



PERSPECTIVES

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Israel's Nationality Law – The Prequel

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EXECUTIVE SUMMARY: In April 1938, the British parliament was asked to approve a Jewish Citizenship Bill that would enable Jews worldwide to become nationals of Mandatory Palestine, where the Jewish national home had yet to be established in accordance with the 1922 League of Nations mandate. Though the bill failed to pass, with Parliament split right down the middle with 144 supporters and 144 naysayers, opposition stemmed not from rejection of Palestine as the national home of the Jewish People but from fear of Arab retribution. It is saddening that what was taken for granted decades before Israel's establishment has come to be widely questioned seventy years after the Jewish state has been in existence.

On July 24, 1922, the League of Nations recognized "the historical connexion of the Jewish people with Palestine" as "the grounds for reconstituting their national home in the country" and appointed Britain as the Mandatory for Palestine, with the explicit goal of "placing the country under such political, administrative and economic conditions as will secure the establishment of the Jewish national home." Ninety-six years later to the day, the Knesset echoed the League's resolution, acknowledging the Land of Israel as "the historical homeland of the Jewish people, in which the State of Israel was established" and defining this state as "[the national home of the Jewish people, in which it fulfills its natural, cultural, religious and historical right to self-determination.](#)"

The Knesset's declaration was not, however, the first time a national parliament deliberated legislation recognizing Palestine as the national home of the Jewish People (as opposed to public acknowledgement of this fact, as in the US Congress's July 1922 joint recognition of the Balfour Declaration). On April 12, 1938, the veteran British MP Commander Oliver Locker-Lampson asked the House of Commons to approve a "Jewish Citizenship Bill" that would enable Jews worldwide to become nationals of Mandatory Palestine, where the Jewish national home had yet to be established.

A staunch opponent of fascism in both Britain and Europe, Locker-Lampson had long been involved in helping Jewish refugees fleeing Nazi persecution, including such luminaries as Albert Einstein and Sigmund Freud. Now that Germany had annexed Austria (on March 18, 1938), he was horrified by Hitler's "calculated policy... to wipe out 300,000 innocents who have never done him or others any harm. Some of them have made Austria a sort of artistic centre of Europe. Among them are the most eminent scientists in the world." Having failed five years earlier to persuade parliament to extend British citizenship to German Jewish refugees from the newly established Nazi regime, Locker-Lampson sought to kill two birds with one stone: to save the largest number of Jews from Nazi persecution while holding Britain to its international obligation to facilitate the creation of a Jewish homeland in Palestine.

Locker-Lampson was particularly appalled by the Peel Commission's July 1937 recommendation to repudiate the League's mandate for the creation of a Jewish national home and to partition Palestine into two states: an Arab state, united with Transjordan, which would occupy some 85% of Western Palestine (west of the Jordan River), and a Jewish state in the remainder. As he saw it, this defeatist submission to Arab violence not only jeopardized Britain's geostrategic interests ("the creation of a State in Palestine of possibly millions of Jews," he argued, "will act as a buffer State against any military monster who may advance from the North to seize the Canal or cut the pipeline which provides our only oil supply in the Mediterranean"), but also betrayed its obligation "to build up a Jewish citadel for refugees" at a time when "Jews are wantonly rendered homeless." He therefore proposed that Jews worldwide be granted the right to citizenship of the prospective Jewish national home even before its actual creation, which in practical terms meant becoming nationals of Mandatory Palestine regardless of where they resided at that time:

It is forgotten that it is a very ancient principle, that of preserving citizenship to subjects of a State who remain abroad. For instance, there have been more citizens of Norway living outside than in Norway in one period of that country's history. I would like to give the potentially persecuted Jew in Europe the chance, if he wishes it, of becoming a Palestinian subject. Why, for instance, should Jews in Poland, who cannot move to Palestine, not be able to take up extra-territorial citizenship? They would then become what Jews are in Palestine, protected persons under the Mandate and freemen of a State.

Despite the spirited opposition of the Colonial Office, which ran an extensive campaign aimed at swaying public opinion and policymakers against the proposed bill, it nevertheless managed to gain substantive support, splitting the House of Commons right down the middle with 144 MPs voting in favor and another 144 opposed. Even this opposition seemed to have emanated from fear of a violent Arab backlash rather than a rejection of the idea of the Jewish national home. In the words

of the foremost naysayer in the parliamentary debate, “this Motion can only add to Arab fears without doing the Jews the slightest good.”

Of course, appeasement proved no more effective in the Middle East than in Europe. From the very beginning, the Arabs’ primary instrument for opposing Jewish national aspirations was violence, and what determined Arab politics and diplomacy was the relative success or failure of that instrument in any given period. The more the British caved in to this violence, the harsher the Arab position became. Small wonder that London’s greatest concession – the abandonment of its international obligation to facilitate the establishment of a Jewish national home by the Peel Commission – was answered by an intensification of Arab violence throughout Palestine. A desperate British bid to end this violence through draconian restrictions on Jewish immigration and land purchases (via the May 1939 Palestine White Paper), which would have effectively subverted the Jewish national revival and surrendered European Jewry to its Nazi persecutor, elicited a similar Arab response.

On the face of it, it is of little import that opposition to the Jewish Citizenship Bill was not motivated by rejection of the Jewish national home, since the outcome was equally devastating for the hundreds of thousands of Jews whose lives could have been saved had the bill been passed and implemented. Yet it is saddening that the Jewish right to national self-determination in its ancestral homeland, which was taken for granted in the decades preceding Israel’s establishment, has come to be widely questioned seventy years after the Jewish state has been in existence. As a prominent non-Jewish Israeli opponent of the Nationality Law wrote to Prime Minister Benjamin Netanyahu: “From where do you [Jews] draw the temerity to state that the land belongs to the Jews? What is the basis for the Jewish claim to the right of ownership of the land? If it is just that messianic belief in God’s promise, why wouldn’t you wait for the Messiah’s arrival?”

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