

1 The establishment of the State of Israel

The UN debates in 1947

The declaration of the establishment of the State of Israel

The debate that has gained momentum in recent years over the legitimacy of Israel's definition as a Jewish state usually ignores a basic fact: The 'Jewish State' is what the international community decided to establish in 1947 (on part of Mandatory Palestine), whereas 'Israel' is merely the name that the Zionist leadership chose to give this state. From the perspective of international legitimacy, the question of whether 'Israel' is entitled to define itself as a Jewish state is, therefore, somewhat paradoxical. The Israeli Declaration of Independence¹ did not determine that Israel was to be a Jewish state, but rather that the Jewish State was 'to be called Israel'. The context in which this appears within the wording of the Declaration clearly points to the fact that the founders of the state based its international legitimacy on the partition resolution of the United Nations and on the principle of national self-determination, which the Declaration views as a universal principle, and which the establishment of the State of Israel is intended to realize for the Jewish people.

The Declaration begins with a survey of the history of the Jewish people from ancient times, with an emphasis on the unbroken connection between the Jewish people and the Land of Israel, even during the period of the Diaspora. The Jewish people 'never ceased to pray and hope for their return and the restoration of their national freedom'.

The Declaration relates to modern Zionism, which is described as a movement for the revival of Jewish independence and to the international recognition (by means of the Balfour Declaration and the Mandate of the League of Nations) of the historic connection between the Jewish people and the Land of Israel and the right of the Jewish people to re-establish its national home:

The Nazi holocaust, which engulfed millions of Jews in Europe, proved anew the urgency of the reestablishment of the Jewish State, which would solve the problem of Jewish homelessness by opening the gates to all Jews and lifting the Jewish people to equality in the family of nations.

And the Declaration goes on to say:

On November 29, 1947, the General Assembly of the United Nations adopted a resolution for the establishment of an independent Jewish State in Palestine, and called upon the inhabitants of the country to take such steps as may be necessary on their part to put the plan into effect. This recognition by the United Nations of the right of the Jewish people to establish their independent State is irrevocable. It is a natural right of the Jewish people to be masters of their own fate, like all other peoples, in their own sovereign State. . . . Accordingly, we, the members of the People's Council, representing the Jewish people in the land of Israel and the Zionist movement, met together in solemn assembly today, the day of the termination of the British mandate for Palestine, by virtue of the natural and historic right of the Jewish people and of the Resolution of the General Assembly of the United Nations, hereby proclaim the establishment of the Jewish State in the land of Israel, to be called Israel.

The Declaration then describes the nature of the state in the making: Israel would be a state 'open to the immigration of Jews from all countries of their dispersion', but would also 'uphold the full social and political equality of all its citizens, without distinction of race, creed or sex'. Next, the Declaration calls upon 'the Arab inhabitants of the State of Israel to adhere to the ways of peace and play their part in the development of the State, with full and equal citizenship and due representation in its bodies and institutions'. These principles, it should be noted, not only conformed to the traditional position of all strands of the Zionist movement regarding the status of the Arab citizens of the future Jewish state, but were also mandated by the UN partition resolution, which demanded that both the Jewish state and the Arab state guarantee full equal rights to national minorities. The Declaration notes that, in accordance with the partition plan, Israel is

ready to cooperate with the organs and representatives of the United Nations in the implementation of the Resolution of the Assembly of 29 November 1947, and will take steps to bring about the economic union over the entire land of Israel (Palestine).

This statement was made when the war was already being fought with the Palestinian Arabs (whose leadership had totally rejected the partition plan), and on the eve of the invasion of Arab countries into Israel with the declared objective of destroying the nascent Jewish state. In his comments before the People's Council, Ben-Gurion related to the argument field beforehand in the provisional government on the question of whether or not to determine the state's borders in the Declaration:

We decided to *evade* (I choose this word deliberately) this question for a simple reason: If the United Nations upholds its decision and commitments and maintains the peace and prevents bombings and will enforce its own

resolutions – then for our part, we will honour all the UN resolutions. So far, the United Nations has not done this and it has been left up to us. That is why not everything is binding on us, and we have left this matter open. We did not say ‘not the UN borders’, but nor did we say the opposite. We left the matter open to developments.

For many years, Israel’s peace camp, expressing its criticism of the policy of Israeli governments towards the Palestinians, maintained that whereas the partition borders had been erased by the war that the Arab side launched in 1947–1948, the principle of partitioning the country between its two peoples remained morally valid and binding, in the spirit of what is stated in Israel’s Declaration of Independence, which views the right of national independence as ‘the natural right of all peoples’. The acceptance of the principle of ‘two states for two peoples’ eventually became the ultimate test of one’s belonging to what is known as the Israeli peace camp – the camp which embraces political moderation not only for pragmatic Israeli considerations, but also out of the belief that it is morally wrong to rule over another people and that the Palestinian people has the right to self-determination.

