

The Core Issues of the Israeli–Palestinian Conflict: The Fifth Element

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The first bilateral political conference to address the core issues of the Israeli-Palestinian conflict, the July 2000 Camp David summit, ended with a resounding failure that to a great extent encouraged the outbreak of the violence of the second intifada. Exactly one decade after the Camp David fiasco, the permanent status negotiations between Israel and the Palestinians were again launched with much pomp and celebration – and accompanied by much skepticism. Although the first decade of the twenty-first century began and ended with historic diplomatic milestones in Israeli–Palestinian relations, it will largely be remembered as a decade of conflict and not as a decade of peace. Indeed, while the end of the twentieth century brought with it prospects of conflict resolution, in the decade that followed conflict management assumed center stage, i.e., management of the status quo and prevention of outbreaks of deadly violence. Consequently, the political arena seems frozen in time: at first glance, the starting point of the Netanyahu–Abbas talks of summer 2010 appears almost identical to the starting point of the Camp David talks between Barak and Arafat ten years earlier.

What, however, did change over the past decade?

Even if a decade after the opening of the permanent status negotiations it seems that the gaps between the two sides are too wide to bridge, it is the Camp David summit that can be seen as the watershed marking the emergence of two trends that became turning points in the Israeli–Palestinian negotiations regarding the core issues of the conflict. First, in these ten years the widespread consensus among the Israeli public against the very idea of placing these issues on the negotiating table has

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eroded, and public, political, and social debate on possible alternatives has earned increasing legitimacy.¹ Nabil Sha'ath', a member of the Palestinian negotiating team at Camp David, said to President Clinton, "Please do not put on a sad face and tell the world [the summit] failed. Please say we broke down taboos, dealt with the heart of the matter and will continue."² Indeed, this decade of the Israeli–Palestinian process may be called a stage of breaching the talks' longstanding boundaries.

This trend was manifested first of all in the many track-II meetings between Israeli and Palestinian public figures, which yielded various detailed and comprehensive formats for settling the conflict (such as the Geneva initiative,³ the Ayalon–Nusseibeh initiative of 2002, and documents that dealt with ways of resolving specific points of contention, such as the work of the AIX group on the economic implications of an Israeli–Palestinian peace agreement). Second, there was a fairly steady rise in Israeli public support for compromise on central aspects of the core issues, apparent in public opinion polls since their inclusion on the public agenda in the summer of 2000.⁴ Third, lively public and media discussions emerged, as well as the beginning of a formal political discussion, aiming to differentiate between the relative importance of different aspects of the charged issues, and extract from them Israel's real red lines and essential interests.

The second trend on the core issues of the conflict, which toward the end of the decade captured extensive public and political attention, was the addition of another core issue to the four central issues already on the negotiating table in 2000 (borders and settlements, Jerusalem, refugees, and security): recognition of Israel as the state of the Jewish people. With the opening of the political talks of summer 2010, this issue even commanded primary importance on the agenda presented by Netanyahu for the political process. This article analyzes this fifth core issue, which will likely play a major role in the future of the political process.

The Fifth Element: Recognition of Israel as the State of the Jewish People

In his address to the people of Israel in honor of the Jewish New Year in September 2010, Prime Minister Netanyahu referred to the peace process with the Palestinians, newly launched at a festive ceremony in Washington:

And we insist that among our other important national interests, any agreement between us and the Palestinians will be based upon two principles – security and recognition. Security, because no peace will last without strong anchors of real security arrangements on the ground...and the second item is, of course, the recognition of the State of Israel as the nation-state of the Jewish people. We are being asked to recognize the Palestinian state, and it is worthy and natural that we demand that the other party recognize the Jewish state as the state of the people of Israel. The deep understanding and the belief in our right to live here in this land, our homeland, the land of our forefathers, is vital to our dealing with the challenges of the upcoming year, with the challenges of the upcoming decade, with the challenges of the future in general. There is no more just struggle than our struggle to return to our homeland and to build our lives upon it as a free, sovereign nation. There is no question, and we will not allow there to be any question, regarding our right, our legitimacy, or our existence as a free nation in our land.⁵

