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DATA REPORT BY THE HANOVER INSTITUTE NOVEMBER 9, 2026 UPDATED NOVEMBER 10, 2026

# Did Israel forcibly displace Arabs in 1948? The archives, the scholars and the UN count

*Archival history puts the 1948 exodus near 700,000, with expulsions in some sectors; a 1949 UN count and a 1950 Israeli law recorded no cause.*

1948 War | Palestinian Refugees | Absentee Property Law | Historiography | United Nations Conciliation Commission



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Yes, in certain sectors. Benny Morris's archival history, published by Cambridge University Press in 2004, puts the 1948 exodus at roughly **700,000** Palestinian Arabs and records expulsions by Israeli forces in certain sectors, alongside military attack, fear of attack and flight. Morris rejects both a single master expulsion plan and the claim that departures were voluntary. Ilan Pappé's 2006 book argues that the displacement was a planned ethnic cleansing. The records closest to the events counted people without recording why they left: the United Nations Conciliation Commission's 1949 estimate of 711,000 refugees names no cause, and the absentee definition the Knesset enacted in 1950 turned on location and date, not on whether a person fled or was expelled.

## Key Findings

- Benny Morris (2004), writing from Israeli military and state archives, estimates roughly 700,000 Palestinians left their homes in 1948. He documents expulsions in certain sectors among several causes that varied by locality and phase, and he rejects both a master plan and wholesale voluntary departure.
- Ilan Pappé (2006) argues in The Ethnic Cleansing of Palestine that the 1948 displacement was planned. His book is the named scholarly home of that characterization and the pole most often set against Morris.
- The United Nations Conciliation Commission for Palestine (1950) carries a Technical Committee estimate, dated 7 September 1949, of approximately 711,000 "refugees from Israel-controlled territory." The Committee says nowhere that anyone was expelled or left voluntarily.
- Columbia University Press's description of Fischbach (2003) states that more than 726,000 Palestinians, "over half the entire population," were uprooted from late 1947 through 1948.
- Forman and Kedar (2004, peer-reviewed) show that Israel's absentee definition turned on where a person was on or after 29 November 1947. Under that definition, "tens of thousands of Arab Israeli citizens" became "present absentees."

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## Did Israeli forces expel Arabs during the 1948 war?

Yes, in certain sectors. Benny Morris's *The Birth of the Palestinian Refugee Problem Revisited* (Cambridge University Press, 2004) estimates that roughly **700,000** Palestinians left their homes during the 1948 war. He finds expulsions by Israeli forces among several causes, alongside military attack, fear of attack and flight. Morris documents no single master plan, and he rejects the claim that departures were voluntary.

Morris built the account from Israeli military and state archives. His central finding is that causes varied by locality and by phase of the war (Morris, 2004). In some places, departures followed military attack or the fear of it. In certain sectors, Israeli forces expelled residents. Elsewhere, people fled. Morris applies the typology place by place and does not render it as one verdict on the whole exodus.

The expulsions he records are not confined to the main fighting. A chapter of the same book, titled "Clearing the borders: expulsions and population transfers, November 1948 to 1950," covers the months after the major campaigns. In it, Morris describes Israeli authorities clearing Arab communities from the new border areas, transferring some residents internally and expelling others across the border. He identifies Faluja and Iraq al-Manshiyya as villages whose inhabitants were expelled as whole communities (Morris, 2004).

The war's two names mark the two sides of the same events. Israel calls the war its War of Independence, after the founding of the state in May 1948. Palestinians call the displacement the Nakba, Arabic for catastrophe. Morris's roughly 700,000 is his own archival estimate, and the question in its title is answered inside his typology. Expulsion is one documented cause, recorded in specific sectors and specific villages. It is set beside flight and fear of attack, which he documents in other localities, and is not presented as the sole cause of the whole exodus.

Morris's finding cuts against two opposite summaries. Against an account in which nobody was forced out, it records expulsions by Israeli forces, including whole villages after the fighting. Against an account in which a single order emptied the country, it records causes that changed from one district and one phase to the next. A locality-by-locality reading of causes is the form his evidence takes.

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## Who calls 1948 a planned expulsion, and since when?

Ilan Pappé's *The Ethnic Cleansing of Palestine*, published by Oneworld in **2006**, is the strongest scholarly statement that the 1948 displacement was a planned ethnic cleansing. Its title is the named home of that characterization. Pappé set out the same argument in a 2006 Journal of Palestine Studies article. Morris (2004), writing from the same Israeli archives, documents expulsions in certain sectors but rejects a single master plan.

A common assumption is that historians of 1948 divide over whether expulsions happened at all. The two named poles of that dispute, Morris (2004) and Pappé (2006), both record forcible removals. Morris places expulsion among several causes that varied by place and phase. Pappé argues that removal was the organizing intent behind the whole. The disagreement concerns planning and scale: whether expulsion was one cause among several, or the design that produced the exodus.

The two works are different kinds of evidence. Morris's is an archival history from a university press, organized around the documentary trail of individual localities. Pappé's is a thesis in which the author states a moral position, and it is interpretive scholarship. Neither book measures a rate, and neither settles the other. They are cited here as the dated holders of two positions on cause and intent.

| Point in dispute | Morris (2004) | Pappé (2006) |
|---|---|---|
| Did Israeli forces expel Arabs? | **Yes, in certain sectors** | **Yes, as a planned operation** |
| Was there a master plan? | **Rejected** | **Argued** |
| Were departures voluntary? | **Rejected** | **Expulsion was the design** |
| Kind of work | **Archival history, university press** | **Thesis; author states a moral position** |

Source: Morris, 2004, Cambridge University Press; Pappé, 2006, Oneworld.

The characterization has an institutional rejection on record. The ADL, an advocacy organization whose mission is combating antisemitism, publishes a standing page titled

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"Allegation: Israel is Committing Ethnic Cleansing" (ADL, undated) that rejects the charge. The page states an organizational position and does not present a measurement.

"Ethnic cleansing" is a characterization, and the record here holds two dated scholarly positions on it, a university-press archival history and an author-stated thesis. Both record that Israeli forces carried out forcible removals in 1948. They part on what those removals amounted to.

## Did the UN's 1949 refugee count record why people left?

No. The United Nations Conciliation Commission for Palestine's Technical Committee on Refugees estimated approximately **711,000** "refugees from Israel-controlled territory" in a report dated 7 September 1949.

The estimate was published in the Commission's 1950 report (A/1367/Rev.1, Appendix 4, paragraph 15). The Committee recorded a number and a place of origin. It did not record whether anyone was expelled, driven out or left voluntarily.

The Committee's phrase is geographic: refugees *from* Israel-controlled territory (United Nations Conciliation Commission for Palestine, 1950). Its authors describe the figure as only "as accurate as circumstances permit." It is a statistical expert's estimate prepared for the Committee, not an enumeration, and the Committee considered a census and concluded that one was not advisable.

The Committee also explained why its estimate sat below the relief rolls. Those rolls carried a higher number, which the Committee attributes to duplicated ration cards, people displaced from areas other than Israel-held territory, and people who were destitute without having been displaced (United Nations Conciliation Commission for Palestine, 1950). The adjustment concerns who qualified as a refugee from Israel-held areas, not why anyone left.

The count has a defined boundary. Because it counts refugees *from* Israel-controlled territory, it excludes people displaced inside Israel, and no internal-displacement figure can be derived from it or added to it.

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Later United Nations publications use causal wording that the 1949 estimate does not. A 1980 text of the UN International Conference on Palestine Refugees describes approximately 750,000 people who "fled or were expelled." That wording is the later body's own characterization, on its own figure. The Technical Committee writing in 1949 used neither verb.

The closest contemporary international record therefore establishes scale and leaves cause to other evidence. For cause, the record runs through the archival histories above: Morris (2004) for the locality-by-locality typology and Pappé (2006) for the planned-expulsion thesis.

## Were more than half of Palestine's Arabs uprooted?

Yes, on one named account. Columbia University Press's description of Michael Fischbach's *Records of Dispossession* (Fischbach, 2003) states: "From late 1947 through 1948, more than 726,000 Palestinians, over half the entire population, were uprooted from their homes and villages." The book is an archival history of refugee property built largely on the Conciliation Commission's own files.

The sentence appears in the publisher's description and is not tied to a page of the book's text (Fischbach, 2003). The 726,000 matches the estimate associated with the United Nations Economic Survey Mission of 1949, a body that reported separately from the Conciliation Commission's Technical Committee. It is therefore a different estimate from the Committee's 711,000, not a revision of it. The "over half" is a share of the entire Palestinian Arab population of the time, a denominator the publisher's sentence does not state.

The parties to the war gave their own numbers. At a Hebrew University of Jerusalem workshop on 14 to 15 December 2016, as summarised by the rapporteur in the Israel Law Review in 2018, Morris said that Israel "maintained at the time that the figure was 500,000, while Arab countries claimed it was nearer 900,000 or one million." In the same summary, he said the United Nations concluded in 1949 and 1950 that the real figure was just over 700,000 (Israel Law Review, 2018). The 500,000 is Israel's own figure as a party to the events. The 900,000 to 1 million is the Arab states' own claim as parties to the war. Neither was independently verified.

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| Figure | What it counts | Source |
|---|---|---|
| **About 500,000** | Israel's own figure at the time, a party to the events | Morris, as summarised in Israel Law Review, 2018 |
| **About 700,000** | Archival estimate of those displaced in the 1948 war | Morris, 2004 |
| **About 711,000** | Refugees from Israel-controlled territory, estimate | UN Conciliation Commission, 1950 |
| **More than 726,000** | Uprooted, late 1947 through 1948 | Fischbach, 2003, publisher's description |
| **900,000 to 1 million** | Arab states' own claim, parties to the war | Morris, as summarised in Israel Law Review, 2018 |

Source: as listed in each row.

The rows are not one series. Each comes from a different body, covers a different window and draws a different boundary. Averaging them would merge estimates whose own authors kept them apart.

## How many Arab villages were destroyed, by one historian's count?

About **400** Palestinian towns and villages were destroyed, according to the figure Mahmoud Yazbak gave at the Hebrew University of Jerusalem Faculty of Law workshop of 14 to 15 December 2016. The rapporteur's summary in the Israel Law Review (2018) records it. It is one speaker's figure in workshop proceedings, not a census of depopulated localities.

In the rapporteur's summary, Yazbak said that "in the course of the Zionist and Israeli military operations about 400 Palestinian towns and villages were destroyed" (Israel Law Review, 2018). He linked the destruction to "the expulsion and flight" of about 80% of the residents of the Palestinian regions on which the State of Israel was established. That share is Yazbak's, and its base is the population of those regions, as he defined them.

Yazbak's sentence pairs the 2 words that run through the whole dispute. "Expulsion and flight" names both mechanisms without apportioning the 80% between them. In that

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respect, his summarised figure does what Morris's typology does: it records forcible removal and flight together. It differs from Morris in attributing the outcome to military operations as a whole.

The workshop placed the 2 historians in the same opening session. Morris spoke on the competing contemporary refugee figures, and Yazbak presented the scale of destroyed localities (Israel Law Review, 2018). The proceedings are a rapporteur's third-person summary of each presentation, not a peer-reviewed research article. Every figure in them belongs to the speaker who gave it and is dated to the 2016 workshop and the 2018 publication.

The village count measures a different object from the refugee estimates. The Conciliation Commission's 1949 estimate counts people, and its Technical Committee enumerates no localities (United Nations Conciliation Commission for Palestine, 1950). Yazbak's about 400 counts places. The 2 figures cannot be combined into a single measure of the displacement, and neither substitutes for the other.

## Did Israeli law ask whether an absentee fled or was expelled?

No. The absentee definition was set in Israel's 1948 Absentee Property Regulations and carried into the Absentee Property Law that the Knesset enacted in March **1950**. According to Forman and Kedar's peer-reviewed legal history (2004), it turned on where a person was on or after 29 November 1947, not on why they left.

The definition, as Forman and Kedar (2004) quote its terms, covered anyone who on or after that date had been "(a) a citizen or subject of one of the Arab countries at war with Israel; (b) in any of these countries, or in any part of Palestine outside the jurisdiction of the regulations; or (c) a citizen of Palestine who abandoned his or her normal place of residence." None of the 3 limbs asks whether departure followed an expulsion order, an attack, fear or choice. A resident expelled across a front line and a resident who left ahead of the fighting met the same test.

The test also reached people who never left the state. Forman and Kedar (2004) write that "practically no Jewish Israelis, but tens of thousands of Arab Israeli citizens, were classified

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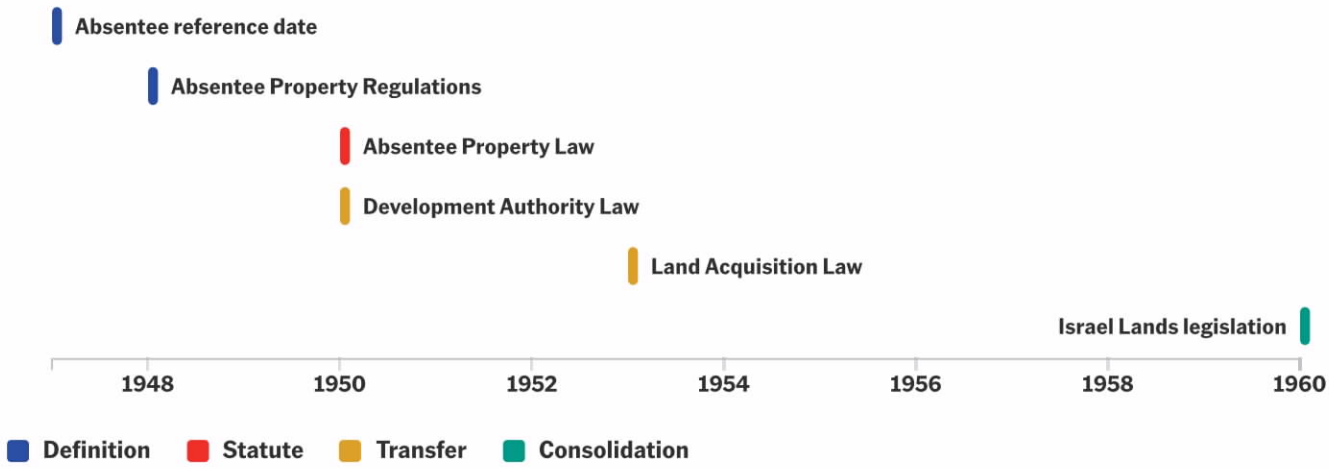
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as absentees, assuming the paradoxical legal identity of 'present absentee'." Arab citizens who had moved within the country during the war lost title to property they had left behind, while remaining inside Israel.

The statutes then fixed where the property went. "The Knesset enacted the Absentee Property Law in March 1950 and the Development Authority (Transfer of Property) Law in July 1950," Forman and Kedar (2004) record. The first law empowered the Custodian of Absentee Property to sell land to the Development Authority alone. The second empowered the Authority to sell land to the state and the Jewish National Fund. In this way, property passed through the absentee system without any finding about cause.

**The absentee property chain, 1947 to 1960**

**REFERENCE DATE AND ENACTED INSTRUMENTS, AS DATED IN THE LEGAL HISTORY**




*Source: Forman and Kedar, 2004, peer-reviewed.*

Israel's own enacted texts are the official tier closest to the property, and they record the outcome without the distinction. Whether an owner fled or was expelled carried no legal weight in deciding that the land passed to the Custodian.

## Methodology and limitations

The evidence comes from 4 kinds of source, each labelled by type. Morris (2004) and Fischbach (2003) are university-press archival histories. Pappé (2006) is an interpretive

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thesis whose author states a moral position. The United Nations Conciliation Commission for Palestine (1950) is an intergovernmental official record. Forman and Kedar (2004) is a peer-reviewed legal history built from Israeli legislation, archival documents and Knesset proceedings. The Israel Law Review (2018) item is a rapporteur's summary of a 2016 workshop, not peer-reviewed. Its figures are attributed to the individual speakers.

Each source measures something different. The Commission's 711,000 is an estimate, dated 7 September 1949 and published in a report dated 23 October 1950. Its authors expressly decline to treat it as a census, and it excludes people displaced inside Israel. Fischbach's 726,000 is taken from the publisher's description, not from a page of the book. Morris's roughly 700,000 is his own archival estimate. Israel's 500,000 and the Arab states' 900,000 to 1 million are each a party's own contemporaneous figure, relayed in Morris's 2016 remarks, and neither was independently verified. Yazbak's about 400 localities and about 80% share are one speaker's summarised figures.

Several things do not exist in the record. No contemporary official body enumerated the causes of departure, refugee by refugee or locality by locality. Forman and Kedar end in 1960 and state that no single agreed figure exists for land that passed from Arab to state hands. Where figures are relayed from other bodies, they are cited to the body that produced them. On cause and intent, the record holds 2 dated scholarly positions: Morris's typology of locality and phase, and Pappé's planned-expulsion thesis.

## Conclusion

Did Israel forcibly displace Arabs in the war it calls its War of Independence? On the archival record, it did. Morris documents expulsions by Israeli forces in certain sectors, including whole villages such as Faluja and Iraq al-Manshiyya after the fighting, within an exodus he puts at roughly 700,000. The question that remains open between named historians is intent and scale. Pappé argues for a plan, and Morris records several causes that changed by place and phase.

Across every axis measured here, the documents agree on scale and leave cause to the historians. Archival estimates and the Conciliation Commission's 711,000 sit within a few tens of thousands of each other, while the 2 sides' own figures at the time ran from half a

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million to a million. Yazbak counts places where the Commission counted people. The Commission's Technical Committee wrote "refugees from Israel-controlled territory" and stopped. Israel's absentee statute asked where a person stood on or after 29 November 1947, and on that test, an expelled villager, a family that fled and an Arab citizen who never crossed a border met the same definition.

The public argument over 1948 still turns on the verbs, fled or expelled. Yet the international count kept no column for them, and the domestic statute that decided the property gave them no legal weight. If the instruments that settled the numbers and the land were indifferent to the distinction, where does the weight now placed on that distinction come from, and what does the answer to "who left, and why" change about what followed?

## Frequently Asked Questions

### Why did the UN not conduct a census of the 1948 refugees?

The Conciliation Commission's Technical Committee considered a census in 1949 and concluded that one was not advisable (United Nations Conciliation Commission for Palestine, 1950). It cited an estimated 500,000 apparently self-supporting residents of the former Mandatory area as the reason: a census risked attracting new claims to refugee status. The 711,000 is therefore a statistical expert's estimate, not a count.

### When was the Commission's 711,000 figure published?

The estimate comes from an appendix dated 7 September 1949, submitted at Lausanne. It appears in the Commission's report covering 11 December 1949 to 23 October 1950, which was printed in New York in 1951 (United Nations Conciliation Commission for Palestine, 1950). The accurate form is the Commission's 1949 estimate, published in its 1950 report.

### How much land was under Jewish ownership when the war began?

Forman and Kedar (2004) record that 1.5 million of Mandate Palestine's 26.3 million dunams were Jewish-owned by 1948. Israel's borders then enclosed 20.6 million dunams, of which about 13.5%, or 2.8 million dunams, was under formal state or Jewish ownership. The gap between those figures is the land the later statutes addressed.

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### How much land did the 1953 Land Acquisition Law take in its first year?

Forman and Kedar (2004) report that some 1.2 million dunams were expropriated in the law's first year of operation. Of these, 311,000 dunams came from private ownership, 304,700 of them from Arab owners, and 704,000 dunams were taken from the Custodian. The smaller figures are subsets of the 1.2 million, not additions to it.

### Is there an agreed figure for Arab land lost after 1948?

No. Forman and Kedar (2004) write that "there is no one agreed-upon figure for the land that moved from Arab hands to the state in the wake of 1948." The estimates they list come from other bodies, span a wide range and are not their own.

### What happened to absentee land after the 1950 transfers?

In late July 1960, the Knesset enacted Basic Law: Israel Lands, the Israel Lands Law and the Israel Lands Administration Law (Forman and Kedar, 2004). These laws consolidated state, Development Authority and Jewish National Fund holdings into a single category, "Israel Lands," under one administration. The authors treat 1960 as the close of a 12-year process.

