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- According to Prime Minister Benjamin Netanyahu, the real root of the conflict between Israel and the Palestinians had been their ongoing refusal to recognize "the right of the Jewish people to a state of their own in their historic homeland" and he has singled out this issue as a key "prerequisite for ending the conflict." Netanyahu's proposal puts back on the global agenda a fundamental Jewish national right that was once axiomatic but today is rarely mentioned.
- Ninety years ago at the San Remo Conference following World War I (April 1920), the Supreme Council of the Principal Allied Powers determined the allocation of the Middle Eastern territories of the defeated Ottoman Empire and decided to incorporate the 1917 Balfour Declaration supporting a Jewish national home in Palestine into the British Mandate for the territory, a move which confirmed international recognition of the right of Jewish self-determination.
- The language adopted at San Remo was a triumph for Zionism, which saw a national solution to the problem of the Jews. It recognized the existence of the Jews as more than individuals who subscribed to a certain *religion* - Judaism - but rather as a corporate group deserving of *national* expression, in this case in the form of a national home. And this home was to be in Palestine, the ancient homeland of the Jews. The language agreed upon at San Remo was, as British Foreign Secretary Lord Curzon put it, "the Magna Carta of the Zionists." It was clear at the time that the term "national home" really meant a state.
- Jewish self-determination was part of a process that ended up decolonizing the Middle East in an effort that led to Arab as well as Jewish independence. Repeated recent associations of Israel with colonialism - an ahistorical canard that erases the millennia-long association of Jews with the Land of Israel as an indigenous people - ignores the benefit that Zionism actually brought to the Arabs through

the process of decolonization. The British Peel Commission Report of 1937 was quite clear on this. Indeed, it was the return of the Jews to the Land of Israel that gave critical mass to a distinct and unique Palestinian identity as well.

- The Jews have been brought back into history through the establishment of the State of Israel. This was accomplished with the aid of international institutions which recognized the justice and importance of Jewish national self-determination. These institutions accepted the validity of Zionism, the national liberation movement of the Jews. Today, those who deny the Jewish right to national self-determination, more than 60 years after the founding of Israel, engage in a new kind of anti-Semitism.

In his June 14, 2009, address at Bar-Ilan University in which he accepted the principle of a demilitarized Palestinian state, Prime Minister Benjamin Netanyahu repeatedly emphasized an important Israeli requirement for a final peace agreement: Palestinian recognition of Israel as the nation-state of the Jewish people. For Netanyahu, this was not a precondition for negotiations. But, according to his analysis, the real "root of the conflict" between Israel and the Palestinians had been their ongoing refusal to recognize "the right of the Jewish people to a state of their own in their historic homeland." He thus singled out this issue as a key "prerequisite for ending the conflict."¹

The recognition of the right of the Jewish people to their ancestral homeland is not a new idea. It actually has long historical roots which, unfortunately, have been forgotten in much of the public discourse on the Arab-Israeli conflict. Indeed, the denial of this right has been part of the international campaign to challenge Israel's very legitimacy. For that reason, it is critical to reemphasize the international, legal, and historical foundations of this idea in order to challenge the current discourse of delegitimization and restore the idea of Jewish self-determination as an internationally-accepted norm. Thus, Netanyahu's proposal is important for reasons that go beyond the peace process, for it puts back on the global agenda a fundamental Jewish national right that was once axiomatic but today is rarely mentioned.

Historical Roots of the Internationally-Recognized Right of Jewish Self-Determination

Ninety years ago at the San Remo Conference in Italy following World War I (April 1920), the Supreme Council of the Principal Allied Powers (Great Britain, France, and Italy) determined the allocation of the Middle Eastern territories of the defeated Ottoman Empire. At San Remo it was decided to incorporate the 1917 Balfour Declaration supporting a Jewish national home in Palestine into the British Mandate for the territory, a move which confirmed international recognition of the right of Jewish self-determination in the place known to the Jews as the Land of Israel (in Hebrew, *Eretz Yisrael*).