This is not the first time that Netanyahu demanded recognition of the State of Israel as the nation-state of the Jewish people, planting it (along with Israel's security requirements) as one of the two essential pillars of a permanent settlement with the Palestinians. This demand has become a primary motif in many of the headlines generated by the Netanyahu government since its establishment,⁶ and has been the central demand by Netanyahu in his main political speeches since his entry into office as prime minister, including the Bar-Ilan speech of June 2009 and his speech to the Council on Foreign Relations in New York on July 8, 2010. This demand was previously presented by him not only as a mandatory component of a permanent settlement with the Palestinians, but even as a precondition for the very renewal of the political process.⁷ Furthermore, the refusal of the Palestinians to meet this demand was named in some of Netanyahu's speeches as the root of the conflict, and it is also defined as such on the official website of the Foreign Ministry.⁸ With this policy, Netanyahu has established the issue of recognition as the fifth element in talks about a permanent settlement, joining the four central issues that were previously the focus of the negotiation. In addition, he has elevated this issue in importance over the others.

Netanyahu is not the first to relate to the issue of mutual recognition as an essential element in the Arab–Israeli political process, and it was also included in previous political settlements that Israel has concluded. However, since Camp David the Israeli leadership’s attitude on this issue has evolved, specifically along two tracks. One track entails a stronger demand vis-à-vis the nature and content of the recognition sought by Israel, as will be explained below. On the second track, pushed heavily by Netanyahu, the issue has been crowned with new importance, until it was presented as one of the most important core issues on the negotiating table.

This demand for recognition between sides in a process of conflict resolution may have several dimensions, or “levels,” embodied in the concluding sentence from Netanyahu’s September 2010 New Year’s address, quoted above: “There is no question, and we will not allow there to be any question, regarding our right, our legitimacy, or our existence as a free nation in our land.” Until the last decade, Israel demanded Palestinian recognition on the first level, which is also the accepted version in international diplomatic processes (primarily when new countries are established): recognition of the existence of the partner to the agreement as a sovereign political entity, and of its right to continue to exist in peace and security within its agreed borders. This type of recognition was demanded and included in the peace agreements between Israel and Egypt, and between Israel and Jordan,⁹ as well as in the Oslo accords between Israel and the Palestinians, in the form of letters of mutual recognition exchanged by Prime Minister Rabin and PLO leader Arafat before the signing of the Declaration of Principles in Washington in September 1993, and in the Declaration itself.¹⁰

The second level in the demand for mutual recognition between former adversaries exceeds recognition of the *de facto* existence of political entities, and aims rather at a recognition of their existence *de jure*: a recognition of the rights upon which their political existence is based, and specifically, the right of each state to sovereign self-determination on the basis of a national collective identity. This type of declaration reflects the gap between *recognition of the existence of the state* and the *acceptance of its existence*. In the Israeli–Palestinian context, this type of recognition translates into recognition of Palestinians and Jews as national groups, which therefore grants them the right to political self-determination.

Finally, the “highest” level of the demand for mutual recognition is the demand for recognition of the justice or the legitimacy of the situation – the demand that adversaries recognize the legitimacy of their opponents’ aspiration to realize their rights in the manner they were historically realized, even if this process resulted in damaging the rights of the other. In the Israeli–Palestinian context, this type of recognition demands that the Palestinian side not only recognize the right of the Jewish people to a national homeland, but also the right to establish its country as a *Jewish state* in the land of Israel. This level of recognition is the most difficult to agree upon, because it requires the sides to relinquish the central narrative that drove the conflict. In effect, the Palestinians are asked to surrender the claim that stands at the basis of their national identity and their historic struggle – that the establishment of the Jewish state wronged the Palestinian residents of the land, whether they were forced to leave their homes, whether they were left as a national minority within the territory of Jewish Israel, or whether they were subsequently subject to Israeli control as residents of Judea, Samaria, and Gaza.

The heightened demand of the second and third types of international recognition first appeared as part of the political process between the Israelis and the Palestinians in 2003, when it figured among the Sharon government’s reservations to the Roadmap.¹¹ It was emphasized even more strongly by the Olmert–Livni delegation at the talks that drafted the Annapolis statement, which opened the round of Israeli–Palestinian peace talks in 2007. The novelty in Netanyahu’s policy is his demand to include this condition as a mandatory, binding condition of negotiations. As such, it is important to analyze the motivation behind this policy, the possibility of its being incorporated in the various stages of Israeli–Palestinian negotiations, and possible alternatives for flexibility. Netanyahu himself has already begun to address all of these dimensions in his statements.

