

To the Editor of *Commentary*
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FOR A JEWISH-ARAB CONFEDERATION

Major Eban's important article, "The Future of Arab-Jewish Relations," in the September *Commentary*, seems to me to be the best reasoned and in many ways most hopeful statement on this question which I have seen from an official Zionist source. It is to be hoped that it may become the starting-point for a fruitful discussion of this whole fateful problem of Jewish-Arab relations.

A substantial part of Major Eban's article is devoted to a critique of the approach to this problem on the part of the Ihud Association, of which I am proud to be chairman, and of some of my specific proposals for confederation between independent Arab, and Jewish states in Palestine. In discussing it, it might be useful to state more fully what the Ihud program recommends.

At the beginning of June, 1948, I drafted a paper, under the title of *United States of Palestine—A Confederation of Two Independent States*, the text of which follows:

A. *Political Union.* The question to be answered during the coming four weeks of truce, is, how to maintain the de facto existence of the State of Israel and at the same time reduce the Arab fears of partition or of this de facto state.

The one possible approach would seem to be the establishment of a confederation which would recognize the independence of the de facto State of Israel but which would on the other hand create a kind of federal union in political matters as well as in economic.

The resolutions of the United Nations Assembly on November 29, 1947 provided for a Federal Economic Board. The functions of the Board are described in detail in chapter 4D of the resolutions of November 29, 1947. There is, however, no chance of establishing this joint Economic Board if there is not also some kind of Federal Union in the political sense.

What may be some of the subjects reserved for the political center of a possible Confederation? Among these are: (1) foreign affairs; (2) defense; (3) international loans; (4) federal court; (5) protection of religious shrines and historical monuments and collections of cultural, artistic, and scientific importance.

Foreign Affairs. It might be dangerous to the peace of the Middle East if two tiny states, that of Israel and that of Palestinian Arabs (with or without Transjordan), were to have the privilege of deciding upon their foreign affairs policies without reference to one another. In this event, it might well be possible that one state would have its orientation towards one of the great powers and the other state towards another of the great powers, thus converting the Palestinian area into a hotbed of imperial political rivalries. It should be made mandatory upon the two states at least to consult with one another on their foreign affairs policies, and even perhaps to insist that they arrive at these policies together. In case of disagreement the subject would be referred to a higher tribunal, presumably to the appropriate organ of the United Nations.

Among the political difficulties of such a concerted policy on foreign affairs would be the question of consular representation and also their special representation in the UN. On the other hand, the British Commonwealth and Empire and the Soviet Union cover vast territories, whereas the State of Israel and the Palestinian Arab State are tiny in comparison.

It should be pointed out that in the old Austro-Hungarian state, Austria and Hungary were independent entities with separate parliaments, yet there were certain subjects reserved for the Council of Delegations. This consisted of delegates from the two parliaments who met for discussion and action on such reserved topics as foreign affairs, defense, and international loans. [Austria-Hungary is cited here as an interesting historical precedent and not necessarily as a model to be copied.]

Defense. Similar considerations apply to the problem of defense. It might be dangerous to the peace of the Middle East if these two states were to arm against one another, or if they were to be armed by rival imperial powers. It should, therefore, be made mandatory upon them at least to consult on their defense policies and activities, and it would be better if working out a common defense policy were made imperative.

International Loans. Reference is made here to such international loans as are of importance and of benefit to the entire population of the two states, as for example, in connection with a possible Jordan Valley Authority. In the provisions for economic union, it is stated that each state "may conduct international financial operations on its own faith and credit." This should be taken to mean international financial operations which have to do with the improvement of the entire area for the benefit of all its inhabitants without regard to race, creed, or nationality.

Federal Court. This might be constituted of three Jews and three Arabs and a United Nations appointee who is to be chairman.

Among the subjects coming within the jurisdiction of the Federal Court would be:

(a) the constitutional interpretation of all questions in dispute between the two states in reference to agreements between them or the international conventions entered into by them, or other constitutional questions brought up by one state or the other;

(b) it should be the court of appeals on all questions of religious and minority and civil rights. Any citizen or resident of either of the states is to be privileged to appeal to the Federal Court in cases where he contends that his religious or minority or civil rights are invaded;

(c) the Federal Court might also serve as the High Court for the International City of Jerusalem.

Jerusalem. Jerusalem is to be constituted as a *corpus separatum*, as an international, demilitarized, neutralized city.

Yet at the same time it should serve as the capital of the Confederation. To this end a special enclave should be set aside in Jerusalem as the seat of the Confederation, of the Joint Economic Board, of the Federal Court, and of the authority, whatever it be, which is to be charged with the protection of holy places and religious sites, to which may be added historical monuments including archaeological excavations and cultural, artistic, and scientific collections. There may be other international or Confederation bodies which should have their seat in Jerusalem as the capital.