While some have viewed the mandate system as a continuation of British and French colonialism, the mandates were temporary by design and eventually gave way to Arab and Jewish independence. Indeed, the mandate system could be viewed essentially as a move toward decolonization (U.S. President Woodrow Wilson certainly saw it as such),² a step on the way to returning much of the Middle East to its indigenous peoples and freeing them from the Ottoman colonizers who had ruled for 400 years.

Ironically, the peace process of recent decades, which revived the idea of a two-state solution which would allow the fulfillment of both Jewish and Palestinian self-determination, has also resurrected the idea of a one-state solution - a move which in time would bring about an Arab majority in the land, thus ending Jewish self-determination. Although the supporters of a one-state solution or a Palestinian "right of return" may drape their ideas in the cloth of human rights, in effect they would be denying the Jewish people their fundamental right of self-determination. Beyond the great injustice this would bring upon the Jewish people, it would most certainly not bring about peace. Those truly concerned with peace and stability should support

self-determination for both peoples in two states, since in the Middle East a one-state solution would only bring death and destruction. Think [Lebanon](#), [Iraq](#), Somalia, and Afghanistan - not Switzerland.

The Lead-Up to San Remo

By the time the San Remo Conference convened in April 1920, the Allies had already made some progress regarding the disposition of Ottoman territorial possessions. The British had become convinced of the desirability of a post-war British Palestine, but still needed to convince the French, since this contradicted the terms of the Sykes-Picot Agreement of 1916 which determined that Palestine was to be under international control. The best way for the British to gain French support was first to convince them to support a Jewish national home in Palestine, which was achieved in June 1917.³ As a result of this diplomacy, the Balfour Declaration was issued on November 2, 1917. French acquiescence to British rule in Palestine was a result of the realities brought about by British military successes in the Arab provinces of the Ottoman Empire and Palestine in particular - in which the French played practically no role at all.⁴

The Covenant of the League of Nations, which was approved by the Paris Peace Conference in April 1919 and later incorporated in the Treaty of Versailles, signed on June 28, 1919, recognized the mandate system of "tutelage" and gave international validity to it in Article 22 of the Covenant.⁵ But the nature of the mandates and who would be the actual mandatory powers was negotiated between the victorious powers, Britain and France, who first met in London during February 12-24, 1920. The London conference, and the San Remo meeting which followed in April, were aimed at establishing an Allied consensus prior to signing a treaty with the Ottoman Empire, which would become known as the Treaty of Sèvres (and which would eventually be replaced by the Treaty of Lausanne with [Turkey](#)).

At San Remo

Britain, France, Japan, and Italy, with the United States observing, met from April 18 to April 26, 1920, as the Supreme Council of the Principal Allied Powers to discuss the mandates and the future of the Middle Eastern territories of the recently defeated and now defunct Ottoman Empire. Britain was represented by Prime Minister David Lloyd George and the Secretary for Foreign Affairs, Lord George Nathaniel Curzon. At the table for the French were Prime Minister Alexandre Millerand and the director of political affairs for the Ministry of Foreign Affairs, Philippe Berthelot. The significance of what transpired at San Remo on April 24-25, 1920, has not always received the attention it deserves, for in a sense, it was at San Remo that Israel was born.⁶

On April 24, Britain and France, with Italy chairing the meeting and Japan observing, discussed the future of Palestine. The British, led by Lloyd George and Lord Curzon, were keen to have the mandate for Palestine awarded to Great Britain, and to include the language of the Balfour Declaration in the treaty with Turkey. The French, however, were not enthusiastic, despite what the British perceived to have been prior agreement on the issue. Berthelot argued that the Balfour Declaration was a unilateral British document, and "an unofficial declaration made by one power" had no place in the treaty. Furthermore, the French wanted some recognition of their role as a custodian and protector of Christian holy sites, which the Balfour Declaration did not mention.

