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## The real impact of Israel's "Jewish state" demand

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## The real impact of Israel's "Jewish state" demand

The main impact of Israel's new "Jewish state" demand is to effectively negate the Palestinian recognition of Israel in 1993

Many commentators, including this author, have carefully picked apart the myriad problems involved with Israel's new demand that the Palestinians formally recognize it as a "Jewish state." But at least one of its most problematic aspects has been significantly under-examined and underappreciated. The new demand negates, both in effect and intention, the greatest of Palestinian concessions, their 1993 recognition of the State of Israel.

There is an international consensus in favor of a two-state solution, and even Israeli Prime Minister Benjamin Netanyahu and Foreign Minister Avigdor Lieberman now say they, too, support this goal after long careers opposing it. And in the quarter-century campaign to achieve a conflict-ending two-state agreement through direct talks, there remains a dangerous anomaly. One side, the Palestine Liberation Organization, recognized Israel up front. All other details aside, they have long since performed the *sine qua non* of a two-state agreement by recognizing Israel. The other side, Israel, has never recognized a Palestinian state or, in any formal, written, or legal sense, even the Palestinian right to a state.

There are a great many difficulties with the "Jewish state" demand, and Netanyahu's formulation "the nation-state of the Jewish people" in particular. This phrasing is full of highly problematic definite articles, and suggests a trans-historical claim to this land on behalf of an entire but undefined ethno-religious group the world over, not just the present Jewish Israeli majority. It harkens back to pre-state Zionism, defining Israel as if the state had not actually been created and several generations of Jewish and Arab Israelis had not been born there.

This framing also begs the question about the status of Palestinian citizens of Israel, who already face significant discrimination in many sectors because they are not Jewish. This is one of the reasons the PLO finds the demand so problematic: they will not agree to implicitly endorse the restrictions Palestinian citizens of Israel now face, or may face in the future.

Moreover, Israel itself cannot define what a "Jewish state" means, exactly. There were several attempts in the last Knesset to introduce legislation to clarify the term; all of them failed miserably because while there is a consensus among Jewish Israelis that their state is in some sense "Jewish," there is no consensus whatsoever as to what that entails. So, in effect, Palestinians are being asked to agree to something that even the Israelis cannot define with any degree of specificity.

The "Jewish state" demand was first introduced in 2007 at the Annapolis meeting, never having been mentioned in previous Israeli negotiations with the Palestinians, let alone with Egypt or Jordan. It was dismissed by not just the Palestinian delegation, but also the American one, both recognizing it as an attempted end-run around the final status issue of Palestinian refugees. The matter was accordingly dropped.

However, when Netanyahu was reelected in 2009, he made the "Jewish state" phrase the centerpiece of his relations with the Palestinians. He now not only insists that this is an important issue – sometimes he even says it is the *only* real issue (although how Israelis missed "the only real issue" with the Palestinians until 2007 is impossible to explain).

Many commentators have long understood that Netanyahu has made this such a focus of his policy for two clear reasons. The first is to put his own stamp on a process that had been defined before he came to power. The second is to continue the attempt to defuse the refugee issue, particularly as a *quid pro quo* for Israeli compromises on Jerusalem.

A frequently-cited third interpretation is that the single-minded insistence on this demand could reflect a cynical effort to find something most Israelis would find important that Palestinians cannot agree to. If the aim is to sabotage peace talks, such an initiative would be invaluable. It's possible that this is, or at some stage was, part of the calculation.

Netanyahu has won over many Israelis and their friends to this new *de facto* final status issue, basically by playing on Israeli anxieties that an agreement might not actually end the conflict. Yet, it has always been agreed that a peace treaty would mean an end of conflict and all claims.

What has yet to be fully recognized is that the single most significant impact of this "Jewish state" demand is that it effectively dismisses and reverses the 1993 Palestinian recognition of Israel. This concession made it ridiculous for anyone to argue that the core of the problem was Palestinians' refusal to recognize Israel. But now, hey presto, it is once again possible to present Palestinian recognition of Israel as a major issue, because it wasn't recognition of Israel as a "Jewish state."

It doesn't matter that no one ever asked the Palestinians to do so until 2007, or that there are a great many complications, ambiguities, and grave difficulties associated with it. It has become a mantra of much of the pro-Israel constituency the world over that the 1993 recognition of Israel by the PLO is all but irrelevant, and that until Palestinians recognize Israel as a "Jewish state," their intention to end the conflict and live in peace remains very much open to question.

So, this new demand solves the problem that one side is lived up to its core commitment under a two-state solution – recognizing the statehood of the other party – while the other side has not. It pushes the diplomatic, psychological, and political clock back before 1993, to an era where Palestinians are once again

being asked to demonstrate their willingness to live in peace with Israel by uttering some magic mantra.

It elides the fact that, from a Palestinian and Arab point of view, the 1993 recognition of Israel was the mother of all concessions: a recognition that Palestinians were surrendering their political claim to around 78% of what had very recently been their country, in the sense that they were a large majority there until 1948. So now we are left negotiating over the territories conquered by Israel in 1967, without even touching the areas that became Israel in 1948. The enormity of this vast concession, this overwhelming – almost impossible – agreement by the Palestinians, was never fully recognized by Israel or the international community. And now, with the Jewish state demand, it's dismissed altogether as almost totally irrelevant.

In fairness, if ordinary Israelis and their supporters were more convinced by Palestinian words and deeds that this is the case, they would be less moved by Netanyahu's obsessive focus on the new "Jewish state" demand. It speaks, cleverly, to deep-seated Israeli anxieties. However, by effectively negating, at least at the psychological and cultural registers, the 1993 Palestinian recognition of Israel, it magically appears to even the scales once again.

But the truth remains that one party, the Palestinians, has recognized the independent statehood of the other, Israel. And Israel has never recognized an independent Palestine or the Palestinian right to an independent state. There are, apparently, still many things the Palestinians must do to "earn" such a right, if they are ever to have it at all, and that includes some sort of recognition of Israel as a "Jewish state."

Until they do that, Israel and its hard-core supporters will bat aside the fact that Palestinians have actually recognized Israel, unrequited, since 1993, and speak and act as if that were irrelevant and the Palestinians haven't recognized Israel at all until they repeat the novel catechism now being placed before them.

As a diplomatic, psychological, and political sleight-of-hand, it's extraordinarily brilliant and effective. But its impact is to complicate diplomacy on a two-state solution and make peace more difficult to achieve, while obscuring the reality that Palestinians have recognized Israel but Israel has never recognized Palestine.

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