At issue is a debate over the fundamental values of national identities, and first and foremost, the right of the Jewish people to its historic homeland.

Netanyahu’s Approach

Two common explanations of Netanyahu’s policy cast his demand for recognition as a tactical means of achieving other objectives. Many

political commentators believe that Netanyahu is not interested in renewing the political process, and is using the demand for recognition as a tactical means of sabotaging the chances of engaging in permanent status negotiations. It might even be a means to assist him in proving the “there is no partner” paradigm, while blaming the Palestinian side for the failure.

If this interpretation is correct, the potential success of this tactic is far from assured. The Palestinians have indeed made it clear that a demand such as this is unacceptable to them, and thus it poses an obstacle to negotiations. However, contrary to Netanyahu’s expectations, the demand has not earned sufficient backing from Israel’s allies (which would be necessary in order to blame the Palestinians for the failure of the process). There are two reasons for this. The first is the lack of a precedent in accepted diplomatic proceedings for the recognition of the sovereignty of political entities for the demand to recognize a country’s ideological character; this joins with the lack of such a precedent in the peace treaties that Israel has previously signed (since in the treaties with Jordan and Egypt, and in the Declaration of Principles between Israel and the PLO, the demand for recognition remains on the level of “the recognition of the right to exist” of the signatories).

The second objection concerns the ramifications of such a declaration regarding the rights of non-Jewish minorities in Israel. In the National Security Strategy published in May 2010, the Obama administration emphasized, “The United States seeks two states living side by side in peace and security—a Jewish state of Israel, with true security, acceptance and rights for all Israelis; and a viable independent Palestine with contiguous territory.”¹² This declaration demonstrates that rather than strengthening the commitment by the international community to the principle of the Jewish state, Netanyahu’s demand urged even Israel’s closest ally to address for the first time the controversial implications related to this principle (i.e., the equality of rights and national belongingness of non-Jewish minorities in Israel), in order to meet the concerns the demand raised among the Palestinians. Given the lack of support from the international community, and assuming that Israel is interested in advancing the peace process, the insistence on this demand presumably stems from more fundamental reasons than an attempt to defer the political process.

A second explanation of Netanyahu's insistence on the demand for recognition of Israel's national character is the reason given by the prime minister himself in his public speeches, whereby there is a direct correlation between symbolic recognition and three central disputed issues that must be addressed in a permanent status agreement and that are in Israel's eyes real threats to its very existence. These are: the "right of return" of the Palestinian refugees (which threatens the Jewish demographic majority); the status and collective rights of the Palestinian citizens of Israel (given the concern that in the future, this will involve demands for autonomy and formal separation from the state); and a declaration of the end of the conflict and an end of claims (which encompasses the latter two issues and which has constituted a fundamental demand by Israel regarding the permanent status agreement since the beginning of the Arab-Israeli peace process). Netanyahu contends that official recognition by the Palestinians of the Jewish character of the state will effectively obstruct these potential threats.

This reason is also tactical in nature, in that it views symbolic recognition only as a means of achieving a practical outcome, namely, an impact on the nature of the agreements resolving the core issues. However, it seems that here too, as with the first possible reason for the demand, the means does not necessarily serve its objective. On the one hand the means do not necessarily guarantee the end: even if the Palestinian Authority accepts the demand for symbolic recognition of Israel as a Jewish state, this recognition does not constitute proof that it will rescind demands regarding other specific issues, and certainly does not obligate the leaders of the Palestinian citizens of Israel. On the other hand, the opposite is also true: the practical objective may be realized, even without the support of the symbolic means. That is, there is no need for symbolic recognition of Israel as a Jewish state in order to negotiate a resolution of the core issues at hand, driven by Israel's interests and limited by its red lines, along with a binding declaration on the end of all claims. In other words, Netanyahu's argument that a priori symbolic recognition regarding the Jewish character of Israel is linked to the resolution of the other core issues is dubious.

In discounting the demand for recognition as a tactical measure, a third possible reason – which has so far commanded less attention –

for the government's insistence on this demand emerges, namely, as an ideological moral motive, which sees the demand for recognition as a strategic objective in and of itself, *recognition for the sake of recognition*. From this perspective, the demand for Palestinian recognition of the national character of Israel stems from the desire to create an essential change in the main issues on the table of the permanent status negotiations, and out of ideological reasons, add a layer of negotiation about the historic narrative of the conflict to the existing agenda.