Lloyd George, however, would hear nothing of a French presence. Two mandatory powers in Palestine were quite impossible, and, he threatened ominously, "it might even easily raise difficulties in regard to [Great Britain's] relations with France." France should let Britain handle Palestine alone and have mercy on London's burden, since "[i]n any case the task of governing Palestine would not be an easy one, and it would not be rendered less difficult by the fact that it was to be the national home of the Jews, who were an extraordinarily intelligent race, but not easy to govern."⁷ The French eventually relented, reducing their

demands to a stipulation in the *procès verbal* that the rights of non-Jewish communities would not be suspended. A draft of the article was put before the Supreme Council on April 24 and it was officially approved on April 25. In the end, the British had carried the day.

The San Remo language gave detailed content to the general provisions regarding the mandate system as formulated in Article 22 of the Covenant of the League of Nations noted above. The operative paragraph reads:

The mandatory power will be responsible for putting into effect the declaration originally made on the 8th [2nd] November, 1917, by the British Government, and adopted by the other Allied Powers, in favour of the establishment in Palestine of a national home for the Jewish people, it being clearly understood that nothing shall be done which may prejudice the civil and religious rights of existing non-Jewish communities in Palestine, or the rights and political status enjoyed by Jews in any other country.⁸

The parties also agreed that France would be the mandatory power for [Syria](#), and Great Britain for Mesopotamia (later Iraq) and Palestine.⁹

The language with respect to Palestine adopted at San Remo is remarkable for several reasons. First, it established recognition by the Great Powers of the principle of Jewish national self-determination. As such, it was a triumph for Zionism, which saw a national solution to the problem of the Jews, as opposed to other proposed solutions, such as assimilation. It recognized the existence of the Jews as more than individuals who subscribed to a certain *religion* - Judaism - but rather as a corporate group deserving of *national* expression, in this case in the form of a national home. And this home was to be in Palestine, the ancient homeland of the Jews. Interestingly, the rights of the Arabs ("non-Jewish communities") in Palestine did not include national, but only civil and religious rights.

The language is a verbatim repetition of the Balfour Declaration, with one significant change. Whereas in the Balfour Declaration, Great Britain promised to "use their best endeavours to facilitate" a Jewish national home in Palestine, at San Remo this became an operative obligation. As the mandatory power, Britain was directly charged with "putting [the Balfour Declaration] into effect." But most importantly, when the Balfour Declaration was first issued, it was little more than a political declaration. Once it was embedded into the Palestine Mandate, it became "an international legislative act" by the Principal Allied Powers.¹⁰

The language agreed upon at San Remo was, as Lord Curzon put it, "the Magna Carta of the Zionists."¹¹ It was clear at the time that the term "national home" really meant a state. Back in 1917, three months after his declaration was issued, Lord Balfour confessed: "My personal hope is that the Jews will make good in Palestine and eventually found a Jewish state."¹² U.S. intelligence recommendations drafted for President Wilson at the 1919 Paris Peace Conference had the same impression: "It will be the policy of the League of Nations to recognize Palestine as a Jewish State as soon as it is a Jewish state in fact."¹³

In the Wake of San Remo

On April 26, 1920, acting upon instructions, British Major General Louis Jean Bols, Chief Political Officer and Chief Administrator, Occupied Enemy Territory Administration (South), announced to the heads of the communities in Jerusalem that the Supreme Council had approved a mandate for Palestine that would probably go to Great Britain. Most importantly, he told them, "the Balfour Declaration regarding a Jewish National Home shall be included in the Turkish Peace Treaty."¹⁴ The announcement, reported the *Times*,

"was quietly received."¹⁵ But in Jewish communities throughout the world, there were celebrations.¹⁶

The agreed language of San Remo was incorporated verbatim into the Treaty of Sèvres, signed with Turkey on August 10, 1920, as Article 95.¹⁷ The treaty, however, was never ratified by Turkey since the new nationalist government headed by Mustafa Kemal, the hero of Gallipoli, would have no part of the treaty due to its many clauses - unrelated to Palestine - that he considered prejudicial to Turkey. By the time a replacement treaty, the Treaty of Lausanne, was signed with Turkey on July 24, 1923,¹⁸ the mandate for Palestine had already been confirmed in the League of Nations Mandate for Palestine of July 24, 1922.¹⁹ It went into effect on September 26, 1923.