The voices heard in recent years which disparage the concept of the ‘Jewish state’, claiming that it contradicts the principle of equality, are in fact denying the principle of two states for two peoples. While one of the two peoples in the country from the Jordan to the Mediterranean defines itself, and therefore is, Arab and Palestinian, the other defines itself, and therefore is, Jewish and Israeli. No Jewish state means no state for one of the two peoples. The fact that the state is the expression of the right of the Jewish people to national independence does not mean that it is not also the state of those of its citizens that belong to the Arab national minority – that is, a democratic state or, in other words, a state of all its citizens. Israel is a democratic nation-state that contains a sizeable national minority. In that, it is by no means unique in the democratic world.²

The statement of principles for Israeli–Palestinian peace, as agreed upon by Ami Ayalon and the Palestinian intellectual and public figure Sari Nusseibeh in autumn 2002, spells out what should be self-evident: that the principle of two states for two peoples requires the existence of two nation-states side by side – an Arab–Palestinian state and a Jewish–Israeli state. The document also makes it clear that the existence of two nation-states also involves two national laws of return:

Nation-state: Palestine is the only state of the Palestinian people and Israel is the only state of the Jewish people. ... Right of return: Palestinian refugees will return only to the State of Palestine; Jews will return only to the State of Israel.³

Seemingly, none of those that declare their support for the solution of two states for two peoples should disagree with any of this. However, strangely enough, the very idea that the Jewish people are also entitled to a state of their own has come under attack today as being anti-democratic.

The debates in 1947: the UNSCOP report

The debates that were held in the United Nations in 1947 regarding the question of Palestine make it abundantly clear what meaning the international community attributed to the term ‘Jewish state’, and what the rationale of those that supported the partition solution was. They supported the establishment of an independent state for the Jewish people – not just for the Jewish population of Mandatory Palestine. They viewed the establishment of this state as an act of historic justice for the Jewish people and a humanitarian solution to the problem of the displaced Jews in Europe after the war, and also, in a broader sense, as a solution for the ancient problem of the Jews as a homeless people. They recognized the historic bond between the Jewish people and the land of Israel/Palestine as well as the actual existence of two peoples and two national movements in the land. They attached great importance to the previous international recognition of the historic connection of the Jewish people to Palestine and the need to ‘reconstitute their national home in that country’ – recognition that was included in the Mandate for Palestine endorsed by the Council of the League of Nations in 1922. The arguments of the opponents of the partition plan are no less instructive. Among other things, Arab representatives and their supporters repeatedly argued that the Jews were a religious community rather than a people, and that consequently they were not entitled to a state of their own. Indeed, little has changed in this debate since 1947.

The most detailed discussion of these subjects appears in a report of the UN Special Committee on Palestine, UNSCOP, the committee that investigated the situation in Palestine on behalf of the United Nations and recommended, by a majority vote, that the country be partitioned into two states. At the end of the report appears the ‘Partition Plan’ that was eventually endorsed (after slightly reducing the size of the territory allocated to the Jewish State) by the UN General Assembly in the famous 29 November 1947 vote. This detailed and well-argued report includes a historical analysis and assessment of the situation in the country, a presentation of the arguments of both parties to the conflict and an evaluation of the validity of these arguments by the members of the committee, and, finally, their reasoned conclusions regarding the desirable solution.⁴ A minority report was also submitted proposing a different solution: a single independent state in the entire country to be established on a federative basis, made up of an ‘Arab state’ and a ‘Jewish state’. The autonomous Jewish state that was to be part of the federation would also have included an Arab minority. This did not prevent the delegates from Yugoslavia, Iran and India from supporting this solution, demonstrating that the concept of a ‘Jewish state’ was, in a certain sense, accepted even by these states. They supported the establishment of a Jewish political entity – albeit not an independent one.

The majority report (of the representatives of Canada, Czechoslovakia, Guatemala, the Netherlands, Peru, Sweden and Uruguay) extensively analyses the international commitments given to the Jewish people in the Balfour Declaration and the Mandate. The members of the committee reject the claims of the

Arab nations which denied the validity of the mandate, arguing that it ran counter to the Covenant of the League of Nations (Chapter II, Article 179). The committee also conducted an in-depth discussion of the promises that the British gave to the representatives of the Arab national movement during the First World War and stated that it was impossible to unequivocally determine whether Palestine had been included within the united Arab state that had been pledged to them (Article 167 and ff.). The committee mentions the 'Weizmann-Feisal Agreement' and the willingness in principle of Emir Feisal, who represented the Arab demands at the post-First World War Paris Peace Conference, to accept the Balfour Declaration and view the encouragement of large-scale Jewish immigration to Palestine favourably (Articles 173-175). This agreement was conditional on the implementation of the idea of a united Arab state, an idea that never came to fruition. The Committee quotes (in Article 175) the British Peel Commission report, which noted in 1937 that:

There was a time when Arab statesmen were willing to consider giving Palestine to the Jews, provided that the rest of Arab Asia was free. That condition was not fulfilled then, but it is on the eve of fulfilment now.

The committee analysed the meaning of the phrase 'Jewish National Home' and drew the conclusion that an independent Jewish state was a reasonable though not the sole possible interpretation of this expression.

The committee held that:

both the Balfour Declaration and the Mandate involved international commitments to the Jewish people as a whole. It was obvious that these commitments were not limited only to the Jewish population of Palestine, since at the time there were only some 80,000 Jews there.

(Chapter II, Article 146)

Thus the committee relates to the Jews of the world as a people with national aspirations, recognized as such by the international community. This is noteworthy because many of the opponents of the 1947 partition maintained that the Jews were not a people or a national group, but merely a religious community not entitled to develop national aspirations. These opponents argued that the phrase 'the Jewish people' should be taken as a description of the collective of believers in the Jewish religion, devoid of any national and political status. Such arguments can still be heard today (though some of those voicing them are willing to concede that the Hebrew-speaking Jewish community in Israel, in contrast to world Jewry, is indeed a national entity). However, in 1947 the members of the UN committee, following what had been determined in the Mandate of the League of Nations, pursued a different premise. They viewed the Jewish people as a national entity whose existence preceded the creation of a large modern Jewish community in Palestine.