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# Is the media getting Gaza ceasefire violations right? Each party's count, side by side

*News totals of Gaza ceasefire violations trace to party tallies. What Resolution 2803, the Board of Peace report and each side's own records show.*

Gaza Ceasefire | Media Coverage | Resolution 2803 | Board of Peace | Casualty Counts



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The Board of Peace, the body Security Council resolution 2803 (2025) created to administer Gaza, reported on 15 May 2026 that violations of the October 2025 ceasefire "continue to occur on a near daily basis, some of which are serious." That is the Board's own account of its own implementation, and it attributes the violations to no party. Coverage that reports ongoing violations is therefore consistent with the only mandated record. The totals that put a number on Israeli violations, 1,244 in the first phase and about 2,400 over six months, are the Gaza Government Media Office's own tally, published by a party to the conflict and carried by news outlets. For a reader who meets a number in a headline, the question the record can settle is who counted, and against what rule.

## Key Findings

- Security Council resolution 2803 (2025) was adopted on 17 November 2025 by 13 votes to 0, with 2 abstentions. It uses the word "violation" zero times in its operative paragraphs and its annexed Plan, so it sets no threshold against which a reported violation can be checked (United Nations Security Council, 2025).
- The only report filed under that resolution is dated 15 May 2026. It says violations occur "on a near daily basis, some of which are serious" and gives no total, rate or attribution. It is the Board of Peace's own account of its own implementation (Board of Peace, 2026).
- The Israel Defense Forces' compilation of incidents attributed to Hamas carried 61 dated headings on 10 September 2026. That is a count of headings on one page, not of violations, and the page is published by a party to the conflict with no total (Israel Defense Forces, 2026).
- Gaza's Ministry of Health reported 1,359 deaths "since the ceasefire of 11 October" on 10 September 2026. This is its own count as a party to the conflict, not independently verified, and it counts casualties rather than violations (Ministry of Health, Gaza, 2026).
- A 2009 press analysis attributed 79% of conflict pauses between 2000 and 2008 to Israeli killings, counting killings only (Kanwisher, Haushofer and Biletzki, 2009). The Intelligence and Terrorism Information Center, counting rockets and mortar shells, recorded 329 during the 2008 lull (Intelligence and Terrorism Information Center, 2008).

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## Are the violation totals in the news independently verified counts?

The Gaza Government Media Office is the origin of the most widely quoted total: about **2,400** Israeli violations over the ceasefire's first six months. The office belongs to the authority governing Gaza, which makes it a party to the conflict. The figure is that office's own tally on its own definitions, relayed through press outlets. It is not an independently verified count.

It is often said that Israel has violated the Gaza ceasefire thousands of times. Al Jazeera reported on 23 November 2025 that Israel had violated the truce nearly 500 times in 44 days, and later put the figure at more than 2,400. Both figures were attributed to the same media office. The office also produced a first-phase total of 1,244. Those totals reach readers through Al Jazeera, Middle East Eye and The New Arab. No publication of them on any Palestinian government website was located when those hosts were searched on 10 September 2026.

The record shows two ways of presenting the same office's figures. A Guardian report of 18 October 2025 carried the office's figure of 47 violations and 38 Palestinians killed, with "says Gaza media office" inside its headline (The Guardian, 2025). There, the counting body travels with the number. Where a total appears without its counting body, a party's tally reaches the reader in the form of a fact.

| Figure | Window | Counting body |
|---|---|---|
| **47** violations, 38 killed | to 18 October 2025 | Gaza Government Media Office, a party |
| nearly **500** violations | first 44 days | Gaza Government Media Office, a party |
| **1,244** violations | first phase | Gaza Government Media Office, a party |
| about **2,400** violations | about six months | Gaza Government Media Office, a party |

Source: The Guardian, 2025, and press relays of the Gaza Government Media Office's totals. No government-hosted publication of these totals was located (searched 10 September 2026).

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The four figures cover four different windows and cannot be added together. None states a threshold for what was counted as a violation. Each was counted by one party about the other. The question of how many times the ceasefire has been violated therefore has party answers on the record, and those answers come labelled by who produced them.

## Who says coverage of ceasefire violations is skewed, and since when?

Israel's Ministry of Foreign Affairs wrote on its official X account on 14 June 2026 that "Media coverage of Israel in the context of Hezbollah's attacks from Lebanon has been deeply skewed and misleading." The post named **seven** outlets: AP, Reuters, The New York Times, CNN, NBC, CBC and France 24. It is the stated position of a party to the conflict on how it is covered, dated and on the record (@IsraelMFA, 2026).

The charge is specific. The post says those outlets "have overwhelmingly focused on the Lebanese side of the story." It describes Hezbollah as "launching thousands of attacks on communities in northern Israel," which is the ministry's own characterisation and count. It also cites a study: "An analysis conducted between June 3-10 of 750 articles published across 14 leading international media outlets found that Israeli civilian." The captured text ends there. The post as read names no publisher for the analysis, and gives no finding beyond those words. The complaint concerns the Lebanon front, not the Gaza ceasefire.

The same directional complaint appears from organisations outside government. HonestReporting is an Israel-focused media-monitoring organisation that describes its mission as countering bias against Israel in the media. It published "Ceasefires in Name Only: How the Media Ignores Hamas and Hezbollah Violations," reprinted by The Algemeiner on 15 January 2026 (HonestReporting, 2026). The title states its argument: coverage underweights violations by Hamas and Hezbollah.

The opposite complaint is also on the record, in peer-reviewed form. An article in Third World Quarterly argued in 2025 that Western legacy outlets underreported documented Israeli military violations and failed to challenge Israeli official claims sufficiently (Third World Quarterly, 2025). As published in summary, it reports no count of stories, no underreporting rate and no comparison with violations attributed to Hamas.

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So the charge of skew has been made in both directions:

- by a government that is a party to the conflict;
- by an advocacy monitor;
- in a peer-reviewed journal.

Each item is dated and named. None of the three publishes a measured rate at which outlets reported violations correctly. The 750-article analysis is the only quantified study referenced, and its finding sits beyond the end of the post's captured text.

## Is there an official benchmark reporters could check a violation against?

United Nations Security Council resolution 2803, adopted on 17 November 2025, contains the word "violation" **zero** times. That holds for its operative paragraphs and for its annexed Comprehensive Plan alike. The instrument defines no violation, sets no threshold, names no body to find one, and attaches no consequence to one (United Nations Security Council, 2025).

The resolution passed 13 votes to 0, with China and the Russian Federation abstaining, according to the verbatim record of the 10046th meeting. Operative paragraph 1 "calls on all parties to implement it in its entirety, including maintenance of the ceasefire, in good faith and without delay." The annexed Plan never uses the word "ceasefire." At point 3 it says "the war will immediately end," that "all military operations, including aerial and artillery bombardment, will be suspended," and that "battle lines will remain frozen." The word enters the record through the Council's endorsement, not the Plan's terms. This report reads what the instrument defines on the text alone.

| Term | Operative paragraphs | Annex 1, the Plan | Source |
|---|---|---|---|
| "violation" | **0** | 0 | S/RES/2803 (2025) |
| "breach" | **0** | 0 | S/RES/2803 (2025) |
| "ceasefire" | **3** | 0 | S/RES/2803 (2025) |

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The monitoring mandate is a single clause. Under paragraph 7(A), the International Stabilization Force shall "assist the BoP in monitoring the implementation of the ceasefire in Gaza." The clause carries no duty to count, classify, attribute or publish. The Board of Peace's own report of 15 May 2026 describes the force in the future tense: "Preparations for deployment are well advanced." Paragraph 38 of the same report adds: "Efforts are ongoing in force generation and deployment."

The one reporting duty sits in paragraph 10, which requests "a written report on progress" every six months. The report filed under it quantifies violations in one phrase, "near daily basis," and gives no total or attribution beyond that (Board of Peace, 2026). The resolution asked for a progress report, and the report delivered one. A journalist checking a violation claim against the endorsed instrument finds no definition to check it against.

## Can a reporter turn Israel's published incident list into a total?

The Israel Defense Forces' page "A broken record on repeat: Major Ceasefire Violations," dated 19 February 2026, carried **61** dated headings when read on 10 September 2026. That is a count of headings on one page on one date, not a count of violations. The page is published by a party to the conflict and states no total, rate or denominator (Israel Defense Forces, 2026).

The page describes its own scope: "the following announcements are IDF press releases addressing each ceasefire violation by Hamas since the start of the agreement." The entries run from 19 October 2025 to 14 February 2026. The page makes no claim to be complete. It records only violations attributed to Hamas and Palestinian armed groups, and none by Israel.

The threshold is the IDF's own. The page states that "All these activities constitute a clear violation of the understandings of the ceasefire." A typical entry, dated 20 October 2025, reads: "the IDF identified several terrorists who crossed the yellow line and approached IDF troops operating in the Shejaiya area, posing an immediate threat to them." The words "terrorists," "eliminated" and "immediate threat" belong to the IDF's releases.

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The page's own dates do not run in order. Nineteen entries in the November block carry the year 2026, from "November 8" to "November 29." They sit between entries stamped October 2025 and December 2025, on a page dated February 2026. Those nineteen are November 2025 entries printed with the wrong year. Any timeline built from the page has to correct for that.

The line named in most entries is not in the endorsed text. Resolution 2803 (2025) and its annexed Plan never mention a "yellow line." Point 3 of the Plan says only that "Israeli forces will withdraw to the agreed upon line" (United Nations Security Council, 2025). The yellow line is an implementation arrangement between the parties, and no published instrument located defines or maps it.

A reporter who counted the page's headings and printed the result as "Hamas violations" would be presenting a total the IDF itself does not publish. What the page supports is a list of incidents, each one the IDF's own characterisation of the other party's conduct.

## Has any non-party body published a ceasefire violation rate?

A US Central Command spokesman gave the only violation rate on record from outside the two parties: about **18** violations a day in October 2025, falling below 10 a day in November. The figure circulates as relayed by the Foundation for Defense of Democracies, a Washington research institute, rather than in a Department of Defense publication.

The relay matters for attribution. When centcom.mil, war.gov and defense.gov were searched on 10 September 2026, no Department of Defense document carrying the figure was located. Central Command's own announcement of the Civil-Military Coordination Center no longer resolves to its text and returns a media landing page. A news report carrying the 18-a-day figure can attribute it to a spokesman, through a named relayer. It cannot attribute it to a published official series.

The United States is not a party to the conflict, but it is not a disinterested observer either. Resolution 2803 (2025) was adopted on a United States draft. Its preamble names the United States, Qatar, Egypt and Türkiye as having "facilitated the ceasefire" (United Nations Security Council, 2025). The coordination body the spokesman's command sits within is

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described in the Board of Peace's report of 15 May 2026: "The Civil-Military Coordination Centre (CMCC), established on 17 October 2025, has served as the principal operational mechanism for this function during the reporting period, involving 50 partner nations and organizations" (Board of Peace, 2026).

The other bodies that could publish a rate have not done so:

- **The Board of Peace.** It is the transitional administration the resolution created, chaired by the President of the United States. Its only report says "near daily basis" and stops there.
- **The International Stabilization Force.** It holds the paragraph 7(A) monitoring mandate but had not deployed by May 2026, so it has published nothing.

The record therefore holds one non-party rate, from a guarantor's military, reaching readers secondhand.

## When reports cite a ceasefire death toll, whose count is it?

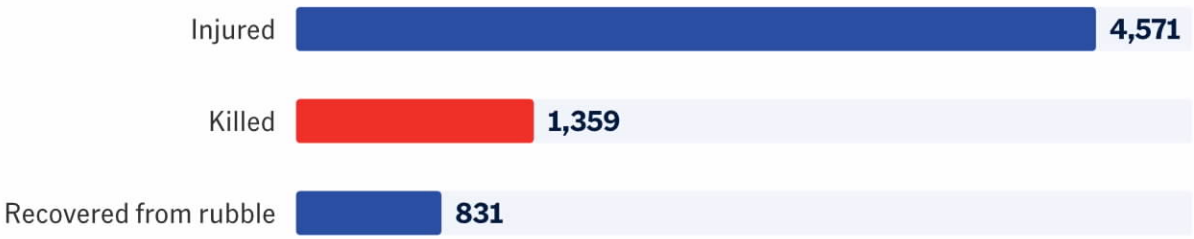
Gaza's Ministry of Health reported **1,359** deaths since "the ceasefire of 11 October" in its daily report of 10 September 2026. That is the ministry's own count as a party to the conflict, not independently verified. It records people killed. It is not a count of violations, and it does not tell the reader which party breached what (Ministry of Health, Gaza, 2026).

The same report records 4,571 injuries since the ceasefire and 831 people recovered from the rubble. The ministry calls the dead "martyrs," a term that is its own. Cumulatively, its 10 September 2026 report gives 73,670 deaths since October 2023. The ministry has stated its own exclusions since 7 January 2024. Among them, the missing and those under rubble, and burials made by families without passing through a hospital, are not counted. Those exclusions travel with every figure the ministry publishes.

**Casualties since the ceasefire, Gaza Ministry of Health**
DAILY REPORT OF 10 SEPTEMBER 2026, COUNTED FROM 11 OCTOBER 2025; CATEGORIES MAY OVERLAP

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*Source: Ministry of Health, Gaza, 2026. A party's own count, not independently verified.*

The two parties start their clocks a day apart. The ministry counts from 11 October. The IDF page states that the agreement "came into effect" on "Friday, October 10th, 2025, at 12:00 PM" (Israel Defense Forces, 2026). In the Security Council's verbatim record of 17 November 2025, Denmark said "the ceasefire entered into force on 10 October." A death toll "since the ceasefire" therefore carries the ministry's start date, not the date the other party and the Council record give.

The ministry's numbers and the media office's numbers also come from different offices of the same authority, and they count different things. The 1,359 is deaths. The 2,400 is violations. Neither can be derived from the other. A report that sets a death toll beside a violation total is placing two counts with different objects, both from one party, side by side.

## How did a widely read 2009 press analysis decide who broke truces?

Kanwisher, Haushofer and Biletzki wrote in The Huffington Post on 6 February 2009 that **79%** of conflict pauses between September 2000 and October 2008 "were interrupted when Israel killed a Palestinian." The piece is commentary with original analysis, not peer-reviewed. It defined a pause as one or more days with no killing on either side, and it counted killings only (Kanwisher, Haushofer and Biletzki, 2009).

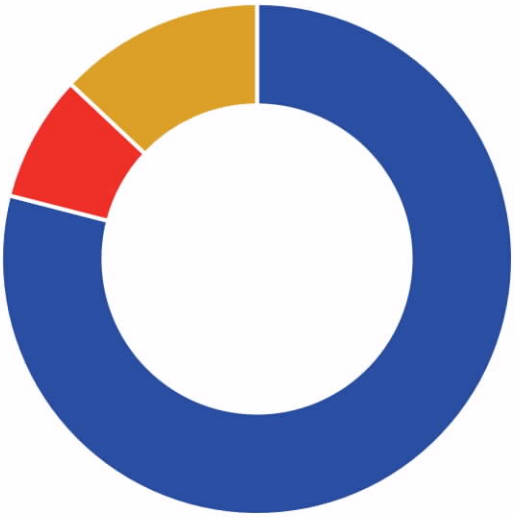
The remaining pauses split two ways: "only 8% were interrupted by Palestinian attacks," with 13% interrupted by both sides on the same day. The fatality data came from B'Tselem. Because the counting rule measured killings, a rocket that killed no one did not end a pause. The earlier history of seven truces since 2008 turns on exactly this choice of what to count.

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**Which side's killing first ended a pause in violence**

**ALL CONFLICT PAUSES, SEPTEMBER 2000 TO OCTOBER 2008, KILLINGS ONLY**



**Israeli killing first** **Palestinian attack first** **Both on the same day**

*Source: Kanwisher, Haushofer and Biletzki, 2009, The Huffington Post; commentary, not peer-reviewed.*

Counting rockets gives the 2008 lull a different shape. The Intelligence and Terrorism Information Center, an Israeli research institute, recorded 329 rockets and mortar shells during the six-month lull, most after 4 November. It set that against 2,278 in the six months before (Intelligence and Terrorism Information Center, 2008). The Center wrote that on 4 November "the IDF carried out a military action close to the border security fence on the Gazan side to prevent an abduction planned by Hamas," and that "Seven Hamas terrorist operatives were killed." Its summary of 1 January 2009 gave a lull total of 362, with 324 between 4 November and 19 December (Intelligence and Terrorism Information Center, 2009). So the same body published two different totals for the same period.

Peer-reviewed work measures sequence in both directions. Haushofer, Biletzki and Kanwisher (2010) found that "the firing of Palestinian rockets increases sharply after Israelis kill Palestinians." They also found that "the probability (although not the number) of killings of Israelis by Palestinians increases after killings of Palestinians by Israel," while replicating Israeli responses to Palestinian killings. Golan and Rosenblatt (2011) published a critique of

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that study in the same journal. All of this research measures ordering in time, not legal responsibility. A killings-only rule and a rockets rule, applied to one truce, assign its breakdown to different sides.

## Methodology and limitations

The evidence was assembled from four source types, each labelled in the text where it is used.

**Primary and official records.** These are resolution 2803 (2025) and the recorded vote in S/PV.10046, and the Board of Peace report S/2026/418, the only report filed under paragraph 10 as of 10 September 2026. The full text of the resolution and its annex was searched without regard to case for "violation," "breach," "enforce," "sanction" and "ceasefire." Resolution 1860 (2009) and the 2014 record of Israel's Ministry of Foreign Affairs support the questions below.

**Parties' own publications.** These were read directly and labelled as such:

- the Israel Defense Forces' compiled page, with headings counted as read on 10 September 2026;
- the Gaza Ministry of Health's daily report of 10 September 2026;
- the 14 June 2026 post by Israel's Ministry of Foreign Affairs, whose captured text ends mid-sentence.

**Peer-reviewed research.** This includes Haushofer and colleagues (2010), the Golan and Rosenblatt critique (2011), Jaeger and Paserman (2008, characterised from its abstract), and an article in Third World Quarterly (2025, characterised from its published summary).

**Monitoring and commentary sources.** These are HonestReporting, labelled with its mission; the Intelligence and Terrorism Information Center, an Israeli research institute reporting its own counts; and the 2009 commentary by Kanwisher, Haushofer and Biletzki, which is not peer-reviewed. Al Jazeera, Middle East Eye, The New Arab, The Algemeiner and B'Tselem are named as relayers or data holders and are not used as evidence.

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**Government hosts searched.** On 10 September 2026 the following were searched: centcom.mil, war.gov and defense.gov; gov.il, mfa.gov.il and idf.il; moh.gov.ps; and the Official Document System for documents issued under resolution 2803 (2025). The Gaza Government Media Office totals were not located on any Palestinian government host. The Central Command figure was not located on any Department of Defense host and is cited as relayed.

**Limitations.** No body publishes a measured rate at which news coverage reports ceasefire violations accurately. The media-coverage material in this record measures framing and argument, not verification of individual incidents. The 2008 to 2009 research predates the October 2025 ceasefire by more than fifteen years and measures a different arrangement. A second Board of Peace report was due around 15 November 2026, so no trend across reporting periods can be drawn.

## Conclusion

So does the media accurately report Israel's ceasefire violations? On this record, accuracy turns on attribution. The numbers attached to Israel come from one party, and the instrument they are measured against defines nothing.

The portrait the evidence draws is consistent across every count read:

- The about 2,400 total is the Gaza Government Media Office's own tally, a party's count, relayed rather than published on a government host.
- The IDF's 61 headings are a party's list, not a total.
- The Gaza ministry's 1,359 deaths are its own count of the dead, not of breaches.
- The endorsed resolution says "violation" zero times, and the mandated reporter says "near daily" and gives no number.
- The one outside rate, about 18 a day, arrives secondhand.
- The 79% from 2009 rests on a rule that counted killings and not rockets.

The record does not support reading any of these as a neutral measure.

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What this sharpens is a question about the public record itself. When every quantified account of a ceasefire comes from a side, a relayer or a rule chosen in advance, a reader is left to weigh what a headline number can carry once the name of its counting body has been trimmed off. The answer bears on how a society argues about a war it watches mostly through other people's tallies.

## Frequently Asked Questions

### Did earlier Gaza truces have written terms?

The Intelligence and Terrorism Information Center wrote in December 2008 that the 2008 lull "was based on unwritten understandings." The same Center reported in November 2012 that the understandings ending that round were posted as text on the Egyptian president's Facebook page (Intelligence and Terrorism Information Center, 2012). Written terms are therefore a recent feature of Gaza ceasefires.

### Has Israel published a breach record for earlier truces?

Israel's Ministry of Foreign Affairs published a "non-exhaustive" table of eight 2014 suspensions in a 2015 report, attributing each breach to Hamas (Israel Ministry of Foreign Affairs, 2015). It is a party's own account. The 2026 IDF page follows the same one-sided format.