The League of Nations Mandate for Palestine is a key document that underscores the international legitimacy of the right of Jewish self-determination in the Land of Israel, or Palestine. According to Howard Grief, this can be seen in the three "recitals" occurring in the Preamble.²⁰ The first recital is embodied in the reference to Article 22 of the League of Nations Covenant, which, by implication, represents self-determination as "the well-being and development" of the former subject peoples. The second recital is the repetition of the Balfour Declaration as changed at San Remo, where Britain is charged with actually carrying out the intent of the Declaration. Finally, the third and perhaps the most important recital in the Preamble recalls and notes that "recognition has thereby been given to the historical connection of the Jewish people with Palestine"; it further stresses that this was "grounds for reconstituting their national home in that country."²¹

It should be clear from the above that Jewish self-determination was part of a process that ended up decolonizing the Middle East, if not entirely by design. This effort led to Jewish as well as Arab independence. Repeated recent associations of Israel with colonialism - an ahistorical canard that erases the millennia-long association of Jews with the Land of Israel as an indigenous people - ignores the benefit (even if ironic) that Zionism actually brought to the Arabs through the process of decolonization. The British Peel Commission Report of 1937 was quite clear on this:

The fact that the Balfour Declaration was issued in order to enlist Jewish support for the Allies and the fact that this support was forthcoming are not sufficiently appreciated in Palestine. The Arabs do not appear to realize in the first place that the present position of the Arab world as a whole is mainly due to the great sacrifices made by the Allied and Associated Powers in the War and, secondly, that, insofar as the Balfour Declaration helped to bring about the Allies' victory, it helped to bring about the emancipation of all the Arab countries from Turkish rule. If the Turks and their German allies had won the War, it is improbable that all the Arab countries, except Palestine, would now have become or be about to become independent states.²²

With respect to the Palestinians per se, it is clear that for many years after the end of World War I, they considered themselves part of Syria,²³ although through constant contact with the challenge of Zionism, and with the independence of the Arab states, a separate Palestinian identity later developed.²⁴

Indeed, it was the return of the Jews to the Land of Israel that gave critical mass to a distinct and unique Palestinian identity. If Jewish national self-determination had not been fulfilled, it is debatable if an entirely separate Palestinian nation would have emerged. The Syrian delegate raised this issue during the UN debate on the 1947 partition plan:

Palestine used to be a Syrian province. Geographical, historical, racial and religious links exist there. There is no distinction whatever between the Palestinians and the Syrians and *had it not been for the Balfour Declaration and the terms of the mandate, Palestine would now be a Syrian*

province [emphasis mine - J.T.], as it used to be.²⁵

Putting Jewish Self-Determination into Action: The Partition of Palestine and the Admission of Israel to the United Nations

If there were some lingering doubts in the international community about the wisdom of a Jewish state, the German Nazi horrors of the Holocaust made abundantly clear its absolute necessity. On November 29, 1947, the United Nations, in General Assembly Resolution 181,²⁶ agreed to the partition of Palestine into a Jewish and an Arab state,²⁷ to share an economic union, with a special international regime for Jerusalem. The tally was 33 votes in favor, 13 against, 10 abstentions, and one absent. At the time, the idea of a Jewish nation-state was internationally accepted, even taken for granted. Jews were referred to in national terms - not just religious - throughout the UN document, as are Arabs. The term "Jewish state" is mentioned 27 times in the resolution.