At the same time, the chief arguments in favour of partition related neither to the historic past nor to the Jewish people in the world, but rather to the reality on the ground in 1947: the actual existence of two peoples and two national movements in Mandatory Palestine. The committee's members sought to safeguard the national rights of both parties. They determined that it would not be right to ignore the national aspirations of the Palestinian Arabs and to impose Jewish rule over the entire land by continuing Jewish immigration that would eventually make the Jews into a majority that could establish its state in it.

The basic premise underlying the partition proposal is that the claims to Palestine of the Arabs and Jews, both possessing validity, are irreconcilable, and that among all of the solutions advanced, partition will provide the most realistic and practicable settlement and is the most likely to afford a workable basis for meeting in part the claims and national aspirations of both parties.

It is a fact that both of these peoples have their historic roots in Palestine, and that both make vital contributions to the economic and cultural life of the country...

The basic conflict in Palestine is a clash of two intense nationalisms. Regardless of the historic origins of the conflict, the rights and wrongs of the promises and counter-promises [to both sides] and the international intervention incident to the Mandate, there are now in Palestine some 650,000 Jews and some 1,200,000 Arabs who are dissimilar in their ways of living and, for the time being, separated by political interests. ... Only by means of partition can these conflicting national aspirations find substantial expression and qualify both peoples to take their places as independent nations in the international community and in the United Nations. ... Jewish immigration is the central issue in Palestine today and is the one factor, above all others, that rules out the necessary co-operation between the Arab and Jewish communities in a single State. The creation of a Jewish State under a partition scheme is the only hope of removing this issue from the arena of conflict.

It is recognized that partition has been strongly opposed by Arabs, but it is felt that that opposition would be lessened by a solution which definitively fixes the extent of territory to be allotted to the Jews with its implicit limitation on immigration.

(Chapter VI, Part I, Articles 1-9)

The final comments here are especially instructive. The continued massive Jewish immigration to the Jewish State after its establishment (beyond the 150,000 Jews in displaced person (DP) camps in Europe that the Commission recommended allowing into the country even during the interim period before the granting of independence) was something that the members of the committee took as a given. Following unequivocal statements to this effect made by the Jewish representatives who appeared before them, the members of the

committee noted that for the Jewish side, 'the issues of the Jewish State and unrestricted immigration are inextricably interwoven', and that (exactly as would be stated in the Israeli Declaration of Independence), 'the opening of the gates of the country to massive Jewish immigration will be a major goal of the Jewish State after its establishment' (Chapter II, Article 127). In the view of the members of the committee, the restriction on Jewish immigration after the establishment of the state would be territorial: since the state would be limited to a certain part of Palestine only, Jewish immigration would also be restricted to that part. This would allay the Palestinian Arabs' fear that the continued Jewish immigration would turn them into a minority in their own country, while imposing Jewish rule over the entire territory.⁵ The establishment of a Jewish State on part of the land is intended 'to remove the issue of immigration from the arena of conflict' – in other words, to turn it into an internal matter of the Jewish State. When the report was debated in the UN General Assembly, a number of delegates commented in a similar vein. In his speech on 6 October before the Ad Hoc Committee of the General Assembly on the Palestinian Question debating the report, the Panamanian delegate spoke optimistically of the ability of the Jewish State to absorb masses of Jewish immigrants in its territory.⁶ In comments made before the plenary of the General Assembly on 26 November, the delegate of Uruguay noted that the Balfour Declaration and the Mandate promised 'to create a Jewish national home in Palestine and to promote the immigration of the Jewish masses to that country in order that they might work out their destiny and build their home there'. In time, the question of Jewish immigration to Palestine, he continued, has become the bone of contention between the Jews and the Arabs; however, from the moment a Jewish state is established on part of the land, 'the problem of immigration will cease to be such a painful and bitter one' occupying the international community, as it would then become an internal issue of that country.

Moreover, the UNSCOP report explicitly confirms that in determining the size of the territory to be allotted to the Jewish State, the members of the committee took into account the need to ensure sufficient space for the absorption of Jewish immigrants. Consequently, the Jewish State was granted a territory larger than would have been justified if taking into account only the existing numerical ratios between Jews and Arabs in the country. This, naturally, increased the number of Arabs who would be included within its borders. As noted in Chapter IV, Part II, Articles 3 and 5:

A partition scheme for Palestine must take into account both the claims of the Jews to receive immigrants and the needs of the Arab population, which is increasing rapidly by natural means. Thus, as far as possible, both partitioned States must leave some room for further land settlement . . .

The proposed Jewish State leaves considerable room for further development and land settlement and, in meeting this need to the extent that it has been met in these proposals, a very substantial minority of Arabs is included in the Jewish State.