### What did the Security Council call for in the 2009 Gaza war?

Resolution 1860, adopted on 8 January 2009 by 14 votes to 0 with the United States abstaining, called for "an immediate, durable and fully respected ceasefire" (United Nations Security Council, 2009). Like resolution 2803 (2025), it named no counter of violations.

### Who are the "independent monitors" in the Gaza Plan?

Point 13 of the annexed Plan places the demilitarization of Gaza "under the supervision of independent monitors" (United Nations Security Council, 2025). Both mentions concern weapons decommissioning, not the ceasefire. The Plan does not say who the monitors are or what they publish.

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### Does peer-reviewed research find a tit-for-tat cycle?

Jaeger and Paserman (2008) analysed daily fatalities from September 2000 to January 2005. They found "evidence of Granger causality from Palestinian to Israeli violence, but not vice versa," and "no evidence" of a predictable tit-for-tat cycle. That finding comes from the abstract, and it measures timing rather than responsibility.

### How many hostages were returned under the first phase?

The Board of Peace reported in May 2026 that of 251 people taken captive on 7 October 2023, 168 were returned alive. It also reported that the last deceased hostage was recovered on 26 January 2026 (Board of Peace, 2026). These figures are the Board's own account.

### When is the next mandated report on the ceasefire due?

Resolution 2803 (2025) requests a Board of Peace report "every six months" (United Nations Security Council, 2025). The first was dated 15 May 2026, which put the second around 15 November 2026. That timing determines when the record can next show change.

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RELATED RESEARCH

DATA REPORT UPDATED NOVEMBER 10, 2026

## How many times has Israel broken the Gaza ceasefire? The mandated report and each side's tally

The one report Resolution 2803 requires says violations occur "on a near daily basis" and gives no total. What each party counts, and why.

DATA REPORT SEPTEMBER 10, 2026

## Has Israel Violated the Gaza Ceasefire Agreement? Reading the Resolution, the Mandated Report and Each Party's Own Count

Security Council resolution 2803 uses the word violation zero times. What the one mandated report and each party's own count actually record.

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# What Is the History Behind Claims That Israel Violates Gaza Ceasefires? Reading Seven Truces Since 2008 and the Research on Who Breaks Them

Seven Gaza truces since 2008, each ended by an incident each side blamed on the other. What the dated record and the research on lulls show.

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DATA REPORT BY THE HANOVER INSTITUTE NOVEMBER 9, 2026 UPDATED NOVEMBER 10, 2026

# Does Israel deny Palestinian refugees return and their property? The statutes and the land record

*Israel voted against resolution 3236 in 1974, 89 to 8. Its entry statutes, the 1950 absentee laws and the land record show what followed.*

Right of Return | Palestinian Refugees | Absentee Property | Israeli Law | UN General Assembly



Israel was one of 8 delegations recorded against United Nations General Assembly resolution 3236 on 22 November 1974. That text "reaffirms also the inalienable right of the Palestinians to return to their homes and property" and passed by 89 votes to 8, with 37 abstentions. Israel's statutes set who may enter by right: the 1992 Basic Law entitles citizens, not every person, to enter, and the Law of Return of 1950 grants the right to Jews and, since 1970, to named relatives. On property,

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Forman and Kedar (2004, peer-reviewed) trace how two 1950 statutes moved absentee land through a Custodian and a Development Authority to the state and the Jewish National Fund, and they record that no agreed figure exists for how much land changed hands.

## Key Findings

- On 22 November 1974 the General Assembly adopted resolution 3236, which reaffirms the Palestinians' "inalienable right ... to return to their homes and property," by 89 votes to 8 with 37 abstentions, and Israel voted against (United Nations General Assembly, 1948 to 1975, recorded vote on 3236, A/PV.2296).
- Section 6(b) of Basic Law: Human Dignity and Liberty (Knesset, 1992) entitles "Every Israeli citizen who is abroad" to enter Israel; section 1 of the Law of Return (Knesset, 1950) gives "Every Jew" the right to come as an oleh, and section 4A, added on 10 March 1970, extends that right to a child, grandchild and spouse of a Jew.
- In the first year of the 1953 Land Acquisition Law, some 1.2 million dunams were expropriated, 704,000 of them taken from the Custodian of Absentee Property (Forman and Kedar, 2004, peer-reviewed).
- Forman and Kedar (2004) record that "There is no one agreed-upon figure for the land that moved from Arab hands to the state in the wake of 1948"; the estimates by other bodies that they list run from 4.2 million dunams to 19 million.
- The 1995 Interim Agreement (Israel and the PLO, 1995, in the text published by the Israeli Ministry of Foreign Affairs, a party to it) lists refugees among permanent-status issues, with negotiations due to begin "not later than May 4, 1996."

## Has Israel accepted a Palestinian right of return?

Israel recorded a vote against General Assembly resolution 3236 on 22 November 1974, according to the verbatim record of the 2296th plenary meeting (A/PV.2296, paragraph 110).

The resolution passed by **89 votes to 8**, with 37 abstentions. Its paragraph 2 "reaffirms also the inalienable right of the Palestinians to return to their homes and property from which they have been displaced and uprooted, and calls for their return."

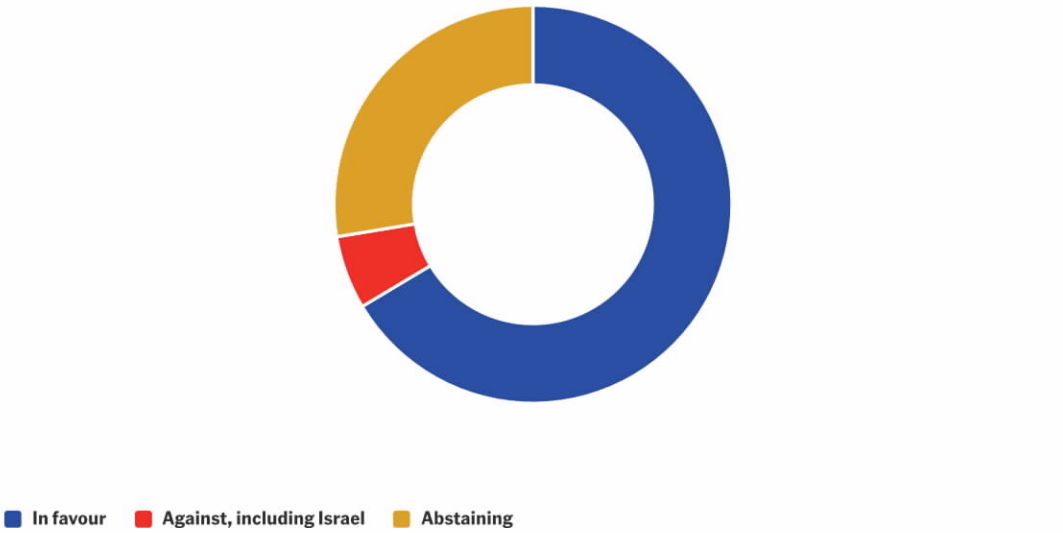
The vote was taken by roll call, so each delegation's position is on the record by name. The tallies are shares of the 134 delegations that recorded a position, not of the whole membership: 89 in favour, 8 against and 37 abstaining sum to 134. Israel's recorded vote is its own position on the right as paragraph 2 words it, including the word "inalienable" and the call for return.

**Recorded positions on resolution 3236**

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**134 DELEGATIONS RECORDING A POSITION, 22 NOVEMBER 1974**




*Source: United Nations General Assembly, 1948 to 1975: recorded vote on resolution 3236 (XXIX), A/PV.2296, paragraph 110.*

The same position appears in summary form outside the Assembly record. The Anti-Defamation League, an advocacy organization whose mission is opposing antisemitism, summarized Israel's position in a 2022 backgrounder as rejecting a legally enforceable Palestinian right of return to Israel and treating refugee return as a matter for negotiated settlement rather than unilateral entitlement. That summary is the League's description of the position, while the 1974 roll call is the position as Israel's delegation recorded it.

The wording Israel voted against, and the instruments that frame it, are read in full in resolution 3236's text and the 1974 vote. The sections that follow turn from the vote to what Israel enacted: who its statutes entitle to enter, and what its 1950 laws did with the property of people classed as absentees.

## Who says refugees must be allowed home, and since when?

The United Nations General Assembly first set out the claim on 11 December 1948. Paragraph 11 of resolution 194 (III) says that 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." The claim that Assembly texts call for return is therefore accurate on the record, and it dates from the Assembly's third session.

The same paragraph pairs return with payment. It provides 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, should be made good by the

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Governments or authorities responsible." Return is framed for refugees "wishing" it, and compensation for those choosing otherwise. The operative verb is "should be permitted."

The 1974 text uses stronger language. Resolution 3236 speaks of an "inalienable right" and "calls for their return." A year later, on 10 November 1975, resolution 3376 (XXX) created the Committee on the Exercise of the Inalienable Rights of the Palestinian People, "composed of twenty Member States," and asked it to recommend "a programme of implementation" for the rights in paragraphs 1 and 2 of 3236, reporting "no later than 1 June 1976."

The scope of "their homes and property" is read in more than one way. W. Thomas Mallison and Sally V. Mallison, in a 1979 legal analysis published at the Committee's request, read the phrase in 3236 as covering the State of Israel and the territories occupied since 1967. Their study states that "The views expressed are those of the authors," and it is an argument rather than a Secretariat finding.

Two organizations hold the claim in current form. Amnesty International, in a May 2019 press release, described Israel's refusal to grant Palestinian refugees a right to return as having fuelled seven decades of suffering. Human Rights Watch published a statement on 15 May 2023 titled "75 Years Later, Israel Blocking Palestinian Refugees' Return." Both are advocacy organizations stating their own positions. The instruments on the record are the three Assembly texts of 1948, 1974 and 1975.

## Whom does Israel's Basic Law entitle to enter the country?

The Knesset's Basic Law: Human Dignity and Liberty, adopted in 1992, entitles "Every Israeli citizen who is abroad" to enter Israel, in section 6(b) of the English text the Knesset publishes. Section 6(a) frees "Every person" to exit. Exit is extended to everyone, and entry is defined by citizenship, so a refugee who does not hold Israeli citizenship has no entry entitlement under this clause.

The Knesset labels this translation unofficial in the document's second line: "This unofficial English translation of the basic law includes all the amendments adopted through May 1, 2022." The same page directs readers to the Hebrew text in the National Legislation Database for the operative law, so the Hebrew governs and the English is an aid.

The entry clause is one of six enumerated rights. The complete text lists dignity, life and body (sections 2 and 4), property (section 3), personal liberty (section 5), exit and entry (section 6), and privacy and intimacy (section 7), and no others. A search of the complete English text returns zero occurrences of "equal", "discrimin", "religion", "race" and "nationality". That absence is a fact about the text of the law. The equality rule in Israeli law is judge-made, as the Supreme Court's ruling in Ka'adan (2000) shows in the next section.

The law states its purpose in section 1a: "to protect human dignity and liberty, in order to embed the values of the State of Israel as a Jewish and democratic state, in a basic law."

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Section 1 grounds the rights in "the recognition of the value of the human being" and says they "shall be upheld in the spirit of the principles included in the Declaration of the Establishment of the State of Israel." Section 11 obliges "Each and every government authority" to respect the rights the law lists.

For entry by right, then, the Basic Law draws one line, at citizenship. A separate statute, enacted 42 years earlier, governs entry by descent.

## Who does the Law of Return let settle in Israel?

The Knesset's Law of Return, 5710-1950, opens with one sentence in section 1: "Every Jew has the right to come to this country as an oleh," a word its translator glosses as "a Jew immigrating, into Israel." Passed on 5 July 1950, it is the statute that grants entry by descent rather than by citizenship.

The English text of the Law of Return published by the Knesset is a scan from the series Laws of the State of Israel, and it is marked neither official nor unofficial. The Prime Minister's Office designates it "the full text of the Law of Return, 1950."

An amendment passed on 10 March 1970 widened the circle. Section 4A(a) vests the same rights in "a child and a grandchild of a Jew, the spouse of a Jew, the spouse of a child of a Jew and the spouse of a grandchild of a Jew, except for a person who has been a Jew and has voluntarily changed his religion." Section 4A(b) makes it "immaterial" whether the Jew through whom the right is claimed is alive or has immigrated.

The same amendment inserted a definition in section 4B, which operates separately: "For the purposes of this Law, 'Jew' means a person who was born of a Jewish mother or has become converted to Judaism and who is not a member of another religion." Section 4B defines who is a Jew for this statute, and section 4A extends rights to named relatives who need not be Jewish.

| Clause | Who holds the right | Source |
|---|---|---|
| Exit, s. 6(a) | "Every person" | Basic Law: Human Dignity and Liberty (Knesset, 1992) |
| Entry, s. 6(b) | "Every Israeli citizen who is abroad" | Basic Law: Human Dignity and Liberty (Knesset, 1992) |
| Settlement, s. 1 | "Every Jew," as an oleh | Law of Return (Knesset, 1950) |
| Extension, s. 4A | **Child, grandchild and spouse of a Jew**, and their spouses | Law of Return, Amendment No. 2 (Knesset, 1970) |

The Supreme Court described this structure in Ka'adan v. Israel Land Administration, decided 8 March 2000. Paragraph 31 states that "members of the Jewish nation were granted a special key to enter (see the Law of Return-5710-1950), but once a person has lawfully

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entered the home, he enjoys equal rights with all other household members." The English text is the Cardozo Israeli Supreme Court Project's translation.

## What did Israeli law do with refugee property in 1950?

The Knesset enacted two statutes in 1950 that governed the property of people classed as absentees, according to legal historians Geremy Forman and Alexandre Kedar (2004, peer-reviewed): "The Knesset enacted the Absentee Property Law in March 1950 and the Development Authority (Transfer of Property) Law in July 1950." Together, on their account, the two laws formed a chain running from a Custodian to the state.

The authors set out the sale powers each statute conferred: "The Absentee Property Law empowered the CAP to sell land to the DA alone, and the Development Authority Law empowered the DA to sell land to the state and the JNF." CAP is the Custodian of Absentee Property, DA the Development Authority and JNF the Jewish National Fund. They describe the Development Authority as an intermediary, legally defined as extragovernmental, that funnelled expropriated land to the state and the Jewish National Fund. The buyers named in that description are the Development Authority, the state and the Fund.

This is the authors' account of the statutes, built from Israeli legislation, archival documents and Knesset proceedings, and it is quoted here as their description rather than as the statutory wording. Forman and Kedar divide the process into four phases over 12 years, from 1948 to 1960, each closing with a major statute.

Their baseline shows the scale the statutes worked on. By 1948, on their figures, 1.5 million of Mandate Palestine's 26.3 million dunams were "Jewish owned." Israel's borders then enclosed 20.6 million dunams, of which about 13.5%, or 2.8 million dunams, was under formal state or Jewish ownership. The rest of the land inside those borders is the land whose legal status the 1950 statutes and their successors reshaped.

The enacted texts, the claims later filed and the valuations recorded for that property are read separately in the record of Arab property and the absentee law. The question for this report is narrower: whether the 1950 chain returned property to its former owners. The powers Forman and Kedar describe ran from the Custodian to the Development Authority, and from the Authority to the state and the Fund.

## Who counted as an absentee, and did it include citizens?

Forman and Kedar (2004) record that the absentee category reached back to 29 November 1947, the date of the General Assembly's partition resolution, and that it covered people who stayed: "practically no Jewish Israelis, but tens of thousands of Arab Israeli citizens, were classified as absentees, assuming the paradoxical legal identity of 'present absentee'."

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The definition, as the authors give it, has three limbs. An absentee was anyone who, on or after 29 November 1947, had been "(a) a citizen or subject of one of the Arab countries at war with Israel; (b) in any of these countries, or in any part of Palestine outside the jurisdiction of the regulations; or (c) a citizen of Palestine who abandoned his or her normal place of residence."

The authors place that definition in the 1948 Absentee Property Regulations, which the March 1950 statute replaced and carried forward. The date and the three limbs therefore belong to the 1948 regulations first and to the 1950 law by continuation.

The third limb is what brought citizens within the rule. A person who left a home for another place inside what became Israel, and who later became an Israeli citizen, could fall under "abandoned his or her normal place of residence" without ever leaving the state. The result Forman and Kedar describe is a legal status in which a person present in Israel and holding its citizenship was, for property purposes, absent.

The size of that group is relayed rather than measured in their paper. Forman and Kedar take from Hillel Cohen's 2000 work the figure that roughly 15% of Israel's Arab citizens held present-absentee status. That share is Cohen's, and its base is Israel's Arab citizenry, not the refugee population outside the state.

The category of "refugees" and the category of "absentees" therefore do not coincide. Refugees who left the territory fell under the first two limbs or the third; citizens who moved within it fell under the third. The property rule applied to both, while the entry statutes in the previous sections apply only to those outside the state.

## 704,000 dunams passed from the Custodian in one year

Forman and Kedar (2004) record that in the first year of the 1953 Land Acquisition Law some 1.2 million dunams were expropriated, of which **704,000 dunams** were taken from the Custodian of Absentee Property.

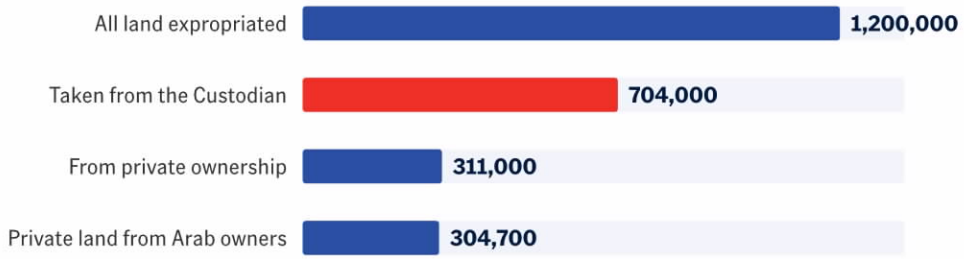
The authors state that it is not clear how much of the 704,000 was land of present absentees.

The same first-year total contains a second subset. Of the 1.2 million dunams, 311,000 came from private ownership, and 304,700 of those from Arab owners. Both the 311,000 and the 704,000 are parts of the 1.2 million, not additions to it, and the two are never summed into a larger figure.

**Land expropriated in the first year of the 1953 law**
DUNAMS; THE THREE LOWER BARS ARE SUBSETS OF THE TOTAL, NOT ADDITIONS TO IT

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*Source: Forman and Kedar, 2004, peer-reviewed.*

Compensation under that mechanism is recorded in dunams, not in claimants. Forman and Kedar compile it from Liskovski's 1959 figures, Kretzmer's 1990 study and Bauml's 2002 study: compensation had been paid for 64,500 dunams by 1959, about 170,000 dunams by 1970, and 198,000 dunams by 1988. Those figures belong to the three named authors and measure land compensated under the 1953 law, not refugees compensated.

The authors close the chain in late July 1960, when the Knesset enacted Basic Law: Israel Lands, the Israel Lands Law and the Israel Lands Administration Law. That legislation consolidated state, Development Authority and Jewish National Fund holdings into one category, "Israel Lands," under a single administration. Their history ends at that point, and the 1960 consolidation is the last event in the property chain that their paper documents.

## Does Israel's 1992 property guarantee reach the 1950 laws?

Basic Law: Human Dignity and Liberty states in section 3 that "The property of a human being shall not be violated," but section 10 sets a 1992 cutoff: "This Basic Law shall not affect the validity of any law that existed prior to the inception of the Basic Law." The 1950 absentee and Development Authority statutes, and the 1953 Land Acquisition Law, all predate that cutoff.

The Supreme Court has applied section 10 to an older instrument in terms that show how the clause works. In HaMoked v. Minister of Defense, delivered 31 December 2014, Justice Hayut wrote that Regulation 119 of the Defence (Emergency) Regulations, 1945 "currently forms part of Israel's positive law, and its validity is maintained by virtue of the Preservation of Laws clause under section 10 of Basic Law: Human Dignity and Liberty, even if it is inconsistent with the provisions of the Basic Law." Justices Rubinstein and Sohlberg sat with her. The English is the Cardozo project's translation, and the Hebrew is the authoritative text.

That holding concerned Regulation 119, a power to forfeit and demolish houses, and not the absentee statutes. What it establishes is the Court's reading of section 10: a law in force before 1992 keeps its validity even where it conflicts with the Basic Law's rights.

The law's limitation clause in section 8 governs violations of its rights by later legislation, and Israeli state bodies render it differently. The Knesset's unofficial English text reads "a law

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that corresponds to the values of the State of Israel, which serves an appropriate purpose, and to an extent that does not exceed what is required." Israel's Ministry of Justice and Ministry of Foreign Affairs, in Israel's 14th periodic report to the Committee on the Elimination of Racial Discrimination (2010, paragraph 377), a compliance report published by a party to the treaty, render it as "a statute which befits the values of the State and is intended for a proper purpose, and then only to the extent required."