Inclusion of the historic narrative as a central layer in the political process constitutes a significant change in the posture Israel has assumed since the political process began with the Oslo talks. From the beginning of the process, Israel's position was to skirt discussions on the injustices of the past and the perceived roots of the conflict in the framework of the negotiations. Rather, in an approach called "Forward-Looking Negotiations,"¹³ it applied much pressure to focus the negotiations on maximizing the current interests of the parties and ending the violence. This approach was later heavily criticized by analysts of the process, and was even presented as one of the central causes of its failure, claiming that it took advantage of Israel's relative power to dictate an agenda that ignores the Palestinian need to resolve the injustices of the conflict. Indeed, for Israeli interests, there is a significant advantage in focusing the talks on dividing the tangible assets between the sides (issues mainly of territory and governmental control) by basing this on the post-1967 situation and by avoiding the issue of the "Palestinian catastrophe of 1948" (the *Nakba*), which would invite a challenge to the very legitimacy of the establishment of the Jewish state, and would challenge the reference to the borders of the armistice – the Green Line – as the starting point for dividing up the land. Against this background, the demand to raise the issue of recognizing Israel's national rights in context of the negotiations constitutes a significant change with many ramifications, and opens the door for similar demands from the Palestinian side, i.e., that Israel recognize the basic elements of the Palestinian narrative on the conflict.

If so, why is the demand to open the "justice file" pushed by the current government? The underlying argument is that a review of the political negotiations conducted thus far invites opposite conclusions from those presented above. Specifically, the government – joined by others, who are primarily of the right wing camp – suggests an opposite interpretation

of the asymmetry that was characteristic of the process and that (among other causes) brought about the failure of the negotiations. According to them, Israeli strength did not dictate an easy agenda that only addressed Israel's needs, nor was this the root of the problem in the Israeli-Palestinian political process. Rather, its own weakness entrenched Israel in a haggling negotiation over disputed physical property, instead of presenting a decisive, confident position about its moral and legitimate national rights to the land of Israel.

Thus, for example, at a conference that took place at the Knesset on May 25, 2009 entitled "Alternatives to the Two-State Approach," the conference organizer, MK Tzipi Hotovely of the Likud party, stated its central message:

We must return to speaking the language of rights. The agents of our national consciousness contained the discourse on our right to exist in Israel and in Jerusalem. If we speak of other claims and don't respond to the Palestinians in the language of rights, we will lose our moral right to the land...The moral claim must stand at the basis of the talks. We must speak in the name of Jewish morality that is connected to our roots, to our history...It is our turn to become part of the consensus.

At the conference, Vice Prime Minister and Minister of Strategic Affairs Moshe Ya'alon repeated the demand to return to the discussion of rights:

The Oslo process increased the asymmetry favoring the Palestinians against Israel, pitting the Palestinian claim to a right to the land, as opposed to the Israeli demand for security. The Palestinians claim the right to live everywhere, and a lack of a parallel demand for Israelis. This is a convention that must be broken.

Minister of Information Yuli Edelstein affirmed: "The premise is that the land of Israel belongs to the people of Israel – and on these grounds, I am willing to discuss how we compromise in light of the reality we face. But we must begin from such a premise as the starting point of our talks."¹⁴

Netanyahu himself raised the demand for Palestinian recognition of Israel as a Jewish state with historical rights even prior to his entry into office as prime minister for the second time. In 2007, as head of the opposition, he presented the idea that Palestinian recognition of Israel as a Jewish state, accompanied by symbolic steps such as changing the

content of the books used to teach history in the Palestinian Authority, is a precondition to opening negotiations.¹⁵ This demand from his tenure as opposition leader underscores that the demand for recognition is not a newly-recruited tactic to repel pressure to advance the political process.