Israel is both a Jewish nation-state and a democratic state. This was neither an impossible feat nor a contradiction in terms to the framers of the partition resolution, who stipulated that both the Jewish and Arab states in partitioned Palestine would have to be democratic and protect the rights of the national minority in their respective states.²⁸ But Israel's legitimacy as a state is not by definition connected to its democratic nature. That Israel's democracy is imperfect - and what democracy is not - does not detract from its legitimacy. As Alexander Yakobson and Amnon Rubinstein write,

Even nations that do not maintain even a semblance of democracy are universally recognized as entitled to national independence, and even in such cases (not in fact wholly exceptional in the Middle East) no one claims that the very idea of national independence is an undemocratic one.²⁹

Israel allowed a large national minority to remain in its territory after the 1948 war. (Jordan and Egypt did not allow Jews to remain in the territory they captured, which had been allotted to the Arab state authorized by the UN to come into existence in Palestine.) It naturally gave expression to the Jewish majority by using Jewish symbols in the national flag and seal, and in national culture and the designation of Saturday as the day of rest. This is no different from the many democracies that give expression to the Christian identity of their majority populations. For example, several states have Christian crosses in their flags: the United Kingdom, New Zealand, and Australia (these actually have three crosses in their flags); Switzerland; Norway; Finland; Denmark; Switzerland; and Greece. Pakistan and Turkey make use of the Islamic crescent in their flags, while India uses a religious symbol in its flag. Britain's head of state, the Queen, is head of the Church of England.

The historical connection of the Jews to the Land of Israel was clear to the international community, as manifested in the League of Nations mandate which recognized the "historic connection of the Jewish people with Palestine" and their right to reconstitute "their national home in that country."³⁰ UNSCOP, the United Nations Special Committee on Palestine which recommended partition, clearly saw the historical connection of the Jews to the Land of Israel and its report mentions this several times.³¹

On May 11, 1949, the UN admitted Israel, the Jewish state created by the United Nations, as "a peace-loving State which accepts the obligations contained in the Charter and is able and willing to carry out those obligations."³²

Europe and America: The Denial of the Legitimacy of Jewish Self-Determination is Anti-Semitic

Not only is Jewish self-determination a right recognized by the international community for nearly a century, it has been defined as such by the European Union and the U.S. State Department in recent years, and the rejection of that right has officially been declared to be anti-Semitism.

The EU's European Monitoring Center on Racism and Xenophobia arrived at a "Working Definition of Anti-Semitism" in 2005. In elaborating the various manifestations of anti-Semitism, the document notes that the State of Israel is "conceived as a Jewish collectivity," and cites as an example of anti-Semitism:

denying the right of the Jewish people to self-determination, e.g., by claiming that the existence of Israel is a racist endeavor.

This definition was adopted verbatim by the U.S. State Department in March 2008.³³

The International Legal Status of the State of Israel

In traditional international legal theory, states deserving of recognition are those which "possess a defined territory; a permanent population; an effective government; and the capacity to enter into relations with other States."³⁴ Israel met and continues to meet these criteria. The fact that Israel is a Jewish state did not add to (or, for that matter, hinder) its acceptance as a legitimate state among the family of nations. It is legitimate because it meets these criteria.

The State of Israel is the legitimate expression of Jewish self-determination. This is in keeping with universal human rights, including the right to self-determination. While there are those who deny Jewish self-determination by claiming that the Jews are only a religion, this is not the position historically shared by the international community. This is because the Jews have a history of attachment to the Land of Israel and a constant yearning for a return to it, whether it is physical and contemporary, or metaphysical and anchored in messianic times.

