of those articles (or portions thereof) that called for the complete liberation of historical Palestine.

The latest demand, however, goes beyond recognizing the still-undefined borders of Israel. Interestingly, the phrase “Israel as a Jewish state” only slipped into the U.S. lexicon in 2001 as a sort of quid pro quo after then secretary of state Colin Powell first uttered the words “Palestinian state.”² U.S. administrations since then have not only taken up the use of such language but appear to endorse Israel’s demand that Palestinians must agree to the concept of Israel as a Jewish state.

Palestinian political figures have taken an inconsistent approach to the issue. In a March 2014 interview with the Palestinian news agency Ma’an News, Nabil Amro of Fatah stated that Palestinian president Mahmoud Abbas might be open to recognizing Israel as a Jewish state in some form, as long as it could be done “without embarrassing Abbas or weakening any possible agreement between Palestinians and Israelis.”³ For his part, Abbas previously indicated that Israel can define itself as it chooses; that this is an internal Israeli matter and does not concern the Palestinians. He later stated that if Israel wanted to go to the UN to change its name, he would not be opposed.⁴ Other Fatah officials have categorically denied that the PLO would recognize Israel as a Jewish state, noting that such recognition would only prolong and complicate negotiations and give Netanyahu more time in which to build new settlements and expand existing ones. PLO officials correctly point out that the recognition of Israel as a Jewish state is a new demand that is

nowhere to be found in any of the official agreements that have been reached with the State of Israel, whether those signed by Egypt (1979), Jordan (1994), or the PLO (Oslo, 1993–99 and the 2003 road map).

But beyond identifying this latest demand as a tactical move to drag out the negotiations, Palestinian negotiators have neglected to address Israel’s broader strategic aim, which targets the Palestinian population inside the 1949 armistice lines. Demanding that Palestinians recognize Israel as a Jewish state has three additional and significant implications: first, it would obscure the historical colonial context in which Israel was created and the racist nature of a state whose laws and measures grant (exclusive) privileges to Jews and Jewish immigrants; second, it would fly in the face of the internationally mandated right of Palestinian refugees to return by subordinating that right to Israel’s demographic concerns; and third, it would undermine the momentum of the gathering boycott, divestment, and sanctions campaign (BDS) since Palestinians would, in effect, be endorsing Israel’s racialized self-definition.

Inventing a New Israeli History

Proponents defend the idea of Israel as a Jewish state by claiming that as a democratic country, Israel would uphold and protect minority rights—in this case, the rights of Palestinians in Israel. According to this line of reasoning, as recently articulated in the *International New York Times*,⁵ Israel is no different than European democracies such as Germany or Italy where minority rights are protected within a German or Italian state. More forthright Zionists compare Israel to the United States, or Australia, where a colonial project successfully relegated indigenous populations to minorities over decades and centuries of carefully crafted ethnic cleansing schemes. Stated differently, supporters of Israel’s proposition negate the Nakba and resort to painting the Palestinian population of Israel as immigrants who came to the country and were thereby “granted” minority rights. That Israel “came to” the Palestinians and subsequently turned a majority into a minority by expelling most of the indigenous population is simply ignored. By portraying its dispossession of the Palestinians as a minor historical occurrence, Israel can transform its colonization of Palestine into a mere border dispute. In the words of Netanyahu: “President Abbas, recognize the Jewish state, and in doing so, you would be telling your people, the Palestinians, that while we might have a territorial dispute, the right of the Jewish people to a state of their own is beyond dispute.”⁶

While proponents argue that there is no conflict between the principles of democracy and the definition of Israel as a Jewish state,⁷ reality amply demonstrates otherwise. To start with, Israel lacks a written constitution, which would guarantee the right to equality and prohibit discrimination. Rather, Israel’s Basic Laws emphasize the Jewish character of the state while excluding principles of nondiscrimination. The effect of this system is evident in legislation that affects Palestinians. It is well-documented that Palestinian citizens of Israel do not enjoy equal rights with other, Jewish citizens of the state or, for that matter, any Jewish person from any country in the world seeking to immigrate to Israel.⁸ In the words of the human rights organization and legal center, Adalah, “there are more than fifty Israeli laws that discriminate against Palestinian citizens of Israel in all areas of life, including their rights to political participation, access to land, education, state budget resources, and criminal procedures.”⁹

It is in light of such discriminatory measures and in the absence of protection clauses in Israel's Basic Laws that Palestinian Members of Knesset (MKs) have repeatedly sought to introduce the principle of equal protection under Israeli law. Israeli MKs, for their part, continue to block any attempt to adopt concepts of equality for Palestinian citizens. And while proponents of the doctrine that Israel is a Jewish state have pointed to the Israeli Supreme Court's activism in regard to this specific issue, as Palestinian lawyer and academic Nimer Sultany notes, "the [Israeli] Supreme Court's jurisprudence has hitherto subordinated the principle of equality to the Jewishness of the state as the *Grundnorm* (basic law) and has failed to recognize a collective right of the Palestinian citizens to equality."¹⁰