These comments are of considerable importance. The Arab delegates to the General Assembly, while opposing the very principle of partition, repeatedly maintained that the terms of the partition proposed by UNSCOP were manifestly unfair to the Arab side, because the Jews, who represented only one-third of the country's population, would receive a disproportionate part of its territory – more than 50 per cent (although most of this territory was in the Negev desert). However, the members of the committee determined the size of the territory of the Jewish State not only in accordance with the needs of the existing Jewish community in Palestine, but also in consideration of the anticipated immigration to the Jewish State after its establishment. The need to guarantee land reserves that would enable the absorption of Jewish immigrants appeared to the members of the committee important enough to justify allocating a relatively large area to this state, thus considerably increasing its proportion of Arab inhabitants, despite the fact that their guiding principle was, naturally, that people belonging to each national community should be included, as far as possible, in the area of their national state. According to the partition plan, the Arab minority within the Jewish State was intended to number close to 45 per cent of its inhabitants, although, as noted, it was assumed that the Jewish majority would grow extensively as a result of massive Jewish immigration. Today, Israel has a large Arab minority of around 19 per cent. Those who deny the legitimacy of defining Israel as a Jewish state, and in particular the legitimacy of the Law of Return, maintain, among other things, that this definition and this law are inappropriate in a country that has such a large Arab minority. The approach taken by the members of the UN committee of 1947 was exactly the opposite: they were willing, as noted, to increase substantially the Arab minority included in the Jewish State in order to give the state sufficient territory to absorb large-scale Jewish immigration. This naturally followed from the basic logic of partition: as we have seen, the question of continued Jewish immigration represents a major consideration in the decision by the committee members in favour of partition, after they became convinced that the dispute between the two peoples over this subject would not enable them to cooperate in a single bi-national state.

The Guatemalan delegate to the United Nations, Jorge Garcia-Granados, a member of UNSCOP and an enthusiastic supporter of partition and of a Jewish state, published a book a short time later, describing the committee's visit to Mandatory Palestine and its internal debates in preparation for the submission of its report to the General Assembly. The author expressed his sympathy for the Jewish people and their aspiration to have a national home of their own, admiration for the achievements of the Jewish community in Mandatory Palestine and deep sympathy for the displaced Holocaust survivors and the hardships suffered by them. However, when presenting the basic logic that guided the majority of committee members in adopting the concept of partition, the Latin American diplomat framed his comments in universal terms – the right of peoples to national independence:

Given two peoples, each of whom was convinced it was fighting for its national existence in Palestine, the only solution was to separate them,

bestow upon each sovereignty and independence, and allow the natural and irresistible law of economic necessity to force them to work together economically.⁷

As Garcia-Granados describes it, the members of the committee viewed the question of continued Jewish immigration and the issue of partition as being closely related. The chairman of the committee, the Swedish delegate, enumerated the possible solutions to the Palestine problem in a meeting held in Beirut between UNSCOP and representatives of Arab countries:

'Let us take up the possible solutions. First a bi-national state with a limited immigration; second a federal state comprising two or more states, each having the power to determine whether immigration would take place; third, partition, involving the establishment of two independent states which would decide on immigration.' ... The replies reiterated the Arab position. They would not consider the establishment of a Jewish state in all Palestine, or in part of Palestine. ... They wanted Palestine to be an Arab State with Jews as a minority group and all immigration to be determined by the Arab government of that Arab State.⁸

The establishment of a Jewish state and the assumption that the gates of such a state would be open to massive Jewish immigration did not, in the minds of the members of the UNSCOP committee, in any way contradict the need to ensure equal civil rights for the large Arab majority that would be included in its borders. Recommendation 7 in Chapter V of the committee report, under the heading 'Democratic Principles and Protection of Minorities', notes that

in view of the fact that independence is to be granted in Palestine on the recommendation and under the auspices of the United Nations, it is a proper and an important concern of the United Nations that the constitution or other fundamental law as well as the political structure of the new State or States shall be basically democratic.

Thus, contrary to the claims heard in recent years according to which a 'Jewish state' is an invalid or at least a flawed concept from the perspective of international norms of human rights and democracy, those who proposed a partition and a Jewish state in 1947 were invoking the legitimate interest of the international community in guaranteeing compliance with democratic principles. The committee determined that the constitution or basic laws of the two future states must guarantee:

full protection for the rights and interests of minorities, including the protection of the linguistic, religious and ethnic rights of the peoples and respect for their cultures, and full equality of all citizens with regard to political, civil and religious matters.

This general rule was further expanded on in Chapter II, 'Religion and Minority Rights'. Among the rights guaranteed is the right of each community to maintain its own schools for the education of its own members in its own language. It is clear that the committee saw no contradiction between providing full civil rights to the large Arab minority in the future Jewish state while allowing it to maintain its cultural particularity, on the one hand, and the Jewish character of the state by means of which the Jewish people would 'take its place as an independent nation in the international community and in the United Nations', on the other.

The debates on the partition plan in the UN General Assembly

The question of Palestine was discussed twice in the General Assembly in 1947: once when it was decided to establish a special committee on this matter, and once again during the debate on the committee report. During these debates, an important diplomatic development occurred: the surprising support of the Soviet Union for the partition and the establishment of a Jewish state, as expressed by its ambassador, Andrei Gromyko. This support greatly contributed to the final outcome – the adoption of the partition plan by the General Assembly by the required two-thirds majority. The Soviet Union's motives are not entirely clear and were probably mixed. They certainly included a desire to weaken the British Empire and expel it from Palestine. The Soviet Union was hostile to the pro-British Arab regimes, in particular those in Transjordan and Egypt, and there was no reason for it to support the Palestinian-Arab leadership headed by the Mufti of Jerusalem, Haj Amin al-Husseini. The Soviet position favouring the Jewish side came as a surprise due to the Soviet Communist Party's long-held opposition to Zionism. This opposition began well before the Russian Revolution. Lenin and the Bolsheviks vehemently opposed Zionism, including the socialist brand of Zionism, with the claim that the idea of a Jewish state in Palestine was a 'reactionary utopia'. Within a few years after the Revolution, all Zionist activity in the Soviet Union was outlawed. The Bolsheviks opposed not just Zionism, but also non-Zionist, 'diasporic' versions of Jewish national identity – notably, that advocated by the social-democratic 'Bund' (which sought Jewish national autonomy in Russia). This was based on Lenin's explicit claim that the Jews were not a people or a 'nation', but merely a 'caste', a relic of the distant past whose continued collective existence served only the interests of anti-Semites and Jewish reactionary forces. The fate of this 'caste' was to disappear as a result of assimilation – for the benefit of the Jews themselves. This assimilation would be made possible thanks to the full equality that the socialist revolution would grant the Jews (as individuals).