B. The name United States of Palestine is proposed as being somewhat analogous to the name United States of America. Here there are sovereign states whose sovereignty is nevertheless limited by their adherence to the Federal Union. The United States of America is a federal

structure in which the sovereignty of the individual states is much more limited than would be the case in the Palestine Confederation, which nevertheless should be called the United States of Palestine.

C. *Immigration.* Inasmuch as immigration is usually the crux of the problem, it might be well to state that immigration regulations are to be made by either state autonomously. Provision should nevertheless be made for the time when this subject is also to be taken up within the framework of the Confederation.

The same as to land sales.

This paper was submitted to a number of persons, among others to the Jewish Agency, and it contains, in my opinion, the long-range policy along whose lines a permanent settlement could be achieved. It also had a rather wide circulation in the form of a "Second Draft," but the text I have here cited is that of the original draft, and from correspondence between us and from his article, the difference between Major Eban's point of view and mine becomes clear. Major Eban sees no hope for Jewish-Arab cooperation through any kind of statutory political union, even Confederation, which in the Encyclopaedia of Social Science is defined as "A federation of existing governments without impairment of their sovereignty" (see article "Federation").

It would indeed be excellent and highly to be preferred, if there could be cooperation between the government of Israel and other governments in the same region without statutory political union. (As examples, the Benelux Union or the British Commonwealth.) One of the great achievements of history is the informal basis of union of the British Commonwealth and Empire as expressed in the Statute of Westminster. This is a union (despite the term "statute") by consent and without statutory obligations. The Benelux Union is a similar achievement. Is an understanding by consent and without formal statutory obligations now achievable as between Israel and neighboring countries?

In my opinion it is not. The psychological background for this is unfortunately lacking. Had the Jewish Agency all through the years made one single sincere and systematic attempt at understanding and conciliation and had it not rejected and frustrated the efforts made by others, and had this frightful, needless war with its legacies of hatred and ill-will on both sides not intervened, there might perhaps have been some slight chance of Jewish-Arab cooperation without formal and binding statutory obligations. As it is, we shall be very fortunate if we can bring about cooperation through some formal confederation, whether we label the idea of confederation as belonging to the 19th or the 20th century.

The idea of confederation has a special appeal to the American mind. The United States of America is the largest and most successful confederation of sovereign states in history. The constitution-makers of the new

Palestine may well use as primary sources both as to terminology and as to substance the American Articles of Confederation of 1777, which, because of defects discovered in practice, led to the Constitution of 1787. A thorough study of *The Federalist* of James Madison, John Jay, and Alexander Hamilton would be illuminating for the Palestine Confederation. The American tendency towards confederation is seen in the recent 20th-century vote in Newfoundland in favor of confederation with Canada. In announcing the United States government's support of the idea of an Assembly for Western Europe, the State Department declared: "This government strongly favors the progressively closer integration of the free nations of Western Europe."

It is to be welcomed that the Israel government has proposed direct negotiations with the Arabs for a peaceful settlement of the whole Palestine problem. They know, even if other patriots, particularly outside of Palestine, do not, that there is but very little chance for Israel if the war is to be kept up indefinitely. Yet the Israeli offer of a peace settlement is here again defective in that it is vague, not indicating to the Arabs along what lines the peace discussion is to be carried on. In this regard the proposals of Count Bernadotte, the UN Mediator, have the advantage of being clear and definite, "statutory" if you will.

It will be seen that my early June draft for a Palestine Confederation agrees very largely with the July suggestions of the Mediator. The chief difference is in regard to Jerusalem, which I propose should be the capital of the Confederation in addition to being demilitarized and neutralized as an international city.

Other points of possible controversy are my proposals for a concerted foreign policy and for common measures of defense. These would, it is true, restrict the sovereignty of the State of Israel; and it is understandable that a new and tiny state should be very sensitive about the necessity of any self-limitation of its sovereignty. But the UN proposal for an Economic Union and for a Governor of the International Jerusalem was such a restriction.

In these days of striving towards the ideal of the United Nations and of the actual hegemony of the great powers, the small nations have not as a fact and in practice unrestricted sovereignty. The Benelux model, however desirable as an abstraction, does not solve the main difficulties of Palestine. A coordinated foreign policy is not an essential in Benelux because it is well-nigh inconceivable that two antagonistic great powers would ever try to play Belgium and the Netherlands off against one another. They do not require statutory coordination in their foreign policies because their own common interests in this domain have long been well established. This is not the case in the Middle East, where conflicting economic and political interests might at any moment incite and take ad-

vantage of national rivalries. In Palestine today the saying is current that the Jews have been more or less the pawns of American interests and the Arabs the pawns of British interests; and the question is asked if Russia's interest in unrest and instability in the Middle East is not clearer and perhaps more permanent than her present support of a Jewish state. In this connection a study of the establishment and the recognition of the various "independent" small states during the years of the war might be a profitable exercise.