A bill submitted in the Knesset for ratification in late July 2010 by MK Nissim Ze'ev of the Shas party likewise attests to an essential change in the understanding of the issues that must be negotiated in permanent status negotiations. Entitled "Bill for implementation of a 'Culture of Peace' as a basis for negotiation in the framework of the peace process with the Palestinians and Arab states," the bill, signed by ten members of the Knesset, stipulates that "In the framework of negotiations regarding a treaty or accord with a country, body, or authority whose purpose is an actual political settlement, the government will include a commitment by the other party to apply in legislation the principles of a culture of peace." These principles are set forth clearly: "These norms include universal moral and legal values that are accepted by every society and nationality, in accordance with their own particular values." The rationale for the bill is that "in recent years, we have also witnessed attempts to revoke the legitimacy of the State of Israel as a Jewish state. Any peace initiative that does not set the grounds for mutual respect and basic understanding of the values of each side's culture by the other side is doomed to failure."¹⁶ In other words, the objective of the bill is to anchor in law the demand for recognition of the Zionist values in a permanent settlement with all Arab states.

The demand to recognize the State of Israel as the nation-state of the Jewish people as part of the Israeli–Palestinian peace process is likely derived from a combination of the three motives discussed, and is not the product of a single interest.¹⁷ At the same time, from the political discourse it seems that one of the central reasons for the importance ascribed to this demand is a change in the significance attributed to the Israeli–Palestinian negotiations in general: these are not just negotiations regarding the division of physical property between the sides or competition over the extent of the compromise they will accept. Rather, at issue is a debate over the fundamental values of national identities, and first and foremost, the right of the Jewish people to its historic homeland. As such, formal recognition of this right by the actors involved in the conflict conveys to the Israeli public, the Palestinians, and

the entire international community a message that even the willingness to compromise on core issues, and specifically sovereignty over Judea, Samaria, and Jerusalem, does not constitute a waiver of the fundamental value underlying these issues. In fact, the political process may serve as a tool to reinforce the commitment to this leading value and its international legitimacy.

Achievement of Recognition

It has been suggested that Israel's current demand for recognition be realized in one of two ways: as a preliminary declaration before entering official negotiations, or as an issue to be negotiated during the permanent status negotiations.

A preliminary declaration is one means to foster a positive atmosphere as the negotiations open and establish the principles that will guide them, without committing to particular resolutions of the points in dispute. The joint statement from Annapolis in 2007 is an example of such a process that sought to emphasize the common denominator shared by the parties before the opening of negotiations. This sort of declaration must typically meet some conditions: it must be mutual and agreed upon, stated publicly and clearly, and most important, it must balance between innovation (i.e., something new, but not trivial, in relation to prior declarations and the existing political dialogue) and implementability, meaning it must not threaten the positions, interests, or founding narratives of the sides or limit the possibilities for negotiation of the disputed issues.¹⁸

According to these principles, there is justification in Netanyahu's request for recognition of the national character of both states as the logical next stage in the developing relationship between Israel and the Palestinians. This relationship has advanced significantly over the last decades, in terms of both the political and the public discourse: from a starting point of rejection of any type of relationship with Israel (the three "nos" of the 1967 Khartoum summit), to the official adoption of the UN partition plan as the basis for the Palestinian declaration of independence at the Algiers Summit of the Palestine National Council in 1988, to the joint Declaration of Principles in Washington in 1993, which stated it was time to "recognize [the parties'] mutual legitimate and political rights,"¹⁹ and ending with the Annapolis statement of 2007, which included an explicit commitment by both sides to the principle of

two states “living side by side in peace and security.”²⁰ Therefore from the Palestinian side, the recognition of the fact that Israel exists is already solid, rooted in many commitments and declarations and even officially adopted by all the Arab League countries in the Arab Peace Initiative of 2002. Thus, the next logical stage is recognition of the rights upon which Israel’s existence is based – in other words, recognition of Israel as the nation-state of the Jewish people.

Netanyahu is also correct in his claim that progress in the relationship is not completely mutual or symmetrical. Israel not only demonstrated a similar process of recognition over the years vis-à-vis the Palestinians, but even advanced one step further in its willingness to recognize the Palestinian people as possessing the right to a nation-state of its own. In his remarks at the cabinet meeting on September 12, 2010 (two days before the opening of the Sharm el-Sheikh talks), Netanyahu said: “Just as Israel recognized the Palestinians’ right to a state, so must they recognize Israel as the nation-state of the Jewish people.”²¹ In other words, both sides have already passed the hurdle of public acknowledgment of the need to divide the land into two states, but only Israel took the first step toward ideological recognition of the right of the Palestinians to a state in part of the land, as per the formula “two states for two peoples.”

