

# Why I Support the Palestinian Law of Return

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If there's one thing that virtually all Zionists can agree upon, from the political right to left and everywhere in between, it is their abject unwillingness to accept the Palestinian right of return.

There is an almost visceral quality to this rejection, which is invariably presented as an existential necessity, rather than a political argument. Read here, for instance, [the comments](#) of the relatively moderate Israeli journalist Yossi Klein Halevi:

*The right of return is a euphemism for the destruction of Israel through demographic assault: Overwhelmed with bitter Palestinian refugees raised on hatred, the Jewish state would implode.*

Amos Oz, poet laureate of the Israeli peace movement, used identical rhetoric in [a 2013 NY Times interview](#):

*The right of return is a euphemism for the liquidation of Israel. Even for a dove like myself this is out of the question.*

Since [Palestinian civil society issued its call for Boycott, Divest and Sanctions](#), which includes the goal of “respecting, protecting and promoting” the Palestinian right of return, many now claim that supporting BDS – a nonviolent call for equality, freedom and human rights – is itself tantamount to calling for the destruction of the state of Israel. The progressive American Jewish commentator Peter Beinart [has written](#) versions of this position

repeatedly over the years:

*(BDS) calls not only for boycotting all Israeli products and ending the occupation of the West Bank but also demands the right of millions of Palestinian refugees to return to their homes — an agenda that, if fulfilled, could dismantle Israel as a Jewish state.*

Conveniently lost amidst all the rhetoric, however, is the fact that the right of return is a legitimately claimed right that is enshrined in international law. And therein lies the crux of the matter. Beinart's point actually makes it very clear: the choice we ultimately face is one between a Jewish state vs. international law, justice and human rights for all.

### **“The Old will Die and the Young will Forget”**

Between November 1947 and October 1948, [750,000 Palestinians fled or were forcibly expelled from their homes](#) by Jewish militias, an event Israel refers to as the War of Independence and Palestinians call collectively the Nakba (“catastrophe”). In December of 1948, as Palestinian refugees languished in camps waiting to return to their homes, the UN General Assembly adopted [Resolution 194](#) by a majority of 34 countries, including the United States.

Article 11 of the resolution stated:

*Refugees wishing to return to their homes and live at peace with their neighbours should be permitted to do so at the earliest practicable date, and that compensation should be paid for the property of those choosing not to return and for loss of or damage to property which, under principles of international law or in equity.*

The government of the newly declared state of Israel, however, refused to allow dislocated Palestinians to return to their homes. Over 400 villages [were completely destroyed](#), many of which had new Jewish settlements built upon them. In towns and cities, new Jewish immigrants moved into empty Palestinian houses that had been appropriated by Israel. And to this day, “the earliest practical date” for the return of Palestinians to their homes remains unrealized.

[According to the Badil Resource Center for Palestinian Refugee and Residency Rights](#), there are currently 7.9 million Palestinian refugees worldwide – the largest refugee population in the world. Yet almost 70 years later, the Palestinian people continue to hold their right of return as sacrosanct – as both a [collective dream](#) and as an [inalienable right](#). At the same time, virtually all Israelis and Israel advocates have dismissed the right of return as a pipe dream – a political non-starter that will never come to pass.

“The old will die and the young will forget.” This quote is [often attributed](#) David Ben-Gurion, who reportedly made it while commenting on the future of Palestinian refugees. While [there is no documentary evidence](#) that Ben-Gurion actually uttered these words, it is clear that the prediction has not come to pass. Quite the contrary: the children and grandchildren of the 1948 refugees have *not* forgotten. If anything, the right of return has become an increasingly indelible aspect of Palestinian culture, famously represented by the original keys to homes in Palestine which are passed down from one family generation to the next.