Negating Rights

As several high-ranking Israeli officials openly gloat, Israel's demand for recognition as a Jewish state would also obliterate the Palestinian right of return—a right enshrined in international law. By subjugating Palestinian rights to Israel's Jewish state requirements, the Palestinians would relinquish the right of return. Israeli justice minister and former foreign minister Tzipi Livni, reiterated the government's position succinctly, less than a year after the failed Annapolis talks:

Our principles derive from the supreme goal I spoke of—Israel as a Jewish and democratic state. (. . .) A national home for the Jewish people in the framework of two nation states plainly says one thing: Israel is the national home for the Jewish people. The future Palestinian state is the national home for the Palestinian people. The national, complete, full and comprehensive solution for all Palestinians everywhere, including those residing in Judea and Samaria, in Gaza, in refugee camps. . . .

Let me briefly explain how this works, to avoid any misunderstandings. Regarding the refugees, the establishment of the Palestinian state is naturally the full solution for all Palestinians everywhere, meaning that Israel isn't an option for a solution.¹¹

Attaining Legitimacy

In addition to curtailing Palestinian rights, the demand for recognition as a Jewish state seeks to expand Israeli legitimacy. Ever since the proclamation of its creation in 1948, Israel has sought international recognition and legitimacy for its actions. But neither has been forthcoming owing to its treatment of Palestinians under its control and its refusal to allow Palestinian refugees to return to their homes despite UN resolutions requiring it. Israel is well-aware that Palestinian acceptance, indeed acquiescence to its colonial project, is necessary for it to attain complete legitimacy.

The Madrid talks and later the signing of the Oslo agreements in 1993 ushered in extensive diplomatic recognition for Israel, with successive Israeli governments making no secret of the fact that Oslo was a boon to the state's legitimacy. Between 1992 and 1999, forty-five countries established diplomatic ties with Israel, more than in the four preceding decades combined. This new era of Israeli legitimacy and recognition extended to the ranks of the Arab League, as evidenced by the signature of a bilateral treaty with Jordan in 1994, and the opening of trade offices in Morocco, Tunisia, Oman, Qatar, and Mauritania in subsequent years.

Following the second intifada in 2000, the subsequent breakdown of negotiations, and continued Israeli violations of Palestinian rights and defiance of international law, Palestinian calls for Israel's

international isolation mounted. Out of this grew the BDS campaign, which aims to pierce the veil of legitimacy Israel has acquired by highlighting its colonial enterprise—both past and present—its system of inequality, and its violations of international norms. Indeed, the BDS campaign focuses not only on Israel’s actions in the occupied Palestinian territories but also within the 1967 pre-occupation borders. Sensing this growing movement, Netanyahu has turned his sights on the campaign, stating that “[t]he BDS movement is not about legitimate criticism. It’s about making Israel illegitimate. It presents a distorted and twisted picture of Israel. . . .”

With Palestinian recognition of the Jewish state intended as both a tactical and strategic move on the part of Israel, why, one wonders, has the Palestinian leadership done so little to address the issue? The answer lies in the nature of the PLO’s ambitions for these negotiations. The PLO has transformed into a body that is focused on acquiring *some* territory at any cost, including giving up the legitimate rights of the Palestinian people. By conceding rights, the PLO is failing in its duty to serve as the “sole representative” of *all* Palestinians. Since the 1993 signing of the Declaration of Principles, negotiations with Israel have never addressed the rights and concerns of Palestinians *inside* Israel, and statements by Palestinian officials suggest that the leadership will most likely abrogate the right of return.¹² Meeting Israel’s demand for acceptance of a Jewish state in historic Palestine with anything but outright rejection would be tantamount to embracing Zionism, and Palestinians, in Ahmad Khalidi’s words, “cannot be expected to become Zionists.”¹³

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The Debate about Kerry’s Economic Initiative: Pitfalls, Benefits, and Risks*

RAJA KHALIDI

So when you see your neighbor carryin’ somethin’
Help him with his load
And don’t go mistaking Paradise
For that home across the road

Bob Dylan, “The Ballad of Frankie Lee and Judas Priest”

FROM THE MINUTE U.S. Secretary of State John Kerry announced it in May 2013, there has been a myriad of positive, negative, and skeptical commentary on his estimated \$4 billion international investment plan “to develop a healthy, sustainable, private-sector-led Palestinian economy.” U.S.

* This commentary was translated by JPS and adapted by the author from the original version published in Arabic-language media.