However, because at this stage the Palestinians cannot not afford to accept such a demand by Israel, it is possible to seek a preliminary declaration as an interim version that will not upset the balance between innovation/progress and a threat to the underlying goals of the negotiations.

The first principle for formulating an acceptable version would be to settle for the second level of recognition, recognition of the right to national self-determination, and waive the demand for recognition on the higher level, the Jewish character of Israel, which undermines Palestinian nationalist claims. Netanyahu himself has acknowledged that if his purpose is indeed to achieve agreement with the Palestinians on the issue and not to torpedo the process, he will need to compromise and recede to this level of recognition. Already in his speech before the Council on Foreign Relations, he presented a more moderate version of the demand for recognition of Israel as a Jewish state: “The solution of legitimacy means that we recognize the Palestinian state as the nation-state of the Palestinian people, and they recognize Israel as the nation-

state of the Jewish people.”²² The important nuance is not the recognition of a “Jewish state,” rather the recognition of Israel as a “state for the Jews,” a phrasing that does not dictate any claims as to the exclusive nature of the state as a state for one people only. This is also the wording that Clinton adopted in his outline for the permanent settlement in 2000, as well as the wording that was proposed as a compromise by Livni during negotiations on the Annapolis statement. There too, however, it was not accepted by the Palestinians.

Another alternative to the recognition formula, which is based on the same principle, was presented in the Geneva initiative: “The recognition of the right of the Jewish people to statehood and the recognition of the right of the Palestinian people to statehood, without prejudice to the equal rights of the parties’ respective citizens.”²³ This formula also takes a significant stride forward in its demand that the Palestinians recognize the Jewish people as a nation and not just as a religious ethnic group, who are therefore entitled to definition as a nation *de jure* and not merely *de facto*.

A third alternative is recognition of each party’s ties to the land in a reciprocal phrasing: “The Palestinian people, like the Jewish people, have historical and cultural roots in the area between the Jordan and the Mediterranean Sea” (without specifying rights to any specific part of the territory). This terminology would likely evoke less opposition because it does not deal with national entitlement, rather with an historical-cultural-religious description that does not contradict either party’s national narrative.

The three proposed versions avoid the trap of defining the national rights of the parties as a zero-sum conflict, whereby exercising one side’s rights necessarily negates the rights of the other side. Nonetheless, to the Palestinians, all three formulae denote a significant concession on what has been the founding narrative of their national struggle for decades, which will be difficult to accept without adequate compensation.

Recognition as an article on the negotiations agenda: The second possibility regarding the demand that the Palestinians recognize the right of the Jewish people to the State of Israel is to include it as one of the topics on the negotiations agenda. This would entail the establishment of a committee responsible for studying the subject, determining Israel’s

red lines on the matter, and integrating in the negotiations framework as one of the committees to negotiate the core issues.

There are three advantages to the integration of the issue in the permanent status negotiations. First, it will enable each party to place the recognition of its opponent's rights within the wider context of settling and ending the conflict, and create a preliminary basis of trust in the parties' intentions to reach a peace agreement. Consequently, this would reduce the suspicions that this is just a political or diplomatic exercise for utilitarian purposes (dooming the process or limiting agreement on the core issues). Second, recognition could constitute a trade-off against other key issues, which could be conceded for justifiable compensation. Third, the negotiations for the resolution of the core issues will need to serve both parties' interests – including the end of the conflict, the refugee issue, and the issue of the Palestinians who hold Israeli citizenship – and thus the reservations and concerns regarding the potential tangible implications of the symbolic declaration would be addressed. It may even be possible to consider a trade off between Israel's flexibility regarding its claims for recognition, and the gains in related interests, for example, flexibility on Israel's demand for recognition, in exchange for a Palestinian concession on its demand for the right of return. From here it seems that choosing this alternative – i.e., integrating the symbolic recognition of the national natures of the states (as well as its specific phrasing) as a core clause of the permanent status negotiations – could facilitate the attainment of the goals set out in the demand as well as the parties' agreement in its regard.

At the same time, if this alternative is chosen, Israel's government will have to take into account that it opens the door to a completely new dimension of negotiations – one of values, identities, justice, and injustice – that could potentially force Israel to deal with parallel demands by the Palestinian side that challenge the very legitimacy of Israel's existence and the manner in which it was established. This would certainly impact on the nature of the settlement that will be attained regarding the core issues as well. This price obliges the Israeli government to rethink the importance of insisting that this issue be included as an element in the process.