The term "Jewish state" refers to national, not religious, identity. Most Israelis would claim they are members of the Jewish people, but are not religiously observant Jews. As Ruth Gavison admits, the relationship between Jews and Judaism is a unique one, since

[n]o other people has its own specific religion. The Arab peoples, for example, comprise Christians, Muslims, and Druze. While there was a time when the French were mostly Catholics or former Catholics, they still waged religious wars with the Huguenots, and today a large number of Frenchmen are Muslim. At the same time, no other religion has a specific nationality of its own: Christians can be French, American, Mexican, or Arab; Muslims, too, can be Arabs, Persians, or African-Americans. This distinction is not merely the result of secularization: Judaism, at least from a historical perspective, has never differentiated between the people and the religion. Nor was there any belated development that altered this unique fact: Social stereotyping never allowed an individual to be a part of the Jewish people while at the same time a member of another religion; nor could one be an observant Jew without belonging to the Jewish people.³⁵

Denying Israel's Legitimacy: Thoughts on Root Causes

The legitimacy of Israel as the nation-state of the Jewish people seemed unassailable when the UN Partition Plan was approved in 1947 and the State of Israel was admitted to the United Nations the following year. What has happened to change that?

Supporters of Israel continue to be baffled by the constant barrage of media attacks on Israel, no matter what Israel does. Sure, Israel still controls the West Bank, and its settlement policy is controversial, but this is not for lack of trying to reach an agreement based on far-reaching and serious offers to the Palestinians (Camp David, 2000; Taba, 2001; and Prime Minister Ehud Olmert's proposals, 2008). Yet Jerusalem seems to get no credit for withdrawals from Sinai (1982), Lebanon (2000), and [Gaza](#) (2005). In addition, clear acts of self-defense when attacked from these areas: Lebanon (2006) and Gaza (2008-2009), and defending a legal blockade against Turkish blockade runners (2010), receive little sympathy from self-righteous pundits and government officials. In September 2010, *TIME* magazine published a cover story entitled: "Why Israel Doesn't Care About Peace," just as Israel and the Palestinians re-embarked on direct negotiations, which had been delayed for a year and a half at Palestinian insistence. The article itself suggests that Israelis (read Jews) care more about money than about peace.³⁶

Some American audiences have difficulty reconciling their notions of democratic freedom with that of Israel's. This is because the American idea of freedom revolves around the right of the individual to be free from tyranny - foreign and domestic - while the founders of Israel, heirs to a European legacy of nationalism, conceived of freedom as the collective rights of a certain nation or people - in this case, the Jewish people. Daniel Gordis writes that while America has inspired much of the Israeli project, each country had a different founding ethos. America was about freedom as defined by breaking away from an undemocratic monarchy, designed to end "the long train of abuses and usurpations," as stated in the American Declaration of Independence, while Israel's Declaration of Independence is based on the Land of Israel "as the birthplace of the Jewish people."³⁷

Edward Said, drawing on Michel Foucault and others, taught us about the importance of narrative and discourse in the Arab-Israeli conflict.³⁸ He was sensitive to how capturing the discourse - that nexus of language, knowledge, and power - was essential for promoting the Palestinian cause. Said and his followers have been enormously successful. Israel is often cast in the role of colonialist, and words and phrases such as "occupation" and "right of return" have become politically saturated expressions with only one meaning. They then play an insidious psychological role in forming and weighting the discourse against Israel.

Certain elite circles in Europe have their own reasons for denying Israel's legitimacy, especially the right of the Jewish people to a nation-state of their own. Daniel Hannan, a British Conservative Party member of the European Parliament, pointed out during an address in Jerusalem in early 2010 that Israel, by its very existence, challenges the intellectual basis of European integration, which seeks to supplant the old national ideal on the European continent with the European Union.