Section 8 and section 10 address different laws. Section 8 sets the test for a law that violates a protected right after 1992. Section 10 preserves the validity of every law that existed before it, whatever its content. The property guarantee in section 3 therefore operates prospectively, and the statutes that moved absentee property into state hands between 1950 and 1960 sit on the far side of its cutoff.

## How much refugee land is at stake, on whose count?

Forman and Kedar (2004) state that "There is no one agreed-upon figure for the land that moved from Arab hands to the state in the wake of 1948," and the estimates they list run from **4.2 million dunams**, the low end of the range given by Israeli officials and researchers, to 19 million in the work of Hadawi.

The authors list the estimates without choosing among them, and each figure belongs to the body that produced it.

| Estimator | Estimate | Source |
|---|---|---|
| Israeli officials and researchers | **4.2 to 6.5 million dunams** | Listed by Forman and Kedar, 2004 |
| Arab researchers and organizations | **5.7 to 6.6 million dunams** | Listed by Forman and Kedar, 2004 |
| Conciliation Commission, 1964 | **Just over 7 million dunams** | Listed by Forman and Kedar, 2004 |
| Conciliation Commission, 1951 | **16.3 million dunams** | Listed by Forman and Kedar, 2004 |
| Hadawi | **19 million dunams** | Listed by Forman and Kedar, 2004 |

The highest estimate is about four and a half times the lowest, and the Conciliation Commission's own two figures, 13 years apart, differ by more than half. These estimates measure land abandoned or lost, a different object from land processed through the absentee-property system. No total for the land that passed through the absentee system is published by any body cited here, and a figure of roughly 2 million dunams for that object circulates without a located source.

A separate 1951 document by the same Commission counted something narrower still. Its Sampling Survey of Abandoned Property Claimed by Arab Refugees (A/AC.25/W/60, 12 April 1951) recorded that "The total of land claimed by the 55,400 claimants ... is 3,508,540 dunums," covering refugee families in Jordan only. Of that total, 2,000,000 dunums were claimed cultivated land, a claim figure and not a transfer figure. The same survey found that

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"Ownership of houses is claimed by 49,500 families," 59% of the 84,000 refugee families in Jordan, though its own table totals 49,000. The survey states its limit plainly: "It must be noted that the claims on which the survey is based were unchecked and not documented."

## What did Israel and the PLO sign about refugees in 1995?

Israel and the PLO signed the Interim Agreement on 28 September 1995 and wrote into Article XXXI(5) that permanent-status negotiations covering "refugees" would begin "not later than May 4, 1996," according to the text published by the Israeli Ministry of Foreign Affairs, a party to the agreement. The date records what the text promised.

The full list in Article XXXI(5) reads: "Jerusalem, refugees, settlements, security arrangements, borders, relations and cooperation with other neighbors, and other issues of common interest." Refugees appear in that list as a subject for negotiation between the two signatories, not as a matter either one settled in the interim text.

Article XVII(1) removed the subject from the Palestinian Council's jurisdiction for the interim period. The Council's jurisdiction excludes "Jerusalem, settlements, specified military locations, Palestinian refugees, borders, foreign relations and Israelis." The refugee question was therefore held outside the interim arrangements altogether.

Article XXXI(6) preserves both parties' positions in identical terms: "Nothing in this Agreement shall prejudice or preempt the outcome of the negotiations on the permanent status to be conducted pursuant to the DOP. Neither Party shall be deemed, by virtue of having entered into this Agreement, to have renounced or waived any of its existing rights, claims or positions." The clause binds Israel and the PLO equally. On its face, Israel kept the position recorded in its 1974 vote, and the PLO kept its claims on return and property.

The agreement was witnessed by the United States, the Russian Federation, Egypt, Jordan, Norway and the European Union. Article XXXI(13)(a) makes "all Annexes, Appendices and maps attached hereto" an integral part of the instrument. The text is bilateral, so its provisions on refugees are the two parties' shared terms, published here in the version one party released.

## Methodology and limitations

The evidence draws on three source types, each labelled where cited. Primary and official records supply the Assembly texts and the recorded vote on resolution 3236; the English texts of Basic Law: Human Dignity and Liberty and the Law of Return published by the Knesset; two Supreme Court judgments, Ka'adan (2000) and HaMoked (2014); the Conciliation Commission's 1951 sampling survey; the 1995 Interim Agreement; and Israel's 2010 report to the Committee on the Elimination of Racial Discrimination, a party's own filing. Peer-reviewed research supplies the land history: Forman and Kedar (2004), an

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archival legal history built from Israeli legislation, archival documents and Knesset proceedings.

Translation status varies. The Knesset labels its Basic Law translation unofficial, and the Hebrew governs. The Law of Return pages are scans of the Laws of the State of Israel series, marked neither official nor unofficial, and section 2(b) of the 1950 page is the text as enacted, not as later amended. Both judgments are quoted from the Cardozo Israeli Supreme Court Project's translations and cited by paragraph. The Interim Agreement is quoted from the text one of its two parties published.

The 1950 statutory sequence and sale powers are quoted from Forman and Kedar's description, not from the statute texts. Their history ends in 1960. Several figures in their paper are relayed from other authors (Cohen on present-absentee status; Liskovski, Kretzmer and Bauml on compensation; the Conciliation Commission, Hadawi and Israeli and Arab researchers on land totals), and each is attributed to its originator. The land estimates measure land abandoned or lost and use different scopes and dates. The 1951 sampling survey covers refugee families in Jordan only, extrapolates from samples of 400, and rests on claims its authors describe as unchecked.

The Mallison study (1979) is an argued legal analysis whose authors state the views are their own. The Anti-Defamation League's 2022 summary is an advocacy organization's description of Israel's position. Amnesty International and Human Rights Watch are named as holders of the claim, dated, and not used as evidence.

## Conclusion

Does Israel deny Palestinian refugees the right of return and their lost property? On its own record, Israel voted against the right as the General Assembly stated it in 1974, by name, in a roll call that passed 89 to 8. It wrote entry by right for its citizens in 1992, for Jews in 1950, and for their children, grandchildren and spouses in 1970.

The property record runs in one direction across a dozen years. Two 1950 statutes, on Forman and Kedar's account, moved absentee land from a Custodian to a Development Authority and on to the state and the Jewish National Fund; the absentee rule reached tens of thousands of Arab citizens who never left; 704,000 dunams passed from the Custodian in a single year after 1953; and the 1960 consolidation folded the holdings into Israel Lands. The 1992 property guarantee stops at its own section 10, and no agreed total exists for the land at stake, with estimates spanning 4.2 million to 19 million dunams.

The one instrument both sides signed, in the text a party to it published, placed refugees in negotiations due to begin by 4 May 1996 and preserved every claim either party held. A right affirmed by the Assembly in 1948 and 1974, a statute book that closed its property chain in 1960, and a signed promise to negotiate: when a refugee's grandchild asks what the record entitles them to, which of those three documents answers?

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## Frequently Asked Questions

### How many Palestinian refugees are registered today?

UNRWA, the UN agency serving Palestine refugees, reports on its own registration rules that about 5.9 million people were eligible for its services in 2025, against about 750,000 it was assisting when it began operations in 1950. The 2025 count includes descendants under the agency's rules, so the two figures count different populations.

### Which delegations voted with Israel against resolution 3236?

The verbatim record of 22 November 1974 (A/PV.2296, paragraph 110) lists 8 votes against: the United States, Bolivia, Chile, Costa Rica, Iceland, Israel, Nicaragua and Norway. The other 126 delegations recording a position voted in favour or abstained.

### Was the PLO's observer status decided in the same vote?

No. Resolution 3237, adopted at the same meeting, invited the PLO to participate in the Assembly "in the capacity of observer" and passed by 95 votes to 17 with 19 abstentions. It was a separate roll call with a wider opposition than the 8 recorded against 3236.

### Does the Law of Return's definition of a Jew reach other Israeli registers?

Yes, through the same 1970 amendment. It inserted section 3A(b) into the Population Registry Law, 5725-1965, giving "Jew" "the same meaning as in section 4B of the Law of Return" for that law and "any registration or document thereunder." Section 3A(a) leaves contested cases open to a "declaratory judgment of a competent court or tribunal."

### What did the Supreme Court order in Ka'adan?

The Court declared on 8 March 2000 that the State "was not permitted, by law, to allocate state land" for the settlement of Katzir "on the basis of discrimination between Jews and non-Jews." Its remedy, in paragraph 40B, required the State to consider the petitioners' request "on the basis of the principle of equality," not to admit them. Justice Kedmi dissented only on whether the ruling reached past allocations.

### Who was asked to act on resolution 3236 after 1976?

Resolution 3376 (XXX) of 10 November 1975 asked the Security Council to consider the question "as soon as possible after 1 June 1976," the date by which the twenty-member Committee was to report. The resolution set the sequence of bodies and dates; it did not itself set a mechanism for return.

### Why do refugees in Jordan dominate the 1951 property survey?

The Conciliation Commission's survey worked from fact-sheets a relief agency issued to the 84,000 heads of refugee families in Jordan, about 540,000 persons. It transferred random

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samples of 6,400 to statistical sheets and found that samples of 400 brought deviations within eight per cent of the median, so its figures describe that population alone.

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RELATED RESEARCH

DATA REPORT SEPTEMBER 29, 2026

## What Does UN General Assembly Resolution 3236 Say About the Palestinian Right of Return? Reading the Text, the 1974 Vote and the Instruments Around It

Resolution 3236 of 1974 calls return an inalienable right. It passed 89 to 8 with 37 abstentions and restates a 1948 paragraph without its compensation clause.

DATA REPORT UPDATED AUGUST 17, 2026

## Did Arabs Lose Property by Vacating It in 1948? Reading the Enacted Texts, the Claims Filed and the Valuations on Record

The 1950 absentee statute, the property claims the Conciliation Commission sampled in 1951, and the valuations on record, each named and dated.

DATA REPORT AUGUST 14, 2026

## What Is the International Legal Basis for the Palestinian Right of Return? Reading the Four Named Instruments, the 1948 Vote and the Court Record

Four instruments carry the right-of-return claim. One is a ratified treaty, and the 1948 resolution passed 35 to 15 with 8 abstentions.

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# Is the apartheid comparison accurate? 120 South African laws, side by side

*South Africa's apartheid statute book, Act by Act, set beside Israel's enacted texts and court rulings: where the instruments align and where they differ.*

Apartheid | South Africa | Israeli Law | Law of Return | Truth and Reconciliation Commission



South Africa's Truth and Reconciliation Commission (1998) enumerated the apartheid statute book in a list whose Part I names **120** Acts of Parliament, on the Institute's count of a list the Commission never totals. The word carries a concrete image: a register sorting every child by race at birth, a pass book, a neighbourhood assigned by statute. Each was a numbered South African Act, and set beside Israel's enacted texts and court record, the instruments align in function at several points (a population registry, a movement permit regime, land allocation) while the defining category differs: South Africa sorted people into "four distinct racial

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groups," and Israel's Law of Return defines a Jew by maternal descent or conversion. The comparison's named holders, from Dugard and Reynolds's peer-reviewed 2013 argument to former heads of Mossad and the Shin Bet, mostly write about the occupied territory or about a future they warn of, and the label the scholarship applies changes with the territory examined.

## Key Findings

- The Truth and Reconciliation Commission of South Africa (1998) lists 150 dated entries in Part I of its chapter on apartheid legislation, of which 120 name an Act of Parliament; the 120 is the Institute's count of the list, not a figure the Commission prints, and it is a floor.
- South Africa's Population Registration Act No 30 of 1950 registered every person "from birth as belonging to one of four distinct racial groups" (Truth and Reconciliation Commission, 1998); the Knesset's 1970 amendment to the Law of Return defines "Jew" as a person "born of a Jewish mother or has become converted to Judaism and who is not a member of another religion," and imports that definition into the Population Registry Law (Knesset, 1950, amended 1970).
- COGAT's permit instrument, current to 8 February 2022 and published by a party to the events, set a standing quota of 74,300 permits for West Bank Palestinians in home construction; a quota is a ceiling, not a count of permits issued (COGAT, 2022).
- Israel's Supreme Court ruled on 8 March 2000 that the State "was not permitted, by law, to allocate state land" for the settlement of Katzir "on the basis of discrimination between Jews and non-Jews" (Israeli Supreme Court, 2000), an equality rule built without an equality clause in Basic Law: Human Dignity and Liberty, whose text contains the word "equal" zero times (Knesset, 1992).
- Of 14 entries on Foster's 2024 roster titled "15 Former Israeli Leaders Call it Apartheid," 6 apply the word to conditions at the time of speaking and 2 are conditional warnings, on the Institute's reading of the page against the reporting each entry links (Foster, 2024).

## Does Israel's legal order match the one South Africa built?

The Truth and Reconciliation Commission of South Africa (1998) lists **120** Acts of the South African Parliament in Part I of its chapter on apartheid legislation, a count the Institute made of a list the Commission never totals. No Israeli instrument enumerates a counterpart statute book, so the comparison runs instrument against instrument, and the first point of divergence is the category each book defines.

The Commission's list is selective by its own terms. Its preamble states: "Only discriminatory legislation is listed; laws and amendments that are purely administrative and not race-based are excluded." Each entry is flagged as a basic apartheid law or by domain: the workplace, security, political representation, land and property, education, urbanisation. Part I holds

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150 dated entries, 30 of which are chronology entries such as states of emergency and homeland proclamations. The 120 is a floor, since at least 3 further Acts sit inside chronology entries without a headed entry of their own.

The keystone of that list is the Population Registration Act No 30 of 1950, which, in the Commission's summary, "required people to be identified and registered from birth as belonging to one of four distinct racial groups." It commenced on 7 July 1950.

Two Israeli texts sit opposite it. Section 4B of the Law of Return, inserted by the Knesset in 1970, reads in the English text the Knesset publishes: "For the purposes of this Law, 'Jew' means a person who was born of a Jewish mother or has become converted to Judaism and who is not a member of another religion." The category is entered by descent or by conversion and closed by religious membership. The second text is Basic Law: Human Dignity and Liberty, which the Knesset publishes in an English translation it labels unofficial, current to 1 May 2022. Its complete text contains zero occurrences of "race," "equal," "discrimin," "religion" or "nationality" (Knesset, 1992). That is a fact about the text, not about conduct: Israel's equality rule is judge-made, and its leading statement is the Supreme Court judgment of 8 March 2000 read in a later section.

| Subject | South African instrument | Israeli text | Source |
|---|---|---|---|
| Classification | Act No 30 of **1950**: "one of four distinct racial groups" | Law of Return s 4B (**1970**): maternal descent or conversion | Truth and Reconciliation Commission, 1998; Knesset, 1950, amended 1970 |
| Movement | Act No 67 of **1952**: reference books "to all black persons" | COGAT instrument (**2022**): West Bank a "closed military area" | Truth and Reconciliation Commission, 1998; COGAT, 2022, a party's own instrument |
| Residence and land | Group Areas Act No 41 of **1950** | HCJ 6698/95 (**2000**): allocation by discrimination not permitted | Truth and Reconciliation Commission, 1998; Israeli Supreme Court, 2000 |

## Who has drawn the South Africa comparison, and since when?

Dugard and Reynolds (2013), in a peer-reviewed article in the European Journal of International Law, concluded that "there are indeed strong grounds to conclude that a system of apartheid has developed in the occupied Palestinian territory." The comparison is made on the record by named legal scholars, by Israeli officeholders serving and former, and by the authors of a 2017 report for a UN regional commission.

The 2013 article is refereed legal argument, not measurement, read across the 1965 racial discrimination convention, the 1973 Apartheid Convention and the 1998 Rome Statute. Its lead author's own footnote records him as Special Rapporteur on the occupied Palestinian territory from 2001 to 2008 and a judge ad hoc of the International Court of Justice, so he wrote on the mandate he had held. The same issue carried a peer-reviewed reply by

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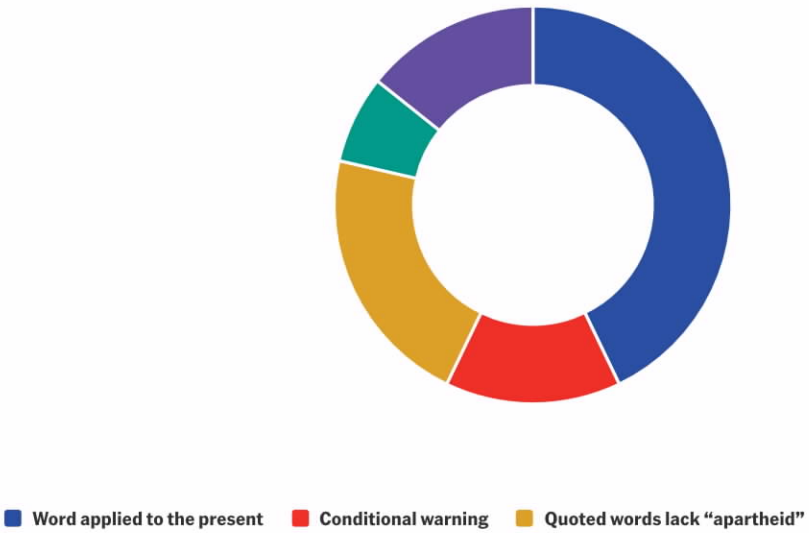
Zilbershats (2013), arguing that the analysis conflates sovereign territory with belligerent occupation and sets aside the context of armed conflict.

Israeli officeholders, serving and former, have used the word since at least 1976, when Yitzhak Rabin, in an interview reported by the Times of Israel on 25 September 2015, said Israel could not hold "a million and a half [more] Arabs inside a Jewish state" over time "if we don't want to get to apartheid." Later uses divide by tense. Haaretz ran a column by former minister Yossi Sarid on 25 April 2008 titled "Yes, It Is Apartheid"; Tamir Pardo, director of Mossad from 2011 to 2016, said in an Associated Press interview carried by Haaretz on 6 September 2023, "There is an apartheid state here." Ehud Barak in 2010 and Ami Ayalon in April 2026 spoke conditionally. Ehud Olmert's 2007 Haaretz interview does not contain the word; a Boston Globe headline supplied it.

The most-circulated roster, Foster (2024), an advocacy compilation on Palestine Nexus, carries the title "15 Former Israeli Leaders Call it Apartheid" and names **14** entries. Read against the reporting each links, 6 apply the word to conditions at the time of speaking, 2 are conditional warnings, 3 quote words without "apartheid," 1 is a journalist who held no office and 2 rest on unconfirmed provenance. That split is the Institute's reading, not a count the page publishes.

In March 2017 a report by Richard Falk and Virginia Tilley for the UN Economic and Social Commission for Western Asia concluded that Israel had established "an apartheid regime"; it was withdrawn at the Secretary-General's request, and Executive Secretary Rima Khalaf resigned on 17 March 2017 (Times of Israel, 2017). B'Tselem (January 2021), Human Rights Watch (April 2021) and Amnesty International (February 2022) each published reports applying the term on their own readings of the treaty definitions.

**What the 14 entries on the "15 former leaders" roster record**
EACH ENTRY READ AGAINST THE REPORTING IT LINKS, 23 SEPTEMBER 2026




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Journalist, no office held  Provenance unconfirmed

*Source: Institute reading of Foster, 2024, an advocacy compilation, checked against Statements by former Israeli officeholders using "apartheid", as reported (2007 to 2026).*

## Did either state register its population by race?

South Africa did: the Population Registration Act No 30 of 1950, in the Truth and Reconciliation Commission's 1998 summary, registered every person "from birth as belonging to one of four distinct racial groups." Israel's Population Registry Law, under a section the Knesset inserted in 1970, governs registration "as a Jew by ethnic affiliation or religion" and takes its definition from the Law of Return.

The Commission quotes the 1950 Act's own definitions and calls them "truly bizarre": "A White person is one who is in appearance obviously white ... A Bantu is a person who is, or is generally accepted as, a member of any aboriginal race or tribe of Africa ... a Coloured is a person who is not a white person or a Bantu." The tests were appearance and general acceptance, and the categories were exhaustive: a residual group caught everyone the first two did not.

The Act was repealed by the Population Registration Act Repeal Act No 114 of 1991, which commenced on **28 June 1991**. The repeal did not end the register at once. The Commission records that "the population register as compiled by the 1986 Identification Act was to remain in effect until the 1983 Republic of South Africa Constitution Act was repealed."