Many who engage in international conflict resolution claim that only after signing official peace agreements that settle the central topics of dispute may a sufficient basis of trust between the parties to the conflict

be created in order to enable reconciliation measures, among them the beginnings of mutual recognition of the historical narratives that lie at the heart of the conflict. Perhaps the smartest move for Israel's government in attaining the ideological goals inherent in its demand for the recognition of Israel's Jewish character would be to postpone the discussion of this issue until the reconciliation stage, which would be stipulated as the next binding step after the permanent status agreement is signed. Either way, one may expect that this issue will play a key role in the political process arena in the coming years.

Notes

My thanks to Shlomo Brom and Yehuda Ben Meir for their helpful comments on previous versions of the article.

- 1 The first official breakthrough should indeed be ascribed to the Oslo process during the 1990s, when Israel undertook to place all of the issues of the conflict on the table in negotiations toward a permanent settlement. However at this stage, even in light of the seeming historic revolution, the accepted public discourse still ruled out any real discussion regarding the core issues, and this was apparent in the politicians' rhetoric as well. For example, see Prime Minister Rabin's speech in the Knesset after the signing of the Declaration of Principles in Washington: "There are no differences of opinion in this House on the eternity of Jerusalem as the capital of Israel. Greater, united Jerusalem is not subject to bargaining, is and will forever be the capital of the Jewish people, under Israeli sovereignty" (Knesset Minutes, September 21-23, 1993). Furthermore, even Menachem Begin stated in the Knesset in 1977 that he would be willing to discuss "everything," including the issue of Jerusalem, but then he too qualified this statement by saying that he was willing to talk, but completely ruled out any actual division of the sovereignty over the city.
- 2 Quoted in Deborah Sontag, "Quest for Middle East Peace: How and Why it Failed," *New York Times*, July 26, 2001.
- 3 The Geneva initiative is largely based on the principles outlined confidentially and non-officially by Yossi Beilin and Abu Mazen as far back as 1995.
- 4 Yehuda Ben Meir and Dafna Shaked, *The People Speak: Israeli Public Opinion on National Security 2005-2007*, Memorandum No. 90 (Tel Aviv: Institute for National Security Studies, 2007), pp. 56-57; Yehuda Ben Meir and Olena Bagno-Moldavsky, *Vox Populi: Trends in Israeli Public Opinion on National Security 2004-2009*, Memorandum No. 105 (Tel Aviv: Institute for National Security Studies, 2010, forthcoming).
- 5 The Prime Minister's address for the Jewish New Year 5771, September 7, 2010, Prime Minister's Office website, <http://www.pm.gov.il/PMO/Communication/Spokesman/2010/09/spokeroshashana070910.htm>.

- 6 For example, his demand was also mentioned in July 2010 in regard to the proposed amendment to the citizenship law, whereby an individual applying for citizenship in Israel must declare allegiance not just as "a loyal citizen to the State of Israel" (as stated by law since 1952), but as a loyal citizen to Israel "the Jewish, democratic state." For the complete text of the proposal, see <http://go.ynet.co.il/pic/news/150710/377s.pdf>, specifically Section 4.
- 7 Akiva Eldar, "United States to Israel: Negotiations without Preconditions," *Haaretz*, April 19, 2010.
- 8 "Israel, the Conflict and Peace: Answers to Frequently Asked Questions," Israel Ministry of Foreign Affairs website, updated on December 30, 2009.
- 9 The peace treaty between the State of Israel and the Arab Republic of Egypt, March 26, 1979, Article III, includes: The parties "recognize and will respect each other's sovereignty, territorial integrity and political independence; they recognize and will respect each other's right to live in peace within their secure and recognized boundaries." Almost identical language is used in the peace treaty between the State of Israel and the Hashemite Kingdom of Jordan, October 26, 1994, Section 2.
- 10 In the letters of mutual recognition exchanged by Rabin and Arafat before the signing of the Declaration of Principles in Washington in 1993, Israel recognized the PLO as the legitimate representative of the Palestinian people, and the PLO recognized the right of Israel to exist in peace and security.
- 11 Point 6 of Israel's response to the Roadmap, which was submitted to the American government on May 25, 2003, reads: "In connection to both the introductory statements and the final settlement, declared references must be made to Israel's right to exist as a Jewish state and to the waiver of any right of return for Palestinian refugees to the State of Israel." See http://www.knesset.gov.il/process/docs/roadmap_response_eng.htm.
- 12 National Security Strategy, May 2010, p. 26, http://www.whitehouse.gov/sites/default/files/rss_viewer/national_security_strategy.pdf.
- 13 I. William Zartman and Victor Kremenyuk, eds., *Peace versus Justice: Negotiating Forward- and Backward-Looking Outcomes* (Lanham, Md: Rowman & Littlefield, 2005).
- 14 Statements by speakers at the conference at the Knesset, "Alternatives to the Two-State Approach," May 25, 2009.
- 15 Scott Atran and Robert Axelrod, "Reframing Sacred Values," *Negotiation Journal* 24, no. 3 (2008): 221-46.
- 16 For the complete text of bill see www.knesset.gov.il/privatelaw/data/18/2596.rtf.
- 17 Some claim that another reason led to the prominence of this issue at the negotiating table: the evolving dynamics of the negotiations. In response to the revolutionary suggestions made by Barak regarding a concession on Jerusalem at Camp David in 2000, the Palestinian delegation began a propaganda campaign completely negating the rights of the Jewish people in Jerusalem, claiming that the Jewish people have no historic-religious connection to the city. Not long after Camp David, Abu Mazen commented up the summit:

"They claim that 2,000 years ago, they had a holy place there. I question this fact." Quoted by M. Klein, *Shattering a Taboo: The Contacts Towards a Permanent Status Agreement in Jerusalem 1994-2001* (Jerusalem: Jerusalem Institute for Israel Studies, 2001), p. 51. Dennis Ross summed up the Palestinian contribution to the summit as follows: "The only new idea that Arafat raised at Camp David was that the Temple didn't exist in Jerusalem, but existed in Nablus." Quoted by Shlomo Ben-Ami, *A Front without a Rearguard: A Voyage to the Boundaries of the Peace Process* (Tel Aviv: Yediot Ahronot, Hemed Books, 2004), p. 210. The demand for recognition of the rights of the Jewish people in Israel as early as the framework of the negotiation process also possibly arose from this experience.

- 18 Herbert C. Kelman, "Acknowledging the Other's Nationhood: How to Create a Momentum for the Israeli-Palestinian Negotiations," *Journal of Palestine Studies*, 22 no. 1 (1992): 18-38.
- 19 "Declaration of Principles on Interim Self-Government Arrangements," September 13, 1993, <http://www.mfa.gov.il/MFA/Peace%20Process/Guide%20to%20the%20Peace%20Process/Declaration%20of%20Principles>.
- 20 Annapolis Conference, November 27-28, 2007, "In furtherance of the goal of two states, Israel and Palestine, living side by side in peace and security, we agree to immediately launch good-faith bilateral negotiations in order to conclude a peace treaty." See http://www.knesset.gov.il/process/asp/event_frame.asp?id=61.
- 21 Barak Ravid, "Prime Minister Binyamin Netanyahu: Palestinian recognition of the Jewish state is the basis for peace," *Haaretz*, September 12, 2010.
- 22 Speech at the Council on Foreign Relations, July 8, 2010, <http://www.pmo.gov.il/PMOEng/Communication/PMSpeaks/speechCFR080710.htm>. This is different from prior statements when his government demanded explicit recognition of the Jewish character of Israel, for example in his meeting with the Special Envoy to the Middle East George Mitchell, where he stated that the Palestinian Authority must recognize Israel as a Jewish state before the two-state solution is discussed (reported on radio stations Reshet Bet, Galei Tzahal, April 17, 2009). In addition, in his meeting with Mitchell (April 16, 2009) Foreign Minister Avigdor Lieberman "stressed that Israel expects absolute support from the international community on the issue of security as well as its unequivocal commitment to the concept of Israel as a Jewish state and as the state of the Jewish people," <http://www.mfa.gov.il/MFA/About+the+Ministry/MFA+Spokesman/2009/Press+releases/FM-Lieberman-Meets-US-Special-Envoy-Mitchell-16-Apr-2009.htm>.
- 23 Geneva initiative, <http://www.geneva-accord.org/mainmenu/english>.