As for me, I can state openly and unabashedly that I support the Palestinian people's right of return. I believe it is their inalienable right – not a “euphemism” or cynical political ploy that can be wished, threatened or rationalized away. And I do believe that there will never be a just peace between Israelis and Palestinians until Israel honestly faces the injustices it has perpetrated against the Palestinian people and honors the right of Palestinian refugees to return to their homes.

## “The Jewish Character of the State”

To those who claim that the return of refugees would “imperil the Jewish character of the state of Israel,” I would respond that there is a serious problem when the character of a country is dependent upon the denial of basic human rights to an entire people. When we speak of the “Jewish character of the state,” we should be clear on what we actually mean: a form of ethnic nationalism that necessarily privileges Jews over non-Jews.

In order to maintain this national character, Israel has created a system that allows any Jew in the world [to become an immediate citizen of the Jewish state upon arrival](#) – while millions of people who actually lived in the land (or have ancestors who did) are unable to set literally foot there for no other reason than they are not Jews. The bottom line: the Palestinian right of return raises the prospect of one democratic state of all its citizens – which for Israelis and Israel advocates means “the dismantling of the Jewish state.”

The real reason so many Zionists treat the Palestinian right of return as a non-starter is that it shines a bright light on the inner paradoxes of Zionism itself. Israel’s identity as a Jewish state has always been dependent upon its ability to maintain a demographic majority of Jews in the land. This ipso facto presents the presence of non-Jews in the land as a problem to be dealt with. While this problem appeared to be “solved” following the Nakba, seven decades later it remains as intractable as ever.

Liberal Zionists have attempted to resolve this problem by advocating a peace process that would result in a negotiated settlement for a two state solution. These negotiations have failed for many reasons, not least of which has been Israel’s continued settlement of the West Bank. Another critical reason has been Israel’s adamant refusal to even consider the Palestinian right of return during negotiations. Their consistent treatment of this right as a non-starter doomed the various iterations of the peace process over the years. For as [many have pointed out](#), the right of return is not a right that can be negotiated collectively – it belongs to each and every individual Palestinian refugee.

## “They Would Throw Us Into the Sea”

Many Zionists articulate the fear that a return of refugees would existentially endanger the Jews of Israel. Upon their return, the argument goes, “Palestinian refugees raised on hatred” would undoubtedly throw the Jews into the sea.

This is a patently racist argument that essentializes Palestinians as incorrigibly violent. In the end, we cannot honestly discuss Palestinian violence against Israel without recognizing the context of the daily violence in which Palestinians have been living for almost seven decades. Palestinian violence is not a product of their upbringing – it is a response to Israel’s violent expulsion of their families from their homes and the violence of brutal, ongoing oppression.

I have no doubt that there will be those who will respond to me by saying it’s all well and good for me to preach to Israelis that they must live side by side with Palestinians from the comfort and safety of my home in the United States, when it is the Israelis who will have to live with the consequences. It’s a fair question – and in good Jewish fashion I’ll answer it with another question: what will ensure the long term safety of both peoples: the continuance of an oppressive status quo that will only guarantee a future of violence or an process of authentic reparation and repatriation as well as mutually agreed upon guarantees of security for Israelis *and* Palestinians?

Obviously we are a long way from an “honestly negotiated settlement.” But before we even get to the practical considerations of how the Palestinian right of return might be implemented, that right must first be acknowledged and honored on its own merits. We cannot yet say how this right will be practically realized – this can only come through mutual agreement between Israelis and Palestinians. But in the meantime, the Palestinian right of return cannot be summarily dismissed by shrugging our shoulders and assuming “all nations are created this way.”

What would it look like in a practical sense? The general parameters are actually fairly straightforward: those who choose to remain in the Palestinian diaspora would remain. Those who choose to return would be repatriated to their

homes. Where not possible, there would be a negotiated settlement with those individual refugee families or with a collective body they each agree represents them.