After all, Hannan argues, the EU was founded on the idea that old national loyalties are arbitrary, transient, and ultimately have been discredited since they were the cause of many of Europe's great wars. In contrast, Israel, which was resurrected after 2,000 years, is the embodiment of the national ideal. If Israel was right to re-establish itself, Hannan concludes, and the national ideal is correct, then some in Europe might feel challenged that their multinational alternative was a mistake, explaining their need to attack Israel and undermine its legitimacy.³⁹

There is something particularly galling about denying Jewish peoplehood and self-determination. Identity is by definition self-defining. The Jews define themselves as a people and overwhelmingly support the embodiment of Jewish self-determination as manifested in the State of Israel. Just as there can be a Palestinian state, since the Palestinians choose a unique identity, there can be a Jewish state. Affirming the right of the Jewish people to a nation-state, however, is not only important in the context of the Arab-Israeli peace process. It is critical for countering the forces that need to delegitimize the Jewish state for their own internal political

reasons.

The Jews have been brought back into history through the establishment of the State of Israel. This was accomplished with the aid of international institutions which recognized the justice and importance of Jewish national self-determination. These institutions accepted the validity of Zionism, the national liberation movement of the Jews. Today, those who deny the Jewish right to national self-determination, more than 60 years after the founding of Israel, engage in a new kind of anti-Semitism, one that calls for the elimination of a state created by the United Nations.

This cannot stand. The circumstances that led the international community to support the establishment of a Jewish and an Arab state (the Arab state did not come into existence because the Arabs made war on Israel and took over the territories allotted to the Palestinians) still obtain today. The international community thus has an obligation not only to work for peace and a two-state solution, but also to stand by its previous decisions and stop the campaign to delegitimize Israel as the nation-state of the Jews.

* * *

Notes

1. Address by Prime Minister Benjamin Netanyahu at Bar-Ilan University, June 14, 2009, <http://bit.ly/bZUrIH>.
2. Irwin Mansdorf, "Is Israel a Colonial State? The Political Psychology of Palestinian Nomenclature," Jerusalem Center For Public Affairs, *Jerusalem Viewpoints*, No. 576, March-April 2010, http://bit.ly/Is_Israel_a_Colonial_State.
3. French Foreign Minister Paul Cambon to Zionist Executive Member Nahum Sokolow, June 4, 1917, in J.C. Hurewitz (ed.), *The Middle East and North Africa in World Politics: A Documentary Record, Vol. 2, British-French Supremacy, 1914-1945* (New Haven: Yale University Press, 1979), p. 103.
4. Hurewitz, p. 119; 202-203.
5. Avalon Project - The Covenant of the League of Nations, <http://bit.ly/CovenantofLeagueofNationsArticle22>.
6. The most exhaustive study of the international legal basis for the State of Israel is Howard Grief, *The Legal Foundation and Borders of Israel under International Law* (Jerusalem: Mazo Publishers, 2008), which attributes great importance to the San Remo decision, and which he terms the "San Remo Resolution."
7. See Efraim Karsh and Inari Karsh, *Empires of the Sand: The Struggle for Mastery in the Middle East, 1789-1923* (Cambridge: Harvard University Press, 2001), pp. 256-258. The minutes of the meeting from which these quotations are taken, as well as the text of the draft and final articles, are in Rohan Butler and J.P.T. Bury, *Documents on British Foreign Policy, 1919-1939, First Series*, Vol. 8 (London: Her Majesty's Stationary Office, 1958), pp. 156-185.
8. Balfour's letter to Lord Rothschild was dated November 2; the text was published in the *Times* on November 9, after probably being communicated to the press by the Foreign Office on November 8.
9. Butler and Bury, p. 177.
10. See Allan Gerson, *Israel, the West Bank, and International Law* (London: Routledge, 1978), p. 43. This was the language used by Judge Moore in the *Mavrommatis* case heard by the Permanent Court of International Justice.
11. Grief, p. 39.