In time, the Soviet regime changed its position vis-à-vis the issue of a Jewish national identity. When the official designation of all Soviet citizens by 'nationality' (i.e. belonging to a national group) was introduced as part of the regime's general policy on the national question in the multi-national Soviet state, it was

no longer possible to persist in the use of the polemical designation of the Jews as a 'caste', and the Jewish citizens were registered in their identity card ('passport') as 'Nationality: Jewish'. Secular and socialist Yiddish culture was fostered by the regime until it was brutally eliminated in the late 1940s. Moreover, by establishing the 'Jewish Autonomous Region' in Birobidzhan, the Soviet regime recognized the Jews of the Soviet Union as a national group entitled to an autonomous political entity of its own – similar to many other nationalities in the Soviet Union. The Birobidzhan project failed due to the small number of Jews that moved to that remote area (although formally the 'Jewish Autonomous Region' continues to exist to this day). However, it is significant that the Soviet government recognized in principle the need for a national-territorial solution, albeit a partial one, to the Jewish problem. Nevertheless, Soviet hostility to Zionism did not let up, and all forms of Zionist activity in the Soviet Union were banned and crushed.

From the moment the Soviet government decided to support partition and the establishment of a Jewish state in Palestine, it justified its stance, as was its wont, using the most enlightened and advanced arguments known to international discourse – humanitarian considerations and adherence to the principle of national self-determination. When Andrei Gromyko gave his famous speech to the UN General Assembly on 14 May 1947, supporting partition should the two sides fail to agree on another solution (a united bi-national Arab-Jewish state), he was in fact endorsing – without mentioning the term 'Zionism' – the essence of the traditional Zionist justification for the idea of a Jewish state: The Jewish *people* (that is, not just the Jewish community in Palestine) aspires to attain national independence. This aspiration is legitimate and particularly understandable on the backdrop of Jewish suffering, whose most extreme expression was the extermination of Europe's Jews by the Nazis. Moreover, the Soviet delegate did not hesitate to use the 'reactionary' argument regarding the historic bond between the Jewish people and Palestine:

As we know, the aspirations of a considerable part of the Jewish people are linked with the problem of Palestine and of its future administration. This fact scarcely requires proof. ...

During the last war, the Jewish people underwent exceptional sorrow and suffering. Without any exaggeration, this sorrow and suffering are indescribable. It is difficult to express them in dry statistics on the Jewish victims of the fascist aggressors. The Jews in territories where the Hitlerites held sway were subjected to almost complete physical annihilation. The total number of members of the Jewish population who perished at the hands of the Nazi executioners is estimated at approximately six million. Only about a million and a half Jews in Western Europe survived the war. ...

Past experience, particularly during the Second World War, shows that no Western European State was able to provide adequate assistance for the Jewish people in defending its rights and its very existence from the violence of the Hitlerites and their allies. This is an unpleasant fact, but unfortunately, like all other facts, it must be admitted. ...

The fact that no Western European State has been able to ensure the defence of the elementary rights of the Jewish people, and to safeguard it against the violence of the fascist executioners, explains the aspirations of the Jews to establish their own State. It would be unjust not to take this into consideration and to deny the right of the Jewish people to realize this aspiration. ...

It is essential to bear in mind the indisputable fact that the population of Palestine consists of two peoples, the Arabs and the Jews. Both have historical roots in Palestine. Palestine has become the homeland of both these peoples.

In his second speech in the General Assembly on 26 November, on the eve of the final authorization of the partition plan, Gromyko expressed full support, on behalf of his government, for the majority recommendation of the special committee, i.e. the two-state solution:

The logical conclusion followed that, if these two peoples that inhabit Palestine, both of which have deeply rooted historical ties with the land, cannot live together within the boundaries of a single State, there is no alternative but to create, in place of one country, two States – an Arab and a Jewish one. ...

The representatives of the Arab States claim that the partition of Palestine would be an historic injustice. But this view of the case is unacceptable, if only because, after all, the Jewish people has been closely linked with Palestine for a considerable period in history. Apart from that, we must not overlook ... the position in which the Jewish people found themselves as a result of the recent world war. ...

The delegation of the USSR maintains that the decision to partition Palestine is in keeping with the high principles and aims of the United Nations. It is in keeping with the principle of the national self-determination of peoples.

The Soviet delegate's repeated use of the term 'the Jewish people', which includes all world Jewry and not just the Jews of Palestine, is notable. This people, he said, is connected historically to Palestine; it has suffered from terrible persecutions (only in the Western capitalist nations, of course), and now it is justified in demanding the establishment of an independent nation of its own. This fundamentally deviated from the traditional Soviet approach to the 'Jewish question'. Even after recognizing its own Jewish population as one of the Soviet Union's 'nationalities', the Soviet regime, which sought to isolate this population from the Jews in the West, continued to reject what it labelled 'the Zionist concept of a worldwide Jewish nation'. It was now claimed that Jews were a national or ethnic minority in each of the countries where they lived, but there was no national connection between the various Jewish communities. Using this conceptual framework it was possible to recognize the Jewish community in

Palestine as a 'people' entitled to national independence – but, as we see, the actual arguments of the Soviet delegate went far beyond that.