Over the past few years, the organizations [Zochrot](#) and [Badil](#) have done valuable work envisioning ways that the Palestinian right of return might be implemented. As they note in their [preliminary report](#):

*(This) project builds on the deep respect in international law for the right of return,<sup>1</sup> and its widespread affirmation as the only acceptable durable solution, and starts to address how refugees will return to properties and homes from which they were forcibly displaced, and how such a return can be implemented in a practical, fair, and efficient manner that protects the legitimate interests of all stakeholders involved.*

I wish all Jews could read this report, even those who might not be ready to go to such places as yet. For myself, I find it to be extremely liberating to participate in this kind of visioning. Once we grasp that the inner paradox that a Jewish state can only be achieved by violating the rights of another people, we may well come to understand that the right of return does not mean the “dismantling of the Jewish state” – rather, it leads us to a place where are free to envision a future of equity, justice, return and reconciliation.

### “Exchange of Populations”

Many who reject the Palestinian right of return make a kind of “tit for tat” argument between the Palestinian refugees in 1948 and the 856,000 Jews of Arab countries who were either expelled, immigrated or brought to Israel around the same time. It is not uncommon for Israel advocates [to equate the two](#), and claim that the events of 1948 resulted in an “exchange of populations.”

It’s a spurious argument on several levels. In the first place, while the actions of the governments of Yemen, Iraq, Egypt, Morocco and Syria cannot be excused for their violence their against their Jewish populations, Jews from Arab countries (or Mizrahi Jews) did not become refugees – they were absorbed into Israel and became citizens, fulfilling the state’s demographic need for a Jewish majority. Palestinians experienced the exact opposite: in 1948 they were forced from their homes and turned into refugees.

Moreover, the two expulsions did not occur at the same time. The Jews from Iraq and other Arab countries occurred after the Nakba and both occurred under very different circumstances. There is absolutely no documentary evidence to prove Israeli leadership intended an “exchange of populations” when they made the decision to prevent expelled Palestinians from returning to their homes.

Another important difference: while the right of return is almost universally cherished by all Palestinians, there is no equivalent call for return from Mizrahi Jews. If anything, the lion’s share of [Mizrahi protest](#) has been directed toward discriminatory treatment at the hands of Israel’s Askenazic elite and its erasure of their Arab cultural identity. Throughout the years, in fact there have been a number of [Arab Jewish movements of solidarity](#) with Palestinian Arabs, from the [Israeli Black Panthers](#) of the 1960s and 70s to the [Mizrahi Democratic Rainbow Coalition](#) that formed in the 1990s, to the [current efforts of Mizrahi activists](#) who are seeking to join the Arab Joint List party in the Knesset.

Ironically enough, it was [recently reported](#) that the calls to define Mizrahi Jews as “refugees,” have now been taken up by the Israeli government, presumably in order to somehow politically equate them with Palestinian refugees. By so doing, however, this cynical maneuver actually contradicts a central Zionist dictum: that all Jews are welcome and to become citizens of the Jewish state. It’s also profoundly insulting to Mizrahi Jews themselves, as scholar Zachary Smith [explains](#):

*Mizrahi Jews came sometimes of their own free will and sometimes not of their own free will—a clear distinction in a complex history of Jewish immigration to Israel.*

*Mizrahim were, for the most part, individual agents and actors making decisions about Zionism and Israel. Denying them this Zionist impulse does not just hurt Mizrahi collective identity by portraying them as helpless. It also hurts Israel, because refugees, as is apparent in the Palestinian case, demand to return home.*

No, history cannot be turned back, but Israelis and Palestinians *can* go forward together. The repatriation of refugees is not a pipe dream – it is a very real and practical concept for which we have [ample historical precedent](#). The real question is not whether or not return is possible. It is rather: does Israel have the political and moral will to own the injustice it inflicted (and continues to inflict) on the Palestinian people and accept their inherent right to return to their homes?

As for me, I believe this acceptance is the necessary first step toward a truly just peace in Israel/Palestine.

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