Israel's registry rule is section 3A of the Population Registry Law, inserted by the same 1970 amendment that added the definition to the Law of Return (Knesset, 1950, amended 1970). Subsection (a) reads: "A person shall not be registered as a Jew by ethnic affiliation or religion if a notification under this Law or another entry in the Registry or a public document indicates that he is not a Jew," until that document is controverted "to the satisfaction of the Chief Registration Officer" or a competent court determines otherwise. Subsection (b) provides that "Jew" carries "the same meaning as in section 4B of the Law of Return," for "any registration or document thereunder." Subsection (c) leaves earlier registrations untouched.

The two rules are built differently. The South African Act assigned every person to one of four groups on appearance and acceptance. Section 3A governs entry to one category, keyed to maternal descent, conversion and religious membership, and it is framed as a bar on registering a person as a Jew against a contrary document, leaving the underlying question to a court. The 4B definition opens "For the purposes of this Law"; section 3A(b) is what carries it into the Registry.

## Is there an Israeli counterpart to the homeland citizenship law?

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South Africa's Bantu Homelands Citizenship Act No 26 of 1970 "required all black persons to become citizens of a self-governing territorial authority," the Truth and Reconciliation Commission recorded in 1998, giving assent on 26 March 1970 and its commencement date as "not found." The 3 Israeli texts that address citizenship and entry work on a different axis: who may enter, and from where.

The Commission quotes the minister responsible, Connie Mulder: "No black person will eventually qualify in terms of section 10 because they will all be aliens, and as such, will only be able to occupy the houses bequeathed to them by their fathers, in the urban areas, by special permission of the Minister." The statute followed the Promotion of Bantu Self-Government Act No 46 of 1959, which the Commission summarises as providing for reserves to become "fully fledged independent bantustans" and the "abolition of parliamentary representation for blacks." **4** homelands were then declared independent: Transkei on 26 October 1976, Bophuthatswana on 6 December 1977, Venda on 13 September 1979 and Ciskei on 4 December 1981.

On the Israeli side, Basic Law: Human Dignity and Liberty, section 6, provides that "Every person is free to exit Israel" and that "Every Israeli citizen who is abroad is entitled to enter Israel" (Knesset, 1992). Section 4A of the Law of Return, inserted in 1970, extends the rights of a Jew under that Law to named relatives who need not be Jewish: "a child and a grandchild of a Jew, the spouse of a Jew, the spouse of a child of a Jew and the spouse of a grandchild of a Jew" (Knesset, 1950, amended 1970).

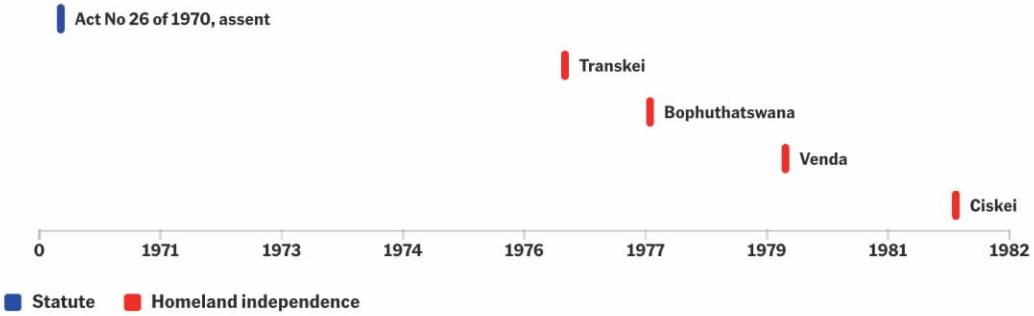
The third text is COGAT's permit instrument, current to 8 February 2022 and published by a party to the events. Its opening clause states that "under the Order Concerning Closed Areas (West Bank Area) (Amendment) (No. 34), 1967, the area of Judea and Samaria is a closed military area and not to be entered or exited without a permit issued on behalf of the military commander" (COGAT, 2022). The instrument governs movement of the Palestinian population of the area and says nothing about citizenship.

The South African statute reassigned the citizenship of people already inside the state. The Israeli texts allocate entry by citizenship, by descent and by military permit. Whether the closed area is analysed as inside or outside the state is the point on which Dugard and Reynolds (2013) and Zilbershats (2013) divide.

**From the homeland citizenship statute to the 4 independence declarations**
ASSENT AND INDEPENDENCE DATES AS THE COMMISSION RECORDS THEM

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*Source: Truth and Reconciliation Commission, 1998, Report Volume One, Chapter 13. Commencement date of Act No 26 of 1970 recorded as "not found."*

## Did both systems require permits to move?

COGAT's permit instrument, current to 8 February 2022 and published by a party to the events, set a standing quota of **74,300** permits for West Bank Palestinians in home construction in Israel. South Africa's pass system rested on Act No 67 of 1952, which the Truth and Reconciliation Commission (1998) records as providing "for the issuing of reference books to all black persons in all provinces."

The South African Act commenced on 11 July 1952 and was repealed by section 23 of the Identification Act No 72 of 1986, 34 years later. Its reach, in the Commission's words, was every black person in every province: a document carried inside the country.

The COGAT instrument works at a border. It governs movement out of the West Bank into Israel, to Gaza and abroad, and is not a document about movement inside the West Bank. Every figure in it is a ceiling the restricting authority set for itself, not a permit issued and not a person who crossed. Beside the construction quota it set 12,500 for seasonal agriculture, 8,550 for industry and services and 6,650 for agriculture (COGAT, 2022). One category ran uncapped: employment in industrial zones and Israeli communities in the West Bank, approved outside the Seam Zone "from age 18 and up, with no quota and with no restriction regarding personal status."

The issued quantity sits in a different document. The Civil Administration's Employment Unit, in its own figure, recorded that "as of March 1, 2020, the number of valid work permits for Palestinian employees working in Israel stood at 87,000." That is a party's own count of permits held, from a date two years earlier than the quota edition, and it is not a sum of the quotas above.

The instrument is dated and superseded in practice. It predates the suspension of Palestinian work permits after 7 October 2023, and no later edition was located on gov.il on 10 September 2026. Its quotas also move by edition: the 2 August 2020 edition split construction into two rows, so its figures cannot be set against the 2022 row as a single series. A fuller reading of the permit instrument and its quota tables sits in a separate Institute report.

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**Employment permit quotas COGAT set for West Bank Palestinians**
STANDING AND SEASONAL QUOTAS, EDITION CURRENT TO 8 FEBRUARY 2022




*Source: COGAT, 2022, the restricting authority's own published instrument, a party to the events. Quotas are ceilings, not permits issued.*

## Did either state legislate where each group could live?

South Africa did: under the Group Areas Act No 41 of 1950, the Truth and Reconciliation Commission recorded in 1998, "it became compulsory for people to live in an area designated for their classification group." Israel's Supreme Court held on 8 March 2000, in HCJ 6698/95, that the State could not allocate state land for a communal settlement "on the basis of discrimination between Jews and non-Jews."

The 1950 Act's repeal was a consolidation, not an ending. The Commission records it repealed by the Group Areas Act No 77 of 1957, which was repealed by the Group Areas Act No 36 of 1966, which was repealed by the Abolition of Racially Based Land Measures Act No 108 of 1991, in force from 30 June 1991. That final Act also repealed "a total of **189** sections and acts that had supported racial discrimination in respect of land legislation."

The Israeli case arose from a chain of allocation. The State, through the Israel Lands Administration, allocated land in the Eron valley to the Jewish Agency, which through a cooperative society established Katzir; the society admitted only Jews, and the petitioners were an Arab couple who asked to build a home there. The Court held, at paragraph 34, that "the State cannot escape its legal obligation to respect the principle of equality by using a third party that adopts a discriminatory policy," and, at paragraph 31, that "there is, therefore, no contradiction between the values of the State of Israel as a Jewish and democratic state and between the absolute equality of all of its citizens" (Israeli Supreme Court, 2000).

The remedy was narrower than the declaration. The State was ordered to consider the couple's request "on the basis of the principle of equality," not to admit them, and the Court

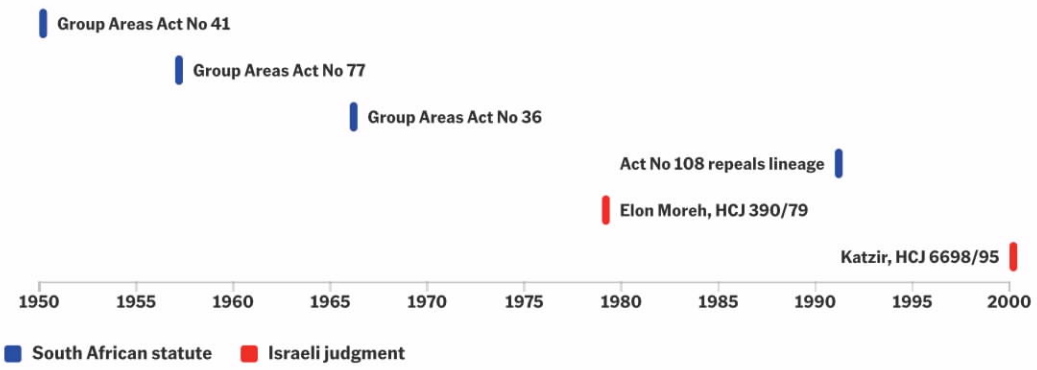
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left open whether it "can" do so "within the framework of the law." Justice Kedmi dissented only on whether the ruling reached past allocations, writing that he concurred with the President "regarding the position of the value of equality."

An earlier judgment concerned land in the occupied territory. In HCJ 390/79, the Elon Moreh case, a 5 to 0 bench on 22 October 1979 annulled an order of possession as it applied to the petitioners' plots, about 125 of some 700 dunams. Justice Landau held requisition of private land for a civilian settlement "potentially justified under Article 52 of the Hague Regulations" where military needs drove it, and found that a political decision had driven this one (Israeli Supreme Court, 1979).

**Residence statutes and land judgments, 1950 to 2000**
SOUTH AFRICA'S GROUP AREAS LINEAGE BESIDE TWO ISRAELI SUPREME COURT JUDGMENTS




*Source: Truth and Reconciliation Commission, 1998; Israeli Supreme Court, 1979; Israeli Supreme Court, 2000.*

## Which Israeli family law applies by religious community?

The Knesset's Rabbinical Courts Jurisdiction (Marriage and Divorce) Law of 1953 provides in section 2 that "Marriages and divorces of Jews shall be performed in Israel in accordance with Jewish religious law," and in section 1 gives rabbinical courts "exclusive jurisdiction" over those matters. Its operative category is a religious community, named in every section and defined in none.

The two sections do different work. Section 1 is a forum rule: "Matters of marriage and divorce of Jews in Israel, being nationals or residents of the State, shall be under the exclusive jurisdiction of rabbinical courts." Section 2 is the substantive rule, and it is the one that answers whether a civil marriage between Jews can be performed in Israel. Section 3 extends the courts' reach, once a divorce suit is filed there, to "any matter connected with such suit, including maintenance for the wife and for the children."

The Law carries an enforcement power. Section 6 allows a district court, on the application of the Attorney General and after 6 months from a rabbinical court's final order, to "compel

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compliance with the order by imprisonment" where a spouse has been ordered to grant or accept a letter of divorce (Knesset, 1953).

The frame is older than the state. Section 9 gives rabbinical courts consent-based jurisdiction over matters of personal status "as specified in article 51 of the Palestine Orders in Council, 1922 to 1947," the Mandate-era instrument on which the Law was built rather than replaced. The statute legislates nothing about Muslim, Christian or Druze personal status, whose courts sit under other instruments, and says nothing about marriages performed abroad. It leaves "Jew" undefined, and the Law of Return's 4B definition does not reach it by its terms.

Set beside the Commission's list, the contrast is in the category. The South African instruments in Part I sort people by race. This Law allocates a court and a body of law by religious community, on a structure inherited from the Mandate. The text read here is the Law as enacted in 1953; it has been amended since, and it carries no count of marriages, divorces or imprisonments.

| Section | Rule | Text as enacted, 1953 |
|---|---|---|
| 1 | Forum | Rabbinical courts hold "**exclusive jurisdiction**" over marriage and divorce of Jews |
| 2 | Substance | Marriage and divorce of Jews performed "in accordance with **Jewish religious law**" |
| 9 | Mandate frame | Consent jurisdiction under **article 51**, Palestine Orders in Council, 1922 to 1947 |

Source: Knesset, 1953, Rabbinical Courts Jurisdiction (Marriage and Divorce) Law, text as enacted.

## Does the comparison change between Israel and the occupied territories?

Dugard and Reynolds (2013) confine their apartheid conclusion to "the occupied Palestinian territory," while Smooha (1997), drawing on a 1995 survey of **1,200** Arab citizens living inside the pre-1967 lines, classified Israel within those lines as an "ethnic democracy." Yiftachel (2006) applies a third label, "ethnocracy," to Israel/Palestine as a whole. Which label a named author reaches tracks the territory that author examined.

Smooha's definition, in Israel Studies: "Ethnic democracy is a system that combines the extension of civil and political rights to individuals and some collective rights to minorities, with institutionalization of majority control over the state." He set it apart from 3 other types: not liberal, because the state recognises ethnic difference; not consociational, because the state is not ethnically neutral and the minority holds neither autonomy nor shared power; and not Herrenvolk, because citizenship extends to all. His other cases were Northern Ireland from 1921 to 1972, Canada from 1867 to the 1960s, Poland from 1918 to 1935 and Malaysia

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since the early 1970s. In his 1995 sample, 35.3% of Arab respondents rejected Israel's right to exist as a Jewish-Zionist state, and 6.8% denied its right to exist. The concept predates the article: Smooha's own footnote 22 cites a 1993 critique by Yiftachel in Ethnic and Racial Studies.

Yiftachel's book, published by the University of Pennsylvania Press, defines ethnocracy, in its publisher's statement, as "a political regime that facilitates expansion and control by a dominant ethnicity in contested lands," one "neither democratic nor authoritarian, with rights and capabilities depending primarily on ethnic origin and geographic location." Within that framework he introduces his own term, "creeping apartheid," for barriers he argues develop between groups. It is interpretive scholarship and his coinage, not a legal finding.

Dugard and Reynolds reach the group element relationally and with a hedge: international law's reading of racial groups "appears sufficiently broad to understand Jewish Israelis and Palestinian Arabs as distinct groups," because "the question of racial groups is a sociological rather than a biological one" (at 889). On the 1973 Convention's "as practised in southern Africa" wording, they write that it "was not intended to be confined to those circumstances" (at 884). Zilbershats (2013) answers that the territorial frame is where the analysis errs.

| Framework | Territory examined | Source |
|---|---|---|
| "Ethnic democracy" | Israel inside the pre-1967 lines, excluding East Jerusalem | Smooha, 1997 |
| "Ethnocracy" | Israel/Palestine as a whole | Yiftachel, 2006 |
| Apartheid under international law | West Bank, East Jerusalem and Gaza | Dugard and Reynolds, 2013 |

## Methodology and limitations

The report sets South Africa's apartheid statute book against Israel's enacted texts, court judgments and administrative instruments, instrument against instrument. South Africa's side rests on one official record, the Truth and Reconciliation Commission's 1998 enumeration in Volume One, Chapter 13. The 120 figure is the Institute's count of headed entries naming an Act in Part I, read from the Commission's PDF; the Commission prints no total, and at least 3 further Acts sit inside chronology entries. The Commission's descriptions are its own summaries, drawn from the Race Relations Surveys, Dugard (1978) and Horrell (1978); the statute texts themselves were not read, so no operative wording is attributed to a South African Act except where the Commission quotes it.

Israel's side rests on primary records. The Law of Return, the Rabbinical Courts Jurisdiction Law and the 1970 amendment are read from page scans of the English series Laws of the State of Israel hosted by the Knesset, marked neither official nor unofficial; the 1950 and 1953 pages are texts as enacted, not consolidated law, and the Hebrew governs. Basic Law: Human

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Dignity and Liberty is the Knesset's unofficial English translation, current to 1 May 2022. The two judgments are read in the English texts of the Cardozo Israeli Supreme Court Project, both unofficial translations; the Elon Moreh translation misdates the judgment, which is cited here as 22 October 1979.

COGAT's 2022 instrument and the Civil Administration's 2020 permit figure are a party's own published records. Quotas are ceilings, the edition predates October 2023, and no Israeli official body was found publishing a count of obstacles inside the West Bank.

The scholarship is legal argument and typology, not measurement, with one exception: Smooha's 1995 survey, face-to-face interviews with 1,200 respondents per population inside the pre-1967 lines, excluding East Jerusalem. Its figures are 1995 figures and correlational. The roster split is the Institute's reading of Foster (2024) against the press reporting each entry links, checked on 23 September 2026.

## Conclusion

So does Israel's record reproduce the image the word carries, the register sorting every child by race, the pass book, the neighbourhood assigned by statute? The instruments answer in two parts. The functions recur: a population registry with a defined category, a permit regime governing who may leave the West Bank, land allocation that reached the Supreme Court. The category does not: South Africa's 1950 Act sorted every person into 4 racial groups on appearance, and Israel's registry rule keys one category to maternal descent, conversion and religious membership.

The rest of the record is as specific. South Africa legislated residence by race through a Group Areas lineage that a 1991 Act ended alongside 189 further land provisions; Israel's equality rule on state land came from a court in 2000, under a Basic Law that never uses the word "equal." COGAT's own 2022 instrument, a party's published ceiling and not a count of crossings, set 74,300 construction permits at a border, where South Africa's 1952 Act put a reference book in the hands of every black person inside the country. Israel's marriage law divides by religious community on a Mandate frame. The named holders of the comparison, 6 of Foster's 14 speaking in the present tense, write mostly about the territory occupied since 1967, and the scholarly labels shift with the line on the map.

The comparison is therefore two claims sharing one word: a claim about what a set of instruments do, and a claim about the category those instruments are built on. When a function matches and the category differs, which of the two is the word apartheid naming, and which territory is it being asked to describe?

## Frequently Asked Questions

### When did South African apartheid begin and end?

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The US Department of State's Office of the Historian dates the system from the National Party's 1948 election to the 1994 transition to democratic government. The Truth and Reconciliation Commission's enumeration runs from statutes of 1950 to repeal Acts of 1991, the year the Population Registration Act was repealed.

### Did the Truth and Reconciliation Commission call apartheid a crime?

Yes. The Commission's 1998 report "affirms its judgement that apartheid, as a system of enforced racial discrimination and separation, was a crime against humanity," adding that this "should not be understood as a call for international criminal prosecution." It is a statutory commission's stated judgement, not a court's finding.

### Did repealing the land laws in 1991 end the homelands?

No. The Commission records that the Abolition of Racially Based Land Measures Act No 108 of 1991 "did not affect the legal status of the non-independent homelands, their geographical definitions or their administrative structures." The homeland citizenship statute was repealed only by the 1993 interim Constitution.

### Can non-Jews immigrate under Israel's Law of Return?

Section 4A, inserted by the Knesset in 1970, extends the Law's rights to a Jew's child, grandchild and spouse, and to the spouses of a child and a grandchild. It excludes "a person who has been a Jew and has voluntarily changed his religion," a clause that turns on the claimant's own history.

### Does Israel's Basic Law override older statutes?

No. Section 10 of Basic Law: Human Dignity and Liberty provides that it "shall not affect the validity of any law that existed prior to the inception of the Basic Law." Statutes enacted before 1992, including the 1950 Law of Return and the 1953 marriage law, sit outside its reach.

### Does the 1973 Apartheid Convention apply only to southern Africa?

Its text defines apartheid by reference to policies "as practised in southern Africa." Dugard and Reynolds (2013) read that wording as not intended "to be confined to those circumstances," and Zilbershats (2013) disputes their application of it to occupied territory.

### Did the Elon Moreh judgment decide the Geneva Convention question?

No. Justice Landau declined to discuss article 49(6) of the Fourth Geneva Convention because, as treaty law, "it is not binding law in an Israeli Court," and Justice Witkon wrote that the transfer question "has yet to be resolved in international case law" (Israeli Supreme Court, 1979).