Other supporters of the partition plan used similar arguments. In his speech in the General Assembly on 26 November, the Polish delegate said:

We know that a large proportion of the Jewish people consider Palestine as their national home, where they wish to establish their own national life. In view of our own close historic association with the Jewish people, we cannot help sympathizing with these aspirations. ...

The reestablishment of a Jewish State more than two thousand years after its extinction is a fact of such historic import that it should receive worldwide attention. My delegation and my Government welcome it, and are fully conscious of the great historic significance of the act. But there is sometimes overlooked, and the eloquence with which our Arab colleagues conducted their debate almost made us overlook, a no less important fact, namely, that the proposal ... establishes an Arab State in Palestine, a State which gives to the Arab people of Palestine their national political independence.

Immediately afterwards, the Syrian delegate came forward and maintained that Poland supported the establishment of a Jewish state only in order to get rid of its own Jews. He also made the false claim that according to the *Encyclopaedia Judaica*, 'The Jews of Eastern Europe are in no way connected to the Children of Israel and that they come from pure Russian-Tartar extraction.' 'Anthropological' arguments such as these, which were repeatedly voiced by Arab delegates during the debate,⁹ were countered that day by the Uruguayan delegate in an emotional speech:

The Uruguayan delegation maintained four points as fundamental: firstly, a territorial solution of the Jewish problem; secondly, the creation of independent Jewish and Arab States within the present territory of Palestine ...

The Jewish people have suffered, and are suffering, their age-old fate. Speaking of the 'Jewish people' in direct connection with this problem, we are suddenly confronted with something too strange to be passed over. We are told, and it has always been proclaimed, that the Jews hang together, that a group of Jews which moves from one place to another and settles in a particular country, continues to remain Jewish above all else and is not assimilated by its environment. We are also told that the Jewish race maintains a remarkable unity among its component parts. But when one goes further into the question and tries to find a basis for the solution of this problem, one comes upon anthropological theories which will prove that the Oriental or Central European Jews are not connected with, or related to, the people of Israel at all.

Race or people, race or religion, the same common denominator of persecution and suffering has characterized the fate of this section of humanity.

... We consider that the solution recommended, whereby the Jewish people will be given a territory of their own, constitutes a victory over all the acts of racial discrimination by which an attempt was made to create a superior race based upon the subjection, persecution and slavery of others. ...

Why is it necessary that there should be a Jewish State? Precisely to put an end to that form of discrimination and alienation, that persecution of a section of humanity. And what a burden of suffering they have borne! No one in our day has endured such a burden.

Similarly, the delegate of Czechoslovakia (who still represented Masaryk's democratic government, before the Communist coup in his country) spoke before the Ad Hoc Committee on 16 October:

It has been said that the Jews are not a distinct nation, but only a distinct religion, and that because of that are not entitled to a state of their own. In my view, this should be decided in light of the will of the people involved. For anyone who has seen the Jewish people at work in Palestine, there can be no doubt about their unshakable will to live as a nation with all the attributes of a nation.

However, for the authors of the UNSCOP report and most of the supporters of partition during the General Assembly debates, the existence of the Jewish people as a people having national aspirations was self-evident and they saw no need to explain it. It should be borne in mind that the international recognition of the Jewish people and its national aspirations as formulated in the League of Nations Mandate was one of the cornerstones of the debate held in 1947.

The Syrian delegate formulated his position on the question of Jewish peoplehood with great clarity in his speech of 22 September in the plenary of the General Assembly, in response to the UNSCOP report and its recommendation in favour of partition:

The Committee assumed that the Jews are a race and a nation entitled to cherish national aspirations. The Jews are not a nation. Every Jew belongs to a certain nationality. None of them in the world is now stateless or without nationality. In their entirety, they embrace all the nationalities of the world. Nor are the Jews a race. The Children of Israel today are a very small fraction of the Jewry of the world, for the Jews are composed of all races of mankind, from the Negroes to the blond, fair-skinned Scandinavians. Judaism is merely a religion and nothing else. The followers of a certain religious creed cannot be entitled to national aspirations.

Following such comments, one might expect the Syrian delegate to then proceed to express the great respect he felt towards the Jewish religion, which should not have to deal with petty, mundane matters such as the establishment and management of political entities. He was, however, unable to overcome his fierce

animosity towards the nonexistent – as he claimed – Jewish people. This antipathy, given full expression in the next part of his speech, was unmistakably ethno-national:

There were so many nations that contributed greatly to the civilization of the world and which were stronger and more powerful than the Jewish dynasty. Yet we find none of them in existence now. They were not exterminated; they were assimilated by their invaders and became adapted to the environments in which they found themselves. Of the peoples of antiquity, only the Jews maintain their isolation and seclusion, to the dissatisfaction and anger of their compatriots and their neighbours, who never failed to molest and persecute them, on each occasion giving to the world a problem of refugees; a problem of displaced persons. Not a single century in history has been free from such a problem as we now face. The world has always been faced with the problem of Jewish refugees and displaced persons and Jewish persecution at some time or other. Why is that? The only reason is the special manner of life which the Jews adopt for themselves and to which they adhere in spite of all the developments and metamorphoses which have taken place all over the world for all nations. The Jews are all alone, and the United Nations now is faced with the last but not least of these problems. It is as important as any of the previous problems.