Nor will it do to say that immigration is something which concerns only the Jews and the Jewish state. We see that it does concern the Arabs of Palestine and neighboring countries just as it concerns the countries which Jewish immigrants are leaving or those countries other than Palestine which they are about to enter, including the United States. The mass immigration of tens of thousands of men, women, and children does not take place in a vacuum. Such a movement of human beings has its military, economic, social, and political repercussions all over the world and not least in the countries neighboring Palestine.

In a recent statement of the Ihud, it was stated that some element of international regulation would be required in relation to immigration. This is necessary in view of the conflicts which might arise by reason of the two main elements in the problem: first, the incontestable need of Jews for immigration, and second, the equally incontestable fact that Jewish immigration to Palestine concerns not only the Jews and Jewish territory but also the Arab peoples.

For this reason Count Bernadotte's suggestions appear to me to be eminently reasonable: that there be free Jewish immigration for two years, during which time it may be anticipated that the Cyprus refugees and the DP's of Europe may, with international help, be integrated into the economy of Palestine, and that thereafter these questions be determined within the Confederation, or in case of irreconcilable conflict by the United Nations. The same as to land ownership.

In other words, questions of foreign policy, defense, immigration, and land ownership would in the last analysis be met under United Nations auspices if they could not be met, as is to be preferred, by direct understanding between the independent members of the Confederation.

Major Eban is right, it seems to me, in advocating a wide Middle East background as necessary and favorable to a permanent peaceful solution of the Palestine problem. He is right also in declaring that this background should be regional and not just racial, i.e., that Israel should be linked up not just with Arab and Moslem countries, but with all the various countries of the Middle East. It is to be regretted that the UN organization is not more generally built up on the regional idea. During the war, while the discussion concerning the United Nations was going on,

the regional idea played a prominent part in the minds of those who eventually established the United Nations. There is every reason from the Jewish point of view to strive for a wide Middle East regional organization as part of the United Nations. Whereas there would be a great and perhaps decisive role for the Jews in this great undertaking, we should not forget that our first task is to try to bring about cooperation in all fields between the two peoples, the Jews and the Arabs, who alone remain as the descendants of the Semitic peoples of antiquity.

I should like to conclude with a word as to the question of the Arab refugees. There are many facets to the problem—military, political, humanitarian. Doubtless a very cogent case can be made out for meeting this problem from one of these points of view or another. It seems to me that any attempt to meet so vast a human situation except from the humane, the moral point of view will lead us into a morass. If the archives of the last war could yield all their secrets, we should doubtless find very able memoranda showing the advantage to certain countries of using displaced persons for the military, industrial, or political advantage of this or that state. I find it difficult also to reconcile the present attitude of the Israeli government in relation to the Arab refugees with its repeated statements that it is not the Arabs of Palestine, but only the neighboring Arab countries who are to blame for the outbreak of a Jewish-Arab war. If the Palestine Arabs left their homesteads "voluntarily" under the impact of Arab propaganda and in a veritable panic, one may not forget that the most potent argument in this propaganda was the fear of a repetition of the Irgun-Stern atrocities at Deir Yassin, where the Jewish authorities were unable or unwilling to prevent the act or punish the guilty. It is unfortunate that the very men who could point to the tragedy of Jewish DP's as the chief argument for mass immigration into Palestine should now be ready, as far as the world knows, to help create an additional category of DP's in the Holy Land.

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P.S. My letter in response to Major Eban's article was written before the assassination of Count Bernadotte. I have today written the following personal comment, which I trust you will find space to print, and which I have also sent to the New York Times.

Count Bernadotte had come closer than any other man to bringing Jews and Arabs to an understanding, and his murder is a tragedy of historic importance for both peoples.

In a press statement issued August 23, 1948 I stated that Count Bernadotte had "done more to advance the cause of peace and conciliation in Palestine than all other persons put together," and I expressed the convic-

tion that in all future discussions concerned with peace and reconciliation in the Holy Land, most of the suggestions advanced by Count Bernadotte would continue to serve as a basis for discussion.

At a crucial moment, this great task of peace-making has been deprived of Bernadotte's integrity of heart and mind and the great store of insight he had accumulated regarding personalities and other important factors involved.

It is very easy to join in the cry that Jewish terrorists are responsible for this atrocious crime. But who has been responsible for the terrorists? We all bear some responsibility. Certainly the large number of American supporters of terror in Palestine do — the senators and congressmen, the newspaper publishers and the large number of Jews and others who have supported terrorists morally and financially.

A large measure of responsibility must also fall upon those official circles in Israel who at one time and another carried on joint activities with terrorist groups, and instead of suppressing them, came to an understanding with them, incorporating them into the armed forces.

A large share of the blame is to be attributed to the recklessness of the charges made in Palestine and elsewhere against Bernadotte's honesty and good faith, charges which accused him of acting as the prejudiced agent of "the British" or of "British-American imperialism" or of "the oil interests."

Dr. Bunche has been burdened with an almost impossible task. He deserves the wholehearted support of all men of good will in carrying to completion Bernadotte's efforts at peace-making.

JLM

September 20, 1948