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DATA REPORT BY THE HANOVER INSTITUTE NOVEMBER 9, 2026 UPDATED NOVEMBER 10, 2026

# Why is Israel blocking UNRWA? The two Knesset laws and Israel's own intelligence

*The Knesset voted 92 to 10 in 2024 to bar UNRWA. What its sponsors said, what Israel counts, what UN inquiries found, and where the laws reach.*

UNRWA | Gaza Humanitarian Aid | Knesset Legislation | COGAT | Israel



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The Knesset voted 92 to 10 on 28 October 2024 to bar UNRWA from operating "within the sovereign territory of the State of Israel," and the laws' sponsors gave their reasons in the Knesset's own record: alleged participation of UNRWA employees in the 7 October 2023 attack, facilities they said Hamas used, and school content they called incitement. Israel's Foreign Ministry stated the aim on 5 August 2024 as replacing "UNWRA's activities with other agencies." The tension sits in the texts and the counts. Neither law, as translated, names Gaza. Israel's own 2025 intelligence analysis, a party's count, identifies 1,462 of 12,521 Gaza staff as faction members. A UN internal inquiry found that 9 of the 19 staff Israel named "may have been involved" in the attack.

## Key Findings

- The Knesset passed the UNRWA operations ban by 92 votes to 10 and the no-contact law by 87 votes to 9 at its 28 October 2024 sitting, by the Knesset's own recorded count (Knesset, 2024).
- Israel's April 2025 declassified intelligence analysis counts 1,462 of 12,521 UNRWA Gaza employees (12%) as members of Hamas, Palestinian Islamic Jihad or other factions, and places 1,157 of them in education. This is a party to the conflict's own count, and the document states that its numbers "may change" (Israeli government, 2025).
- Israel's Foreign Ministry stated on 5 August 2024 that UNRWA's activities in Gaza should be replaced "with other agencies," and it asked countries not to fund UNRWA Gaza. That is a party's own stated aim (Israel Ministry of Foreign Affairs, 2024).
- COGAT's Gaza Aid Data dashboard records that "no aid entered the Gaza Strip between March 2 to May 19 2025" under "the directive from the political echelon." That nil period covers every channel and is published by a party to the events (COGAT, 2026).
- COGAT's July 2026 report counts 1,778,363 metric tons of food entering Gaza from 10 October 2025 to 7 June 2026. This is its own self-reported total, and the tonnage rests on shippers' self-declarations (COGAT, 2026).

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## Why does Israel say it is shutting UNRWA out?

The Knesset passed the law barring UNRWA from Israel's sovereign territory by **92 votes to 10** on 28 October 2024, by its own recorded count. The reasons on record are the sponsors' own. Foreign Affairs and Defense Committee Chairman Yuli Edelstein cited alleged staff participation in the 7 October attack, school content he called incitement, and press reports that UNRWA's activity "serves as a cover for terror operations."

The Knesset's release of 29 October 2024 carries Edelstein's three lines in his words (Knesset, 2024). He cited "the participation of the agency's employees in the Gaza Strip in the murderous terror attack that was launched on October 7." He said studies before the committee indicate that UNRWA's education system contains "content that contains incitement to hatred, violence and antisemitism." He also referred to "reports in the press according to which UNRWA's activity serves as a cover for terror operations." These are the stated positions of the laws' sponsors, quoted by the Knesset. They are not findings of the Knesset or of any inquiry.

Two other sponsors widened the grounds. MK Dan Illouz said UNRWA "cooperates with Hamas. Its facilities are used for the storage of weapons," and that the agency "perpetuates the refugee status of the Palestinians" (Knesset, 2024). The second point is an objection to UNRWA's mandate rather than to the conduct of its staff. MK Ron Katz stated the intended scope: "UNRWA will not set foot in the State of Israel, and no official element within the State of Israel will come in contact with UNRWA."

The executive branch stated the goal more directly. On 5 August 2024 Israel's Foreign Ministry wrote that "UNRWA is part of the problem and not part of the solution, and anyone who seeks the best interests of Israel, the Gaza Strip and the region should act to replace UNWRA's activities with other agencies" (Israel Ministry of Foreign Affairs, 2024). The same statement said "Israel calls on countries not to transfer funds to UNRWA Gaza, as the funds may go to terrorist elements." Both lines are the stated position of a party to the conflict. The Ministry's spelling is preserved inside the quotation.

Taken together, the official record gives four stated grounds:

- alleged staff involvement in the 7 October attack;

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- alleged Hamas use of UNRWA facilities;
- education content;
- the agency's role in sustaining refugee status.

The record also states a remedy, which is replacement by other agencies. These sit within the wider set of Israel's stated objectives in the war that its government has published.

## Who accuses UNRWA staff of Hamas ties, and since when?

Israel's government, in a declassified intelligence analysis dated 23 April 2025, counts **1,462 of 12,521** UNRWA employees in Gaza during 2023 to 2024 (12%) as members of Hamas, Palestinian Islamic Jihad or other factions. That is a party to the conflict's own count, and it rests on Israel's own definition of membership and on material not available for independent check.

The accusation is Israel's, it is official, and it has grown over time. In January 2024 Israel informed UNRWA of 12 staff members, and UNRWA "identified and terminated the employment of 10, while two were confirmed dead," according to UN News on 5 August 2024. Israel then supplied seven more cases, five in March and two in April. That brought the number of named individuals to 19.

The Foreign Ministry widened the claim on 5 August 2024. It stated that "many hundreds of UNRWA employees are Hamas and PIJ operatives" and that "Israel has given the UN an additional list of a hundred UNRWA employees who are Hamas operatives" (Israel Ministry of Foreign Affairs, 2024). The hundred is a list Israel says it submitted, not a verified count.

The April 2025 document attaches figures to that wider claim (Israeli government, 2025). Israel Defense Intelligence cross-referenced UNRWA's Gaza staff lists, the most recent from September 2024, against captured documents and other intelligence. In that analysis, membership means holding a function, rank and organizational ID in the group, established by matching ID numbers. The same document identifies 18 employees "for whom there is strong evidence of participation in the Hamas-led massacre of October 7th." Those cases were passed to UN investigators between March and June 2024.

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Three limits travel with these figures, all stated in the document itself:

- It says "the numbers in this document may change."
- Its Annex 1 gives 75 matched examples from the military wing, not the full 1,462.
- The captured material behind the matches is not published.

The 12% is therefore Israel's own intelligence claim, as a party to the conflict, about its own reading of its own sources.

The direction of the record is plain. Over 16 months, Israel's government moved from naming 12 individuals to asserting that roughly 1 in 8 Gaza employees belonged to a designated faction. Each step is dated and attributed in Israel's own publications.

## What did the UN's own investigation find about the 19 staff?

The UN's Office of Internal Oversight Services (OIOS) found that for **9 of the 19** staff Israel had named, "the evidence obtained by OIOS indicated that the UNRWA staff members may have been involved in the 7 October attacks," according to UN News on 5 August 2024. In 1 case OIOS obtained no evidence, and in 9 cases the evidence was insufficient.

OIOS applied the phrase "may have been involved" as its standard. That is a narrower statement than "were involved." Deputy Spokesperson Farhan Haq described the limit on what investigators could examine: "since information used by Israeli officials to support the allegations have remained in Israeli custody, OIOS was not able to independently authenticate most of the information provided to it," as UN News reported on 5 August 2024. The full OIOS report, no. 185/24 dated 31 July 2024, is confidential. Its outcome is known from that public summary.

UNRWA acted on the nine. Commissioner-General Philippe Lazzarini said on 5 August 2024 that "they cannot work for UNRWA. All contracts of these staff members will be terminated in the interest of the Agency." Secretary-General António Guterres, through Haq, said "any involvement in these attacks would constitute a major betrayal of trust."

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Israel read the same outcome differently. Its Foreign Ministry stated that day that the probe "proves that Israel's assertions about the involvement of UNRWA employees in the October 7 massacre are credible and true" (Israel Ministry of Foreign Affairs, 2024). It added that other workers "about whom the team claimed there was insufficient evidence" were "also involved in the massacre." The words "proves" and "involved" are the Ministry's characterisation as a party to the conflict. The UN's published wording is "may have been involved."

The counts on each side also differ. Israel's 2025 analysis lists 18 staff with "strong evidence of participation," which is its own assessment (Israeli government, 2025). OIOS reached its "may have been involved" standard for 9.

The 19 are cases Israel raised, not a sample drawn from UNRWA's workforce. No share of the wider staff can be derived from them.

## Why does Israel single out UNRWA's schools?

Israel's 2025 intelligence analysis places **1,157** of the 1,462 employees it identifies as faction members (79%) in "education and teaching." That is Israel's own count as a party to the conflict, and it makes the school system the largest occupational group in its case against the agency.

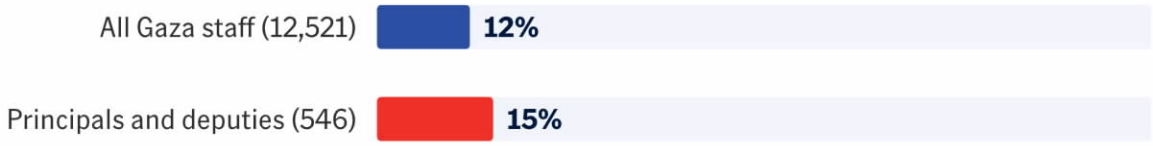
The same document counts 80 of 546 principals and deputy principals (15%) as members of designated organizations: "79 Hamas, including 16 in its military wing, and one in PIJ" (Israeli government, 2025). It also alleges that Hamas "dug terror tunnels intentionally under UNRWA schools" and "operated the advanced server farm of its central intelligence command center underneath UNRWA's Gaza headquarters." These are Israel's intelligence claims, published by a party to the conflict and resting on material not released for independent check.

**Share of UNRWA Gaza staff Israel identifies as faction members**

ISRAEL'S OWN COUNT, 2023 TO 2024 STAFF LISTS; SEPARATE BASES, NOT A PARTITION

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*Source: Israeli government, 2025, Israel Defense Intelligence analysis; a party to the conflict's own count, not independently verified.*

The legislative record points to the classroom from a second direction, the curriculum. Edelstein told the Knesset that studies before his committee indicate UNRWA's education system contains "content that contains incitement to hatred, violence and antisemitism" (Knesset, 2024). That is the committee chair's stated position. The Knesset release does not name the studies.

A UN-commissioned review also identified education as a pressure point, using different evidence and reaching a different overall verdict. The Independent Review Group chaired by former French foreign minister Catherine Colonna reported on 20 April 2024 that UNRWA "possesses a more developed approach to neutrality than other similar UN or NGO entities." The same report found that "neutrality-related issues persist." Among those issues it listed staff political expression, problematic textbooks supplied by host countries, and politicised staff unions, and it made 50 numbered recommendations.

The two bodies measured different things. Israel's figures count individuals by alleged organizational membership. The Colonna Group assessed the agency's neutrality mechanisms, and its terms of reference stated that it would "not itself investigate any such allegations nor make any findings of fact in respect of them." Both place education near the centre of the dispute.

## What did the UN-commissioned review say about Israel's evidence?

The Independent Review Group chaired by Catherine Colonna reported on 20 April 2024 that "the Israeli Government has not informed UNRWA of any concerns relating to any

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UNRWA staff based on these staff lists since **2011**." UNRWA shares the names and functions of its Gaza staff with Israel every year.

On the March 2024 list, which for the first time carried staff ID numbers, the review wrote: "Israel made public claims that a significant number of UNRWA employees are members of terrorist organizations. However, Israel has yet to provide supporting evidence of this." The review also recorded Israel's response. Israel told the Group that the earlier lists had no ID numbers, and that it does not treat the annual list as "a screening or vetting process."

The review found gaps on UNRWA's side as well. It reported that the agency's screening measures "do not allow sufficient verifications." It also noted that Hamas and Islamic Jihad "have not been included" in the UN Security Council sanctions list that UNRWA screens staff against. Both statements are dated 20 April 2024.

The timing limits what the review can speak to. Its "yet to provide supporting evidence" describes the record as of April 2024. Israel's 78-page intelligence analysis appeared a year later, on 23 April 2025, and drew on staff lists up to September 2024 (Israeli government, 2025). The Colonna statement predates that document and does not assess it.

Israel's 2025 document gives its own account of both UN inquiries. It states that OIOS and the Colonna Group "declined to assess the information or reach any findings regarding UNRWA staff's involvement with terrorist groups in Gaza," and it cites paragraph 25 of the confidential OIOS report (Israeli government, 2025). That description of OIOS's scope is Israel's, as a party to the conflict, since the OIOS report itself is not public.

The record therefore holds two dated statements that do not meet. In April 2024 a UN-commissioned review recorded no supporting evidence for the membership claims. In April 2025 Israel's government published membership counts that the review never examined. Neither the review nor OIOS published a finding on how many UNRWA Gaza employees belong to Hamas or other factions.

## Do the two UNRWA laws mention Gaza at all?

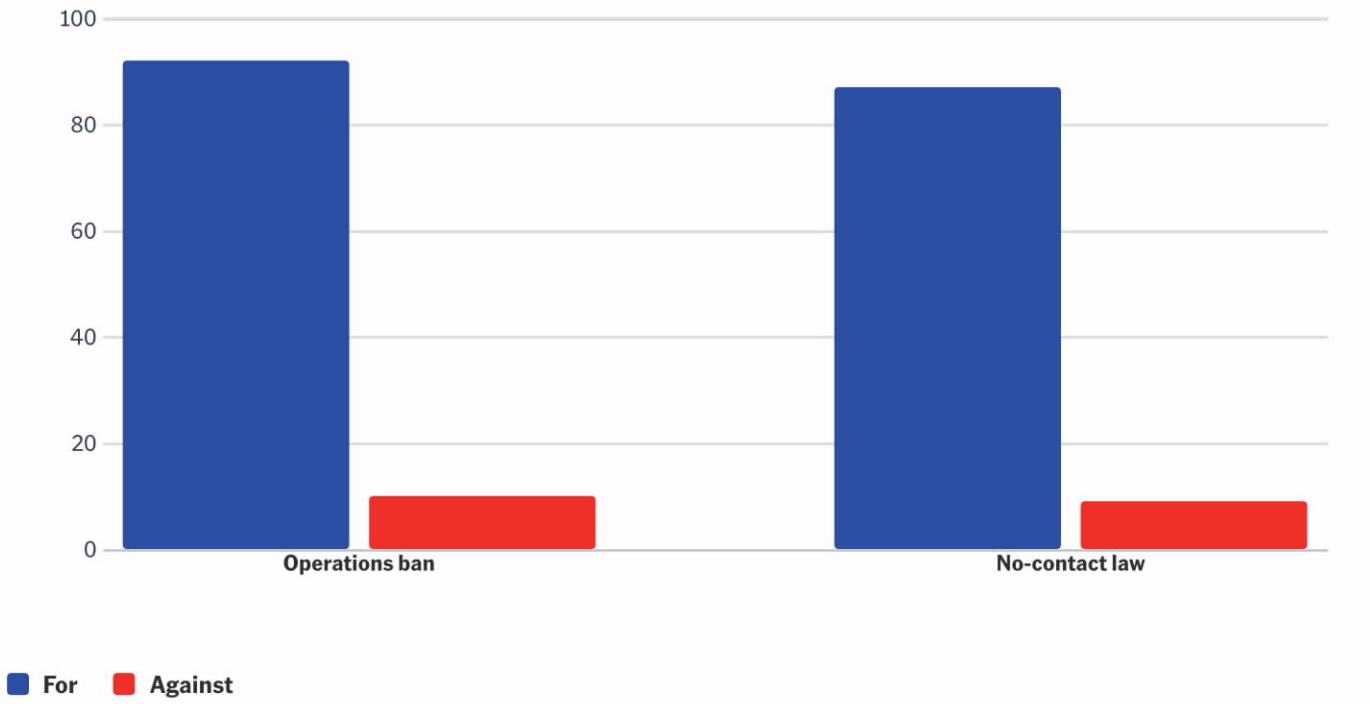
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The Knesset passed the second UNRWA law, which bars Israeli authorities from contact with the agency, by **87 votes to 9** on 28 October 2024. Neither this law nor the operations ban, in the Knesset's English translation, names Gaza or the West Bank. The ban is scoped to "the sovereign territory of the State of Israel."

**Knesset votes on the two UNRWA laws**

**SECOND AND THIRD READINGS, PLENUM SITTING OF 28 OCTOBER 2024**




*Source: Knesset, 2024, press releases of 29 October 2024; the Knesset's own recorded count.*

The operations ban provides that UNRWA "shall not operate any representative office, provide any services, or carry out any activities, directly or indirectly, within the sovereign territory of the State of Israel" (Knesset, 2024). Its stated purpose is "to prevent any UNRWA operations within the territory of the State of Israel."

The no-contact law reaches further in a different direction. It binds Israeli officials rather than places: "A government authority, including other bodies and individuals performing public duties according to law, shall not have any contact with UNRWA or anyone acting on its behalf" (Knesset, 2024). It also ends the basis on which UNRWA had operated since 1967:

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"The invitation to UNRWA, based on an exchange of letters between Israel and UNRWA from 6 Sivan 5727 (14 June 1967), will expire on 5 Tishrei 5785 (7 October 2024)." The Foreign Minister was to notify the UN "within seven days of the passage of this law."

The connection to Gaza runs through that provision on government authorities. COGAT, which runs the crossings into Gaza, is a unit of Israel's Ministry of Defense by its own description (COGAT, 2026). The statute text says nothing further about Gaza. Any account of the laws' effect on deliveries inside the Strip rests on sources other than the enacted text.

On timing, both laws state: "This law shall come into force three months from the date of its publication." The one exception is the no-contact law's Section 1, which ends the 1967 invitation. It takes effect "on 5 Tishrei 5785 (7 October 2024) or on the date of the publication of this law, whichever is later." The National Security Council Director must report to the Foreign Affairs and Defense Committee "every six months and in the first year from the commencement of this law, every two months" (Knesset, 2024).

## Did the spring 2025 aid halt apply only to UNRWA?

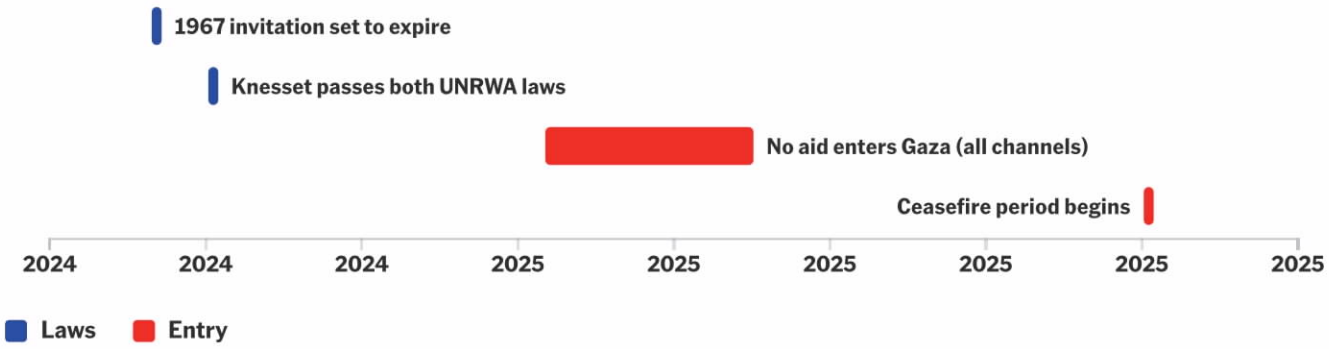
COGAT's Gaza Aid Data dashboard, read on 10 September 2026, records that "no aid entered the Gaza Strip between **March 2 to May 19 2025**," in line with "the directive from the political echelon." That is a party's own record of an eleven-week nil period across every channel, not a measure aimed at UNRWA alone.

The dashboard line gives no reason beyond the directive (COGAT, 2026). It sits on a page whose 5,375-row table classifies entries by date, route, "Classification" and "donating organisation category." No truck series for UNRWA alone is published alongside it, so the halt's effect on the agency's channel cannot be separated from its effect on every other channel using COGAT's figures.

**UNRWA laws and the 2025 aid halt**
DATED EVENTS FROM THE ENACTED TEXTS AND COGAT'S OWN RECORD

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*Source: Knesset, 2024; COGAT, 2026, Gaza Aid Data dashboard and ceasefire report; COGAT dates are a party's own record.*

UNRWA describes its own position differently. In its 2026 flash appeal for the occupied Palestinian territory, the agency states that its own labelled supplies have remained barred from Gaza. That is UNRWA's account of its own channel, on its own terms.

Two kinds of measure are on the record. The first is specific to UNRWA: two statutes, passed on 28 October 2024, that bar the agency from Israel's sovereign territory and bar Israeli authorities from dealing with it. The second is general: a political directive under which, by COGAT's own record, nothing entered Gaza for eleven weeks. Questions about whether Palestinians in Gaza can access humanitarian aid turn on both, and the record dates them separately.