The Syrian delegate then suggested to the government of the Soviet Union that if it really wanted to resolve the problem of the displaced Jews by establishing an independent Jewish state, it should do so in Birobidzhan. This excerpt exemplifies the argument put forward by the Uruguayan delegate – that there is a gross contradiction between the anti-Jewish hostility, its character and the way it is expressed on the one hand, and the claim that Jews are merely a religious community and nothing more. There was precious little theology in what the Syrian delegate had to say about the Jews, their history and their plight.

Had the Syrian delegate desisted from revealing the depth of his antipathy towards the Jews in favour of a more convincing presentation of the argument that they were no more than a religious community, he could have said something along the lines of the remarks made by the Indian delegate on 2 May in his speech to the General Committee, which served as the presidium of the General Assembly. The latter expressed his full appreciation for the Jewish religion and for Jews as a highly gifted group of believers:

They have a religion. If I were a Jew, I should be most proud of my religion. I would stand up and look into everyone's eyes and say, 'I am a Jew and I wish to be respected, and wish to respect everyone' – reciprocal respect and reciprocal admiration.

However, the Indian delegate went on to argue that the religion of the Jews does not make them a nation: a nation is not a matter of religion or ethnicity; rather, it

is identical with the aggregate of the inhabitants of a particular country. It is clear that the Indian delegate was influenced by the example of his own country and the trauma of the partition of India (which also occurred in 1947). During the struggle to establish a separate Muslim state in India, the Muslim League maintained – against stiff opposition on the part of the Congress Party – that the Muslims of the subcontinent represented a separate nation, that of Pakistan. However, this attempt to apply the Indian Congress Party's concept of nationhood (embracing all of India's religious, ethnic and linguistic communities) to Palestine led to a surprising conclusion: 'What do we find in Palestine, for instance? Christians, Muslims, Jews, and perhaps others, and I dare say, some atheists too, and political ideologists are residing together. They are all living there as one people.' And that, concludes the Indian delegate, is the 'Palestine people'; this people should be given independence. The claim that the Jews and Arabs of Palestine are members of the same 'people' (thus denying the reality of both the Jewish and the Arab national identity in the country) is, obviously, an ideological construction alien to local conditions. If there is anything that the Jews and Arabs have always agreed upon throughout the various phases of their conflict over Palestine, it is the fact that they do *not* belong to the same people. It is also clear that this 'one people' theory is inconsistent with the conclusions of the UNSCOP minority report, which the Indian delegate supported, which expressly refers to the existence of two peoples, a Jewish people and an Arab people, having opposing national aspirations, in Palestine (Chapter VII, 'Plans for a Federal State', Articles 2, 5, 7). It is similarly inconsistent with the solution of a federative state made up of an 'Arab state' and a 'Jewish state'. And indeed, according to the Guatemalan delegate to UNSCOP, during the committee's own debates when consolidating its conclusions, the Indian delegate (who was a Muslim activist in the Congress Party) expressed a view that differed fundamentally from the idea of a bi-national federative state:

Sir Abdur interrupted here to state that he rejected the principle of basing political rights on religion, custom or tradition. He could not admit that the Jews had any claim to Palestine because of religious connection. He was against a bi-national state because he did not see two nations in Palestine. He was prepared to consider a unitary state with proportional representation in government and constitutional safeguards for everyone.

The Guatemalan representative went on to note: 'It was obvious that the root of his thinking was his refusal to see the Jews as anything but a religion, despite everything we had heard and seen to the contrary.'¹⁰ As noted, this approach ran counter to the minority plan, which recognized the existence of two peoples and two national movements in Palestine, and recommended the establishment of a federative state made up of a Jewish state and an Arab state. Such a state would clearly be a bi-national state, although the term itself does not appear in the report – perhaps out of consideration for the sensibilities of the Indian delegate. The latter joined his voice to that of the minority position, apparently because he

viewed it as the only way to prevent partition, although this ideological stance was in fact fundamentally different from the view expressed in the minority report.

It goes without saying that, throughout the General Assembly debates, the Arab delegates, who rejected the idea of partition as well as that of a bi-national federation, did not adopt the national concept offered by the Indian delegate who maintained that all the residents of Palestine comprised a single people, or nation. But this theory seems to be the inescapable conclusion if one takes seriously the argument that Jews are no more than a religious group, and that their national identity is, as the Syrian delegate maintained, identical with their citizenship in each of the countries in which they reside. In that case, Jews of Mandatory Palestine, who were Palestinian subjects, should indeed have been considered part of the Palestinian people. However, the Arab delegates, including the Palestinian-Arab delegates, did not claim that a 'state of all its citizens' should be established for the multi-ethnic and multi-denominational Palestinian people consisting of all the residents of Palestine, in accordance with the Indian model. Their express claim was that an Arab state should be established in the whole of Palestine. Jamal Husseini, vice president of the Arab Higher Committee for Palestine, spoke before the Ad Hoc Committee of the General Assembly on 29 September 1947 and presented its proposals for solving the problem. He proposed:

- 1 That an Arab state in the whole of Palestine be established on democratic lines.
- 2 That the said Arab state of Palestine would respect human rights, fundamental freedoms and equality of all persons before the law.
- 3 That the said Arab state of Palestine would protect the legitimate rights and interests of all minorities.