12. Benny Morris, *1948: The First Arab-Israeli War* (New Haven: Yale University Press, 2008), p. 10.
13. "Tentative Recommendations for President Wilson by the Intelligence Section of the American Delegation to the Peace Conference," January 21, 1919, in Hurewitz, pp. 132-36.
14. FO 371/5114, Bols to Lord Curzon, June 7, 1920, reprinted in Isaiah Friedman (ed.), *The Rise of Israel: Riots in Jerusalem-San Remo Conference, April 1920*, Vol. 12 (New York: Garland Publishing, 1987), pp. 212-221.
15. *Times*, May 1, 1920, reproduced in Friedman, p. 222.
16. FO 371/5118, Geddes (Washington) to Foreign Office, May 3, 1920, and editor's introduction, in Friedman, p. 224.
17. Peace Treaty of Sèvres - World War I Document Archive, <http://bit.ly/SevresTreaty>.
18. Treaty of Lausanne - World War I Document Archive, <http://bit.ly/TreatyofLausanne>.
19. The Avalon Project - The Palestine Mandate, <http://bit.ly/PalestineMandate>.
20. Legally, a "recital" is "the repetition of some former writing, or the statement of something which has been done. Recitals are used to explain those matters of fact which are necessary to make the transaction intelligible." <http://bit.ly/RecitalDefinition>, at lectlaw.com.
21. Grief, pp. 143-146.
22. <http://unispal.un.org/pdfs/Cmd5479.pdf>, (ch. II, para. 19, p. 24), cited in Mansdorf, "Is Israel a Colonial State?"
23. Peel Report, paragraph 23, p. 25, cited in Mansdorf, "Is Israel a Colonial State?"
24. For important views on the historical development of Palestinian identity, see Muhammad Muslih, *The Origins of Palestinian Nationalism* (New York: Columbia University Press, 1989); Yehoshua Porath, *The Emergence of the Palestinian Arab National Movement, 1918-1929* (London: Frank Cass, 1974); Rashid Khalidi, *Palestinian Identity* (New York: Columbia University Press, 1998).
25. Alexander Yakobson and Amnon Rubinstein, *Israel and the Family of Nations: The Jewish Nation-State and Human Rights* (New York: Routledge, 2009), p. 38.
26. http://bit.ly/Resolution_181.
27. It was clear why the term "Arab" and not "Palestinian" was used for the Arab state. The Mandate for Palestine had included both Jews and Arabs, and the use of "Palestinian" only for the Arabs would not have made semantic sense at the time.
28. Yakobson and Rubinstein, p. 2; http://bit.ly/Resolution_181.
29. *Ibid.*
30. *Ibid.*, p. 41
31. *Ibid.*, pp. 41-42, and quotation from the report therein.
32. http://bit.ly/Resolution_273.
33. http://bit.ly/EU_Working_Defintiton_of_Anti_Semitism; U.S. Department of State, *Contemporary Global Anti-Semitism*, http://bit.ly/state_anti_semitism. I thank Prof. Amnon Rubinstein for these references.
34. Sean Murphy, "Democratic Legitimacy and the Recognition of States and Governments," *International and Comparative Law Quarterly*, Vol. 48, No. 3 (July 1999), pp. 545-581. I thank international law expert Dr.

Amichai Magen for discussing this issue and providing me with this reference.

35. Ruth Gavison, "The Jews' Right to Statehood: A Defense," *Azure* (Summer 2003), pp. 70-108 (pp. 101-102 quoted), <http://bit.ly/9TRRjm>.

36. See Daniel Gordis, "Acceptable in Polite Society," [commentarymagazine.com](http://www.commentarymagazine.com), September 7, 2010, <http://www.commentarymagazine.com/viewarticle.cfm/acceptable-in-polite-society-15527>. The online version of the *TIME* article is significantly abridged and edited and does not give the full effect of the print version.

37. Daniel Gordis, *Saving Israel: How the Jewish People Can Win a War That May Never End* (Hoboken: Wiley, 2009), pp. 136-137.

38. Edward Said, *Orientalism* (New York: Vintage Books, 1979).

39. See Daniel Hannan on "Europe's Antagonism to Israel," Jerusalem Institute for Market Studies, February 14, 2010, <http://www.jims-israel.org/>.

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