Israel recorded entry resuming after the halt. Its Permanent Mission in France stated that "more than 12,000" aid trucks had entered Gaza "since May 2025," 80% of them carrying food, as of 14 September 2025 (Israeli Ministry of Foreign Affairs, Permanent Mission in France, 2025). That is Israel's own stated total. The page refers readers to COGAT's data site for detail and does not break the figure down by agency.

## How much aid does Israel say enters without UNRWA?

COGAT's July 2026 ceasefire report counts **1,778,363 metric tons** of food entering Gaza from 10 October 2025 to 7 June 2026. That is its own self-reported total as a party to the events, and the tonnage rests on "the self-declaration of humanitarian organizations and private sector providers" rather than on weighing at the crossings.

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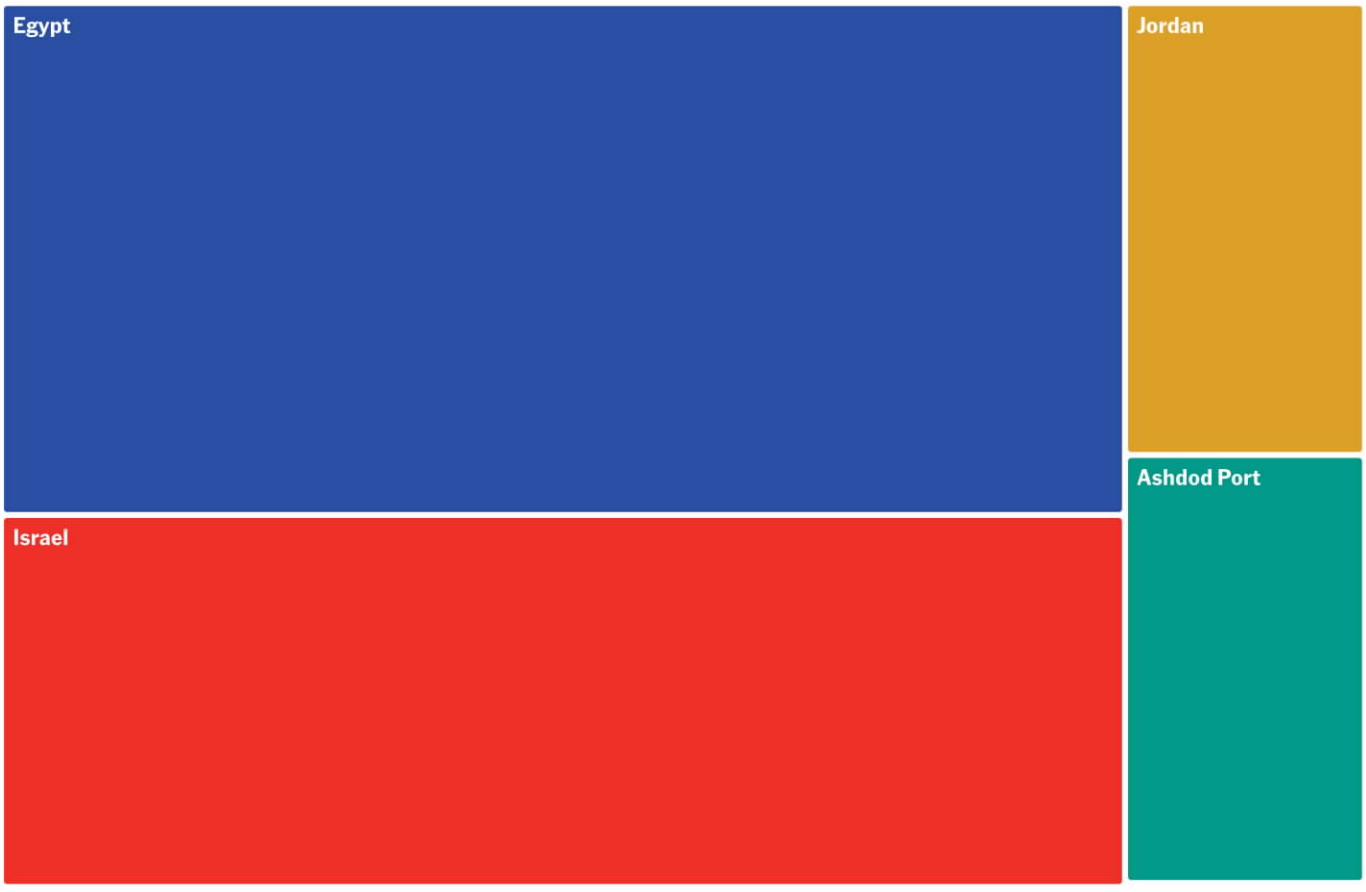
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COGAT's footnote 5 sets out how the record is built (COGAT, 2026). Weighing every pallet would "severely" reduce throughput. Instead, "pallet number are counted and contents are compared to the coordination requests and self-reports during the security clearance," with "only negligible divergence (around 5%)" detected day to day. The truck count is therefore a physical tally COGAT makes at its own crossings, while the tonnage is the shippers' declared weight. The same report sets its food total at "nearly threefold" the World Food Programme's monthly requirement benchmark. Only the numerator in that ratio is COGAT's.

COGAT also describes a larger crossing system than existed before the war. Its December 2025 document lists five inspection points (Kerem Shalom, Ashdod Port, Nitzana, Sha'ar Efrayim, Tarkumiya) and three transfer points (Kerem Shalom, Kisufim, Zikim). It states that "Prior to October 7th, only two crossings operated for transferring goods into the Gaza Strip" (COGAT, 2026).

**Trucks entering Gaza by delivery route, as COGAT publishes them**

**DASHBOARD READ 10 SEPTEMBER 2026; TOTALS EXCLUDE FUEL; DATE FILTER NOT SHOWN**




*Source: COGAT, 2026, Gaza Aid Data dashboard; a party's own count, not independently verified.*

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The route figures above sum to 110,815 trucks. The dashboard qualifies its own categories. Trucks classed as food "carry food items exclusively," while "mixed aid" and "shelter equipment" trucks "may also contain food items." The dashboard also states that "Totals do not include fuel" (COGAT, 2026).

These counts describe the channels Israel says are in use. That matches the Foreign Ministry's stated aim to replace UNRWA's activities "with other agencies" (Israel Ministry of Foreign Affairs, 2024). Because COGAT publishes no UNRWA series, none of these tonnages or truck counts can be set against what UNRWA delivered before or would deliver now.

## Methodology and limitations

The evidence comes from three tiers.

**Primary legislative record.** This is the Knesset's English translation of the two UNRWA laws and its two press releases of 29 October 2024, which record the vote counts and quote the sponsors. The sponsors' statements are carried as their stated positions.

**Israeli government publications.** These are the Foreign Ministry's statement of 5 August 2024, its Permanent Mission in France's page updated 17 September 2025, the Israel Defense Intelligence analysis dated 23 April 2025, and two COGAT sources: the Gaza Aid Data portal and its July 2026 ceasefire report. Each is published by a party to the events. Each is labelled in the text as that party's own count or position, and none is presented as independently verified.

**UN bodies.** These are the OIOS outcome as summarised by UN News on 5 August 2024 and the Independent Review Group's final report of 20 April 2024. They are cited by name and date for what each stated and found. The full OIOS report is confidential, so its scope limits are known only through the public summary and through the Israeli government's footnoted account.

Several measurement limits apply.

- **Israel's membership counts.** These rest on ID-number matching against captured material that is not available for independent check, and the document states that its

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figures may change.

- **The UN investigation.** The OIOS standard, "may have been involved," applies only to 19 cases Israel raised, not to a sample of the workforce.
- **COGAT tonnage.** Tonnage rests on supplier self-declaration, while truck counts are tallied at inspection.
- **COGAT dashboard figures.** These reflect whatever date filter was active when read on 10 September 2026. The dashboard's route total of 110,815 has not been reconciled with other totals on the same page.
- **What the published record does not hold.** No published series isolates UNRWA's own deliveries, and no source here records a calendar date for the laws' entry into force.

## Conclusion

Why is Israel shutting UNRWA out of the work it did in Gaza? On Israel's own record, the reasons are the four its legislators and ministers wrote down: alleged staff involvement in 7 October, alleged Hamas use of UNRWA facilities, school content, and an objection to the agency's refugee mandate. The remedy, as its Foreign Ministry stated it in August 2024, is replacement by other agencies.

The record behind those reasons is uneven, and it can be described plainly. The Knesset's votes are recorded at 92 to 10 and 87 to 9. Israel's own intelligence count, as a party to the conflict, puts 1,462 of 12,521 Gaza staff in designated factions, with 1,157 in education. A UN inquiry that could not authenticate most of Israel's material found that 9 of 19 named staff may have been involved. A UN-commissioned review noted that Israel had raised no concern from the annual staff lists since 2011.

The laws themselves name only Israel's sovereign territory and its own officials. The one eleven-week halt that COGAT's own record documents stopped every channel, not UNRWA alone. On the other side of the ledger, COGAT's 1,778,363 tons of food rest on shippers' declarations, published by the same party that excluded the agency.

The question the record sharpens is not whether UNRWA can be removed, because the statutes already settle that inside Israel. It is what evidence a society would need before an

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agency is judged replaceable, when the case against it and the count of what replaces it are both, for now, documents published by one party to the war.

## Frequently Asked Questions

### Did Israel ask other governments to stop funding UNRWA?

Yes. Israel's Foreign Ministry stated on 5 August 2024 that "Israel calls on countries not to transfer funds to UNRWA Gaza, as the funds may go to terrorist elements" (Israel Ministry of Foreign Affairs, 2024). That is the stated position of a party to the conflict.

### How many donors paused UNRWA funding after the January 2024 allegations?

The Independent Review Group reported on 20 April 2024 that "16 Member State donors suspended or paused funding," amounting to "around US$450 million." The figure covers the period immediately after Israel's January 2024 allegations.

### How large is UNRWA's workforce overall?

The Colonna review counted more than 32,000 UNRWA staff and personnel across all five fields as of April 2024, of whom 99.2% were locally recruited. That figure is agency-wide. The 12,521 Gaza employees in Israel's 2025 analysis are Israel's own count for Gaza alone in 2023 to 2024 (Israeli government, 2025).

### How many neutrality complaints has UNRWA investigated internally?

The Colonna review reported that UNRWA's Investigations Division received 151 neutrality-breach allegations between January 2022 and February 2024, mostly concerning social media posts, and that 50 cases were under investigation in April 2024. These are allegations, not substantiated breaches.

### Who oversees how the UNRWA laws are applied?

The laws require the National Security Council Director to report to the Knesset's Foreign Affairs and Defense Committee every six months, and every two months during the first year after the laws take effect (Knesset, 2024).

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### Does COGAT count fuel in its aid totals?

No. COGAT's dashboard states that "Totals do not include fuel." Its frozen workbook records 335 fuel tanker-trucks and 598 gas tanker-trucks from 1 November 2023 to 31 May 2024, and these sums are floors because the fuel sheet codes nil days inconsistently (COGAT, 2026). Both are a party's own counts.

### How current is COGAT's truck-level data?

COGAT's truck-level workbook covers 32,946 trucks from 21 October 2023 to 31 May 2024 and has not been extended since. Its live dashboard is current, carrying the stamp "Data Last Updated: 9/10/2026" (COGAT, 2026). Both publications are drawn from the same record, published by a party to the events.

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US law has barred assistance to governments that restrict humanitarian aid since 1996. What the entry counts and the site enumeration each measured.

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DATA REPORT BY THE HANOVER INSTITUTE NOVEMBER 9, 2026 UPDATED NOVEMBER 10, 2026

# Is Israel an ethnostate? The laws, and what political scientists call it

*Israel's 2018 Basic Law reserves self-determination to Jews. The statutes, the ethnic-democracy typology and the official counts, read in full.*

Israel | Nation-State Law | Ethnic Democracy | Basic Laws | Population Statistics



Israel's 2018 Basic Law: Israel as the Nation-State of the Jewish People states that national self-determination in the State "is exclusive to the Jewish People," while the Central Bureau of Statistics' own preliminary count for April 2026 places 2.157 million Arabs, 21.1% of a 10.244 million population, inside the state. The word "ethnostate" suggests a state built by and for one people, and the record holds both a law reserving collective self-determination to one people and an official count of a population one-fifth outside it. The peer-reviewed typology applied to Israel, Sammy Smooha's 1997 model of "ethnic democracy," combines individual rights

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for all citizens with "institutionalization of majority control over the state," and the word "ethnostate" appears nowhere in its 44 pages. The equality rule for citizens comes from a 2000 Supreme Court ruling, not from an enacted Basic Law.

## Key Findings

- The Knesset (2018) enacted, in clause 1(c) of the Nation-State Law, that "the realization of the right to national self-determination in the State of Israel is exclusive to the Jewish People"; the law contains no equality clause and no individual-rights clause.
- Smooha (1997), a peer-reviewed typology, classes Israel as the archetype of an "ethnic democracy," one of four types of democracy, and places it outside the Herrenvolk type because citizenship extends to all; the word "ethnostate" appears zero times in the article's 44 pages.
- The Knesset's Basic Law: Human Dignity and Liberty (Knesset, 1992) returns zero matches for "equal," while the Israeli Supreme Court (2000) held in Ka'adan that the State could not allocate land "on the basis of discrimination between Jews and non-Jews."
- The Central Bureau of Statistics (2026), in its own preliminary count, places 7.790 million people, 76% of 10.244 million, in a "Jews and Others" category that also covers non-Arab Christians and people not classified by religion.
- In a 1995 survey of 1,200 Arab citizens reported in Smooha (1997), 35.3% rejected Israel's right to exist as a Jewish-Zionist state and 6.8% denied its right to exist.

## Does Israel's own law describe it as an ethnostate?

The Knesset's 2018 Basic Law: Israel as the Nation-State of the Jewish People states in clause 1(c), in an English translation the Knesset labels unofficial, that "the realization of the right to national self-determination in the State of Israel is exclusive to the Jewish People." The enacted text names a nation-state of a people; the word "ethnic" appears in none of the clauses quoted here.

Clause 1(b) sets the frame for that sentence: "The State of Israel is the nation state of the Jewish People in which it realizes its natural, cultural, religious and historical right to self-determination." Clause 5 provides that the State "shall be open to Jewish immigration, and the ingathering of the exiles." Clause 4(a) makes Hebrew "the language of the State," and clause 4(b) gives Arabic "a special status in the State." Clause 3 declares that "the complete and united Jerusalem is the capital of Israel."

Read together, the clauses allocate collective self-determination to one people and tie immigration to the same people. That is the directional point the ethnostate question rests on, and the text states it in its own words: self-determination is "exclusive," in a clause of its

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own. A fuller reading of the Nation-State Law against the racial-grounds question sets the same clauses beside a treaty definition.

Two further facts about the text bound what it establishes. First, "Jewish People" is the law's own term; the statutory definitions that decide who counts as a Jew for immigration and population registration sit in the Law of Return, examined below. Second, the law contains no equality clause and no individual-rights clause. That absence is a fact about the text only. It records nothing about how the State treats any person or community, and the enumerated rights examined below sit in a different instrument, the 1992 Basic Law: Human Dignity and Liberty.

The Knesset's English text carries the law's amendments through 1 May 2022, and the Hebrew governs. What the text settles is narrower than the question: Israel's highest tier of legislation describes the State as the nation-state of the Jewish people and reserves national self-determination to that people. Whether that combination meets the word "ethnostate" turns on what the word is taken to mean, and the scholarship that classifies states draws that line in specific terms.

## Who calls Israel an ethnic state, and on what definition?

Sammy Smooha, in a peer-reviewed 1997 article in Israel Studies, classed Israel as the archetype of an "ethnic democracy," which he defined as "a system that combines the extension of civil and political rights to individuals and some collective rights to minorities, with institutionalization of majority control over the state." That is the named, dated category under which the scholarship classifies Israel.

Smooha (1997) names the mechanism in two clauses. One is "the democratic principle," "making for equal rights and equal treatment of all citizens." The other is "the ethnic principle," "fashioning a homogenous nation-state and privileging the ethnic majority." The model holds both at once, and the article applies it across the state's first fifty years, concentrating on the cleavage between the Jewish majority and the Arab minority.

The directional point behind the question therefore has a named source: Smooha's typology places Israel in a category built on institutionalized majority control. The word the question uses is a different matter. **"Ethnostate" appears zero times** in the article's 44 pages. "Ethnic state" appears 16 times, never as a defined category with criteria. Smooha uses it loosely for states identified with one ethnic group, naming Syria, Iraq, Ethiopia and Burma alongside post-Communist states and a hypothetical future Palestinian state, and he uses it in explicit contrast to the defined type he proposes for Israel.

The concept also predates the article. Smooha's footnote 22 cites Oren Yiftachel's 1993 article in Ethnic and Racial Studies, "The Concept of 'Ethnic Democracy' and Its Applicability to the Case of Israel," a critique of the concept published four years earlier. Smooha published the archetype statement of ethnic democracy in 1997; he did not introduce the term. The dispute

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signalled in Yiftachel's title, over whether the concept fits Israel at all, was under way before the archetype appeared.

Yiftachel later proposed a rival category. In a peer-reviewed 1999 article in Constellations, he classed Israel/Palestine as an "ethnocracy," defining ethnocratic regimes as "states that maintain a relatively open government, yet facilitate a non-democratic seizure of the country and polity by one ethnic group," and named Malaysia, Sri Lanka, Estonia, Latvia, pre-1972 Northern Ireland and Serbia as cases. The word "ethnostate" does not appear in that paper either.

Every percentage inside the 1997 article comes from Smooha's own 1995 survey, and the article's count of democratic states is relayed from another author rather than measured by Smooha. The typology is interpretive scholarship: it classifies, and it supplies no rate beyond its own poll. An earlier Institute reading of the ethnostate claim and the founding record sets the same framing against Israel's founding-era statutes.

## What separates an ethnic democracy from a Herrenvolk state?

Smooha (1997) sets ethnic democracy as one of four types of democracy and places Israel outside the Herrenvolk type, a democracy in which democratic rights are reserved for the dominant group alone, on the stated ground that citizenship extends to all and the minority is not excluded from its benefits.

The typology answers the narrow version of the question directly. A state that limited citizenship and political rights to one ethnic group would fall in the Herrenvolk category; Smooha's model places Israel elsewhere and states why. It separates Israel equally from the liberal type, because the state recognizes ethnic differences and grants some collective rights, and from the consociational type, because the state is not ethnically neutral and the minority has neither autonomy nor power-sharing.

| Type | How ethnic democracy differs from it | Source |
|---|---|---|
| Liberal | The state recognizes ethnic differences and grants **some collective rights** | Smooha, 1997 |
| Consociational | The state is not ethnically neutral; the minority has **no autonomy or power-sharing** | Smooha, 1997 |
| Herrenvolk | Citizenship **extends to all**; the minority is not excluded from its benefits | Smooha, 1997 |

The category is not a single-case label. Smooha (1997) names other states as ethnic democracies across dated periods: Northern Ireland from 1921 to 1972, Canada from 1867 to the Quiet Revolution of the 1960s, Poland from 1918 to 1935, and Malaysia since the early 1970s, with Germany said to border on the type. On his reading, Israel shares its category

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with periods in the history of four other states, two of them long-established parliamentary democracies.

Two dates bound the comparison. The typology was published in 1997, 21 years before the Knesset enacted the Nation-State Law in 2018, so its classification rests on the statutes and institutions of the state's first fifty years, not on the 2018 text. And the minority figure in Smooha's article, close to 850,000 persons, 16% of the population within the Green Line excluding East Jerusalem, is a mid-1990s count; the Central Bureau of Statistics' current figures appear below.

The typology's line between ethnic democracy and Herrenvolk democracy is the line between privileged collective standing and excluded citizenship. The two remaining tests are statutory: who the law counts as a member of the majority people, and what that membership changes.

## How does Israeli law decide who counts as a Jew?

The Knesset's 1970 Amendment No. 2 to the Law of Return defines the term in section 4B: "For the purposes of this Law, 'Jew' means a person who was born of a Jewish mother or has become converted to Judaism and who is not a member of another religion." The enacted definition combines descent, conversion and religion, and it opens by limiting itself to the Law of Return.

The right that definition attaches to dates from 1950. Section 1 of the Law of Return, in the English text the Knesset publishes, reads: "Every Jew has the right to come to this country as an oleh." The translator's note defines an oleh as "a Jew immigrating, into Israel." That page is the text as enacted in 1950, not the law in force; the 1970 amendment quoted below is one later change to it.

The same 1970 amendment extends the right beyond Jews. Section 4A(a) vests the rights of a Jew under the law in **"a child and a grandchild of a Jew, the spouse of a Jew, the spouse of a child of a Jew and the spouse of a grandchild of a Jew,"** except "a person who has been a Jew and has voluntarily changed his religion." Subsection (b) makes it "immaterial" whether the Jew through whom the right is claimed is alive or has immigrated. The two sections do opposite work: 4B fixes who is a Jew for this law, and 4A extends entry rights to named relatives who need not be Jews at all.

The definition travels through a second statute. The same amendment inserted section 3A into the Population Registry Law, 5725-1965, and subsection (b) provides that "Jew" in the Registry "has the same meaning as in section 4B of the Law of Return." Subsection (a) bars registering a person as a Jew where a notification, entry or public document indicates otherwise, until that document is controverted or a competent court decides.

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For the ethnostate question, the membership rule matters as much as the clause reserving self-determination. The enacted rule is not descent alone: conversion admits, membership in another religion excludes, and entry rights reach non-Jewish spouses and grandchildren. The amendment also requires that regulations under 4A and 4B be approved by the Knesset's Constitution, Legislation and Juridical Committee. The law carries no count of any kind; figures on immigration under it belong to the Central Bureau of Statistics.

## Does religious law govern Jewish marriage in Israel?

Section 2 of the Knesset's Rabbinical Courts Jurisdiction (Marriage and Divorce) Law, as enacted on 26 August 1953, provides that "marriages and divorces of Jews shall be performed in Israel in accordance with Jewish religious law." Membership in the majority community has carried a statutory consequence in personal status since 1953, and the consequence runs through religious law.

Section 1 sets the forum separately: matters of marriage and divorce of Jews in Israel, "being nationals or residents of the State, shall be under the exclusive jurisdiction of rabbinical courts." Section 3 extends that exclusive jurisdiction to any matter connected with a divorce suit, "including maintenance for the wife and for the children of the couple." Section 6 supplies enforcement: where a rabbinical court has ordered a husband to grant, or a wife to accept, a letter of divorce, a district court may, after six months and on the Attorney General's application, "compel compliance with the order by imprisonment."

The scope of the statute bounds what it shows. Every operative section speaks "of Jews," and section 2 says "in Israel." The law legislates nothing about Muslims, Christians or Druze, whose courts sit under other instruments, and it says nothing about a marriage performed abroad. Section 9 preserves a Mandate-era frame by name, article 51 of the Palestine Orders in Council, 1922 to 1947, and gives rabbinical courts jurisdiction over other personal-status matters of Jews only "after all parties concerned have expressed their consent thereto."

The statute defines "Jew" nowhere, and it makes no cross-reference to section 4B of the Law of Return or to the Population Registry Law. The 1970 definition is expressly limited to its own law, so who counts as a Jew for marriage purposes is decided outside this text. The page quoted is the law as enacted in 1953 and carries no amendment record; the Law has been amended since.

Read beside the ethnic-democracy model, this statute is an instance of what Smooha (1997) calls the state recognizing communal difference: it assigns one community's marriages to that community's religious courts and religious law. The operative category in the text is a religious community, and the instrument of enforcement is a civil court acting on a religious court's final judgment.

## Where does the equality rule for Israeli citizens come from?

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The Knesset's Basic Law: Human Dignity and Liberty, enacted in 1992 and published in an English translation the Knesset labels unofficial, returns **zero matches** on a full-text search for "equal," "religion," "race" and "nationality." Israel's equality rule for citizens is located instead in the 1948 Declaration of the Establishment of the State and in a 2000 Supreme Court ruling.

The rights the 1992 law does enumerate are dignity, life and body, property, personal liberty, exit from and entry to Israel, and privacy. Its purpose clause, numbered 1a in the Knesset text, embeds "the values of the State of Israel as a Jewish and democratic state." Section 1 directs that rights be upheld "in the spirit of the principles included in the Declaration of the Establishment of the State of Israel," a direction of spirit rather than an incorporation of the Declaration's text.

The Provisional Government's Declaration of 14 May 1948 pledges, in the Knesset's English text, "complete equality of social and political rights to all its citizens irrespective of religion, race or sex." The Ministry of Foreign Affairs publishes the same sentence with "inhabitants" in place of "citizens"; both are translations of the Hebrew original.

The operative rule is judge-made. In HCJ 6698/95 Ka'adan v. Israel Land Administration, decided 8 March 2000 by a five-justice panel, the Israeli Supreme Court rejected the view that Israel's values as a Jewish state "would justify, on the level of a general purpose, discrimination by the State between its citizens, on the basis of religion or nationality." It wrote: "There is, therefore, no contradiction between the values of the State of Israel as a Jewish and democratic state and between the absolute equality of all of its citizens." On the Law of Return, the Court wrote that Jews "were granted a special key to enter," but "once a person has lawfully entered the home, he enjoys equal rights with all other household members." Paragraph 40A declared that the State could not allocate land to the Jewish Agency for the settlement of Katzir "on the basis of discrimination between Jews and non-Jews."

| Instrument | Equality wording | Source |
|---|---|---|
| Basic Law: Human Dignity and Liberty | **None**; rights read "in the spirit" of the Declaration | Knesset, 1992 |
| Declaration of Establishment | "Complete equality of social and political rights to **all its citizens**" | Provisional Government of Israel, 1948 |
| Ka'adan judgment | "The **absolute equality** of all of its citizens" | Israeli Supreme Court, 2000 |

## How large is Israel's Jewish majority, and who counts it?

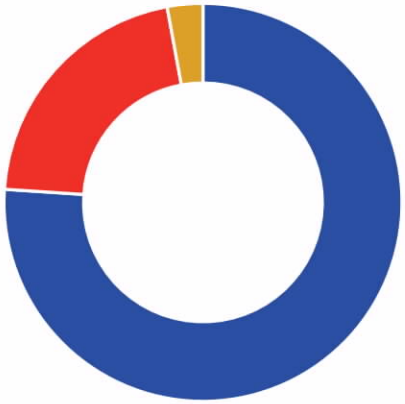
The Central Bureau of Statistics' own preliminary count for 22 April 2026 places **7.790 million people, 76% of a 10.244 million population**, in its "Jews and Others" category. That 76% is not a Jewish share: "Others," on the Bureau's definition, covers non-Arab Christians, members of other religions and people registered as not classified by religion.

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The same release counts 2.157 million Arabs, 21.1% of the population, a category the Bureau defines as Moslems, Arab Christians and Druze, and 296,000 foreigners, 2.9%, on foreigner data for the end of 2025. The three groups sum to the 10.244 million total. The estimates are preliminary and rest on the 2022 census, and since 2023 the Bureau's population estimates include foreigners staying in Israel, so the series is not continuous with earlier years.

**Israel's population by Bureau category, April 2026**
THOUSANDS OF PEOPLE, PRELIMINARY; FOREIGNERS AS OF END OF 2025



Jews and Others Arabs Foreigners

*Source: Central Bureau of Statistics, 2026, Israel's Independence Day 2026. The Bureau's own preliminary count.*

A count of Jews alone appears in the Bureau's Independence Day 2024 release: 7.427 million, in a population of 9.900 million in May 2024. That series rests on the 2008 census and excludes the foreign worker population, which the Bureau estimated at 222,500 at the end of 2022. The 2024 Jews-alone figure and the 2026 "Jews and Others" figure come from different categories, different census bases and different treatments of foreigners, so subtracting one from the other yields no valid size for the Others group.

Each figure is the Bureau's own compiled count, published by a state body and not independently verified. What the count establishes is composition: a Jewish majority, on the 2024 release's count, and an Arab population of 2.157 million, 21.1%, on the 2026 release's count. Composition alone does not distinguish among the types in Smooha's (1997) typology, since every type he describes has a majority; the legal standing of each group is set by the statutes examined above, not by the census.

## Which non-Jewish communities live in Israel, and how many?

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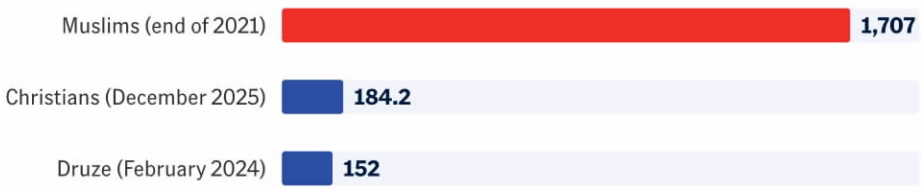
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The Central Bureau of Statistics counted **1.707 million Muslims (the Bureau's "Moslem" category), 18.1% of Israel's residents**, at the end of 2021, in a preliminary figure from its own 2022 release. The Bureau publishes each community's count in a separate release on a separate date, so the figures stand side by side and are never added into a single total.

For Christians, the Bureau's Christmas 2025 release estimates about 184,200 in December 2025, about 1.9% of the population on the Bureau's own base, in a preliminary figure that excludes Christians absent from the Population Register. Of Christians at the end of 2024, 78.7% were Arab Christians, and the largest Arab Christian populations were in Nazareth (18,900), Haifa (18,800) and Jerusalem (13,400). For the Druze, the Bureau's 2024 release gives a preliminary estimate of approximately 152,000 in February 2024, against 14,500 at the founding of the State.

**Non-Jewish communities in Israel, separate counts**

THOUSANDS OF PEOPLE; EACH COUNT FROM A DIFFERENT DATE AND RELEASE, NOT SUMMABLE




*Source: Israel Central Bureau of Statistics, 2022; Central Bureau of Statistics, 2025; Central Bureau of Statistics, 2024. The Bureau's own preliminary counts.*

Geography sharpens the composition. The Bureau's 2022 release counted 362,000 Muslims in the city of Jerusalem at the end of 2021, 37.5% of the city's residents and 21.2% of all Muslims in Israel. Of Arab Christians at the end of 2024, 68.3% lived in the Northern District and 14.7% in the Haifa District, on the Bureau's Christmas 2025 release.

These three communities supply the Bureau's Arab category, with Arab Christians counted in it and non-Arab Christians counted under "Others." They are the minority Smooha's (1997) model describes, the population to which, on his account, citizenship extends and from whose benefits it is not excluded. The counts measure size and location; each is the Bureau's own compiled figure, and the dates run from the end of 2021 to December 2025, so no combined minority total can be drawn from them.

## How did Arab citizens view the Jewish-state definition in 1995?

In Sammy Smooha's face-to-face survey of 1,200 Arab citizens in September to October 1995, reported in his 1997 article, **35.3% rejected Israel's right to exist as a Jewish-Zionist state**. The figure is 31 years old and predates the 2018 Nation-State Law by 23 years, so it measures reaction to the state's definition as it stood in 1995.

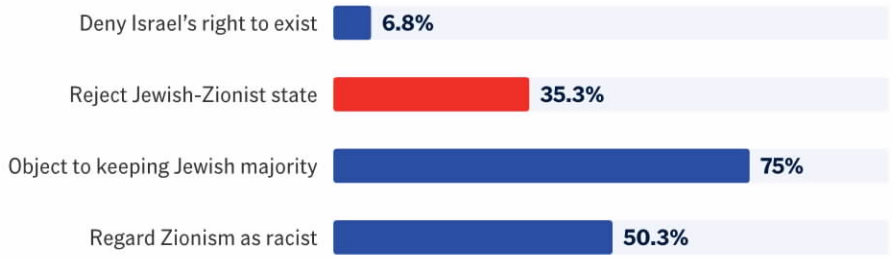
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The same survey found that 6.8% denied Israel's right to exist at all, so roughly five times as many respondents rejected the state's Jewish-Zionist definition as rejected the state itself. Larger shares objected to specific features: 75.0% objected to Israel keeping a Jewish majority, and 50.3% regarded Zionism as racist (Smooha, 1997). Each figure is a separate question, and a respondent could hold several of these views at once.

**Arab citizens' views of the state's definition, 1995**

SHARE OF RESPONDENTS, FACE-TO-FACE SURVEY, N = 1,200, SEPT. TO OCT. 1995; VIEWS ARE NOT EXCLUSIVE




*Source: Smooha, 1997, reporting his September to October 1995 survey of Arab citizens.*

The sample bounds the reading. Respondents were men and women aged 18 or older, interviewed face to face in a statewide sample of residents within the pre-1967 borders, excluding East Jerusalem. The 1995 round was the fifth wave among Arab citizens in a series Smooha ran in 1976, 1980, 1985, 1988 and 1995, with a parallel sample of 1,200 Jewish citizens. Every percentage in the article dates to that 1995 round, not to the 1997 year of publication.

What the survey measures is the gap the ethnic-democracy model predicts: a minority that largely accepts the state's existence while a majority of it objects to the institutionalized majority control the model describes. The figures describe opinion in 1995 and are not a reading of opinion in 2026.

## Methodology

The evidence is drawn from three source types. Enacted texts come first: the Nation-State Law (2018), the Law of Return (1950) with its 1970 amendment, the Rabbinical Courts Jurisdiction (Marriage and Divorce) Law (1953) and the Basic Law: Human Dignity and Liberty (1992), each in the English text the Knesset publishes, with the Declaration of the Establishment of the State (1948) in the Knesset's English text. The Knesset labels its Basic Law translations unofficial; the Law of Return and Rabbinical Courts pages are scans from the Laws of the State of Israel series marked neither official nor unofficial. The Hebrew governs throughout. The 1950 Law of Return page and the 1953 Rabbinical Courts Law are texts as enacted, not the consolidated law in force.

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The court record is HCJ 6698/95 Ka'adan, in the English text published by the Cardozo Israeli Supreme Court Project. Official statistics come from five Central Bureau of Statistics releases dated 2022 to 2026, each a preliminary compiled count on its own base and date; the 2026 figures rest on the 2022 census and include foreigners, and the 2024 figures rest on the 2008 census and exclude foreign workers.

The scholarship is two peer-reviewed conceptual articles, Yiftachel (1999), which defines "ethnocracy" and measures nothing, and Smooha (1997), with its own 1995 survey of 1,200 Arab citizens inside the pre-1967 borders excluding East Jerusalem; no confidence interval is reported for those shares. Word counts for "ethnostate" and "ethnic state" are taken from the full text of that article, and the absence of "equal," "religion," "race" and "nationality" from the 1992 Basic Law from a case-insensitive search of the Knesset's English text. Yiftachel (1993) is cited as referenced in Smooha's footnote 22; the absence of "ethnostate" from Yiftachel (1999) rests on a check of that paper's full text. No statute, court ruling or statistical series among these sources defines "ethnostate" as a category with criteria.

## Conclusion

So does the word fit the state the record describes? The record answers in layers rather than in one word. Israel's 2018 Nation-State Law reserves national self-determination "exclusive to the Jewish People"; the 1970 Law of Return defines a Jew by descent, conversion and religion while extending entry rights to non-Jewish spouses and grandchildren; and since 1953 Jewish marriage in Israel has run through religious law and religious courts.

The same record carries the other layer with equal weight. No Basic Law enacts equality, yet the Supreme Court in 2000 found "no contradiction" between Israel's Jewish character and "the absolute equality of all of its citizens." The Central Bureau of Statistics' own preliminary count places 2.157 million Arabs, 21.1%, in the population in 2026. The typology that classifies Israel calls it an ethnic democracy, outside the Herrenvolk type, and never uses "ethnostate" in its 44 pages. In 1995, 35.3% of Arab citizens rejected the Jewish-Zionist definition while 6.8% rejected the state.

A state that reserves collective self-determination to one people, while its highest court reads absolute civic equality out of the same values, presents two records at once. When a single word is asked to describe both, which record does it carry, and which one falls away in the carrying?

## Frequently Asked Questions

### Does the Nation-State Law change the status of Arabic?

Clause 4(c) of the Knesset's 2018 Basic Law provides that "nothing in this article shall compromise the status given to the Arabic language in practice, before this basic-law came

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into force." The clause preserves practice as it stood before 2018 while the law's other language clauses reassign formal status.

### What does the Nation-State Law say about Jewish settlement?

Clause 7 of the Knesset's 2018 law states: "The State views the development of Jewish settlement as a national value, and shall act to encourage and promote its establishment and consolidation." The clause sets a policy value and carries no figure, map or allocation.

### Can a Jew who converts to another religion immigrate under the Law of Return?

The Knesset's 1970 amendment excludes from the extended rights in section 4A(a) "a person who has been a Jew and has voluntarily changed his religion," and section 4B defines a Jew for the Law's purposes as a person "who is not a member of another religion." The exclusion turns on the claimant's own religious history, not on that of the parent or grandparent through whom a right is claimed.

### Does the 1992 Basic Law reach statutes passed before it?

Section 10 of the Knesset's Basic Law: Human Dignity and Liberty provides that it "shall not affect the validity of any law that existed prior to the inception of the Basic Law." The Law of Return (1950) and the Rabbinical Courts Jurisdiction Law (1953) both predate it.

### Did the Ka'adan ruling admit the petitioners to Katzir?

The Israeli Supreme Court's 2000 remedy, in paragraph 40B, required the State to "consider the petitioners' request" on the principle of equality and to decide "whether it can enable" them to build there. Justice Kedmi dissented only on whether the ruling reached past allocations, writing that he concurred with the Court's approach to equality.

### How many immigrants has Israel received since 1948?

The Central Bureau of Statistics' own count for 2026 gives over 3.5 million immigrants since the establishment of the State, about 1.68 million of them since 1990. The Bureau counted about 21,000 immigrants in the 11.75 months to 22 April 2026.

### What share of the world's Jews live in Israel?

The Central Bureau of Statistics' 2024 release put the share at about 45% of the world's Jewish population at the end of 2022. The same release counted about 80% of Jews in Israel as born in Israel.

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DATA REPORT BY THE HANOVER INSTITUTE NOVEMBER 9, 2026 UPDATED NOVEMBER 10, 2026

# How does Zionism relate to white supremacy? A 1975 UN vote and what surveys measured

*A 1975 UN vote classed Zionism as racism and was revoked in 1991. Israel's statutes, birth counts, typologies and surveys, read against the claim.*

Zionism | White Supremacy | Resolution 3379 | Law of Return | Antisemitism



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UN General Assembly resolution 3379, adopted on 10 November 1975 by 72 votes to 35 with 32 abstentions, determined that "zionism is a form of racism and racial discrimination". Resolution 46/86 revoked it on 16 December 1991, and neither text uses the words "white supremacy". The pairing joins a movement that Israeli statute defines by descent and religion to a hierarchy defined by color, so the question is whether the two vocabularies meet: the Law of Return's 1970 definition of a Jew turns on a Jewish mother or conversion, with no color or origin test. The measurements pull in two directions: 50.3% of 1,200 Arab citizens surveyed by Sammy Smooha in 1995 regarded Zionism as racist, while a 2022 survey of about 3,500 Americans found overt antisemitic attitudes most concentrated among young adults on the far right.

## Key Findings

- **72 to 35, then reversed:** United Nations General Assembly (1975, 1991) resolution 3379 determined Zionism "a form of racism and racial discrimination" by 72 votes to 35, with 32 abstentions, on 10 November 1975. Resolution 46/86 revoked the determination by 111 votes to 25, with 13 abstentions, on 16 December 1991.
- **50.3% in 1995:** In Smooha (1997), 50.3% of 1,200 Arab citizens of Israel surveyed face to face in September to October 1995 regarded Zionism as racist.
- **A peoplehood clause, a descent test:** Knesset (2018) clause 1(c) reserves national self-determination in Israel to "the Jewish People". Knesset (1950, amended 1970) section 4B, inserted in 1970, defines a Jew by a Jewish mother or conversion, with no color or origin criterion.
- **5.7 million of 7.1 million Israel-born:** Central Bureau of Statistics (2025) counted 7.1 million Jews in Israel at the beginning of 2024, of whom 5.7 million were born in Israel and 275,000 in Africa.
- **Concentrated on the far right:** Hersh and Royden (2022), surveying about 3,500 US adults, found overt antisemitic attitudes rare on the political left, more common on the right and most concentrated among young adults on the far right.

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## Has any official body equated Zionism with racial supremacy?

The UN General Assembly adopted resolution 3379 on 10 November 1975 by **72 votes to 35, with 32 abstentions**. Its operative sentence reads: "Determines that zionism is a form of racism and racial discrimination." It is the closest any official instrument comes to the equation, and it classes Zionism with racism, not with white supremacy.

Sixteen years later the same Assembly reversed it. Resolution 46/86, adopted on 16 December 1991 by 111 votes to 25 with 13 abstentions, has an operative text of one sentence: "Decides to revoke the determination contained in its resolution 3379 (XXX) of 10 November 1975." The recorded votes, taken from the verbatim records A/PV.2400 and A/46/PV.74, are records of what member states did on those dates. The 1975 determination itself was the Assembly's position, and it stood for 16 years.