All these worthy principles were supposed to prevail in the 'Arab State of Palestine' which would, naturally, be headed by the chairman of the Arab Higher Committee, the Mufti of Jerusalem, who had supported Nazi Germany during the Second World War. Even if it is rather a moot point whether a Jewish minority would in fact have enjoyed equality and protection under such conditions and in such a state, there seems to be no good reason to argue that there is something fundamentally illegitimate about the very concept of an Arab state – or a Jewish one.

One of the three countries whose delegates subscribed to the minority report recommending a bi-national federation instead of partition was Yugoslavia. The arguments in favour of this position in the remarks made by the Yugoslavian delegate before the Ad Hoc Committee on 14 October include many of the principles espoused by those who supported partition. The Yugoslavian delegate, like the proponents of partition and unlike the Arab delegates, viewed the Jews – at least the Jews of Palestine – as having a shared national identity rather than being merely a religious community. However, he argued that the national

aspirations of both peoples in Palestine should find expression in a common state, without partitioning the country:

It must be recognized, in the first place, that Palestine was homeland of both Arabs and Jews and that both played a vital part in the economic and cultural life of the country; secondly, that both peoples, having arrived at national consciousness and being engaged in a struggle for national liberation, had a right to freedom, independence and self-government; thirdly that economic unity was in the interest of both communities and should not be called into question; fourthly, that equality of rights – individual, civil, political and religious – for all the inhabitants of Palestine was a precondition of a democratic system and, furthermore, that full equality of rights, in their common State, must be guaranteed to the Arab and Jewish peoples as a whole; and, finally, that the solution of the Palestine problem would not solve the Jewish problem in general.

The maintenance of the integrity of Palestine as a federation of two autonomous states, Arab and Jewish, appeared to the Yugoslavian delegate to be preferable to partition into two separate states, not only because of the practical difficulties that he (along with other delegates) noted – the need to draw an artificial borderline through a tiny country, poor in natural resources, populated by two communities mixed together, endangering crucial economic ties.¹¹ It is likely that Yugoslavia, as a multi-national federation, was particularly sensitive to the argument raised by the opponents of partition, namely that a decision to partition a country along ethno-national lines would set a dangerous precedent (we shall return to this subject later on). On the other hand, the majority in UNSCOP took the view that the conflict between the two peoples precluded cooperation in the framework of a single state – first and foremost, as we have seen, because of the dispute over Jewish immigration.

The supporters of partition proposed resolving the problem through the establishment of an independent Jewish state in part of Palestine, capable of receiving Jewish immigration without threatening to turn the Arabs of Palestine as a whole into a minority in their own land. The majority report holds, just as the Yugoslavian delegate did in his remarks, that it was incontrovertible that a solution for Palestine could not be considered a solution of the Jewish problem in general. However, it also determined, as we have seen, that a Jewish state should be allocated territory of a sufficient size to enable it to realize the desire of the Jews of Palestine to absorb Jewish immigration. That is the fundamental difference between the two proposals: It could be claimed, at least theoretically, that a federative framework would give sufficient expression to the national aspirations of both peoples; however, it is clear that the autonomous, federated Jewish state would not be able to accept immigrants of its own accord. Consequently, the practical meaning of the bi-national federative solution was the closing of gates of the country to Jewish immigration. It could therefore be viewed as a solution of sorts for the national aspirations of the Jews of Palestine, but not for the

Jewish people in the Diaspora. The Yugoslavian delegate was aware of this difficulty, and later on in his speech on 14 October he admitted that 'the most serious problem was that of the future immigration of the Jews' to Palestine. He admits that despite 'the great compassion for the Jewish people, since the people of Yugoslavia had suffered similarly at the hands of the same aggressor', he was unable to propose a solution that would 'give full satisfaction to Zionist aspirations' in this area – beyond the recommendation to enable the immediate immigration of Jews from the DP camps in Europe, and especially from the camps for illegal immigrants in Cyprus for a three-year transition period.

However, the stance taken by the Arab side turned the debate between the majority and minority opinions in UNSCOP into a theoretical one. The delegates of the Arab countries and the Palestinian Arabs, not content with rejecting the two-state solution, rejected no less resolutely the minority report with its proposal for an Arab-Jewish federation. They demanded a unitary Arab state in all of Palestine. The delegate of the Arab Higher Committee expressed this view in his remarks before the Ad Hoc Committee of the General Assembly on 29 September:

As for the United Nations Special Committee on Palestine, Mr. Husseini declared that it could not be a basis for discussion. That report, he said, contains two schemes [partition and federation], both of which are based on considerations that are, in the view of the Arabs of Palestine, inconsistent with and repugnant to their rights, the United Nations Charter and Covenant of the League of Nations. The Arabs of Palestine are, therefore, solidly determined to oppose, with all the means at their disposal, any scheme that provides for the dissection, segregation or partition of their country, or that gives to a minority on the ground of creed, any special and preferential rights or status.

Had the Arab delegates not rejected the bi-national option, there is no way of knowing if the partition plan would have obtained the required two-thirds majority in the United Nations. The delegates of quite a few states that ultimately supported partition expressed their regret that the two peoples living in Palestine were unable to cooperate and agree on a compromise solution that would not necessitate partitioning the country.¹² The General Assembly set up a special committee to look into the possibility of finding a compromise position between the UNSCOP majority and minority views; however, because the Arab delegates rejected the minority position too, no consolidated alternative to the partition proposal was presented to the General Assembly.

The right to national self-determination and its dilemmas

The debate in the General Assembly was consequently on the sole proposal before it – the partition plan. Naturally, the arguments put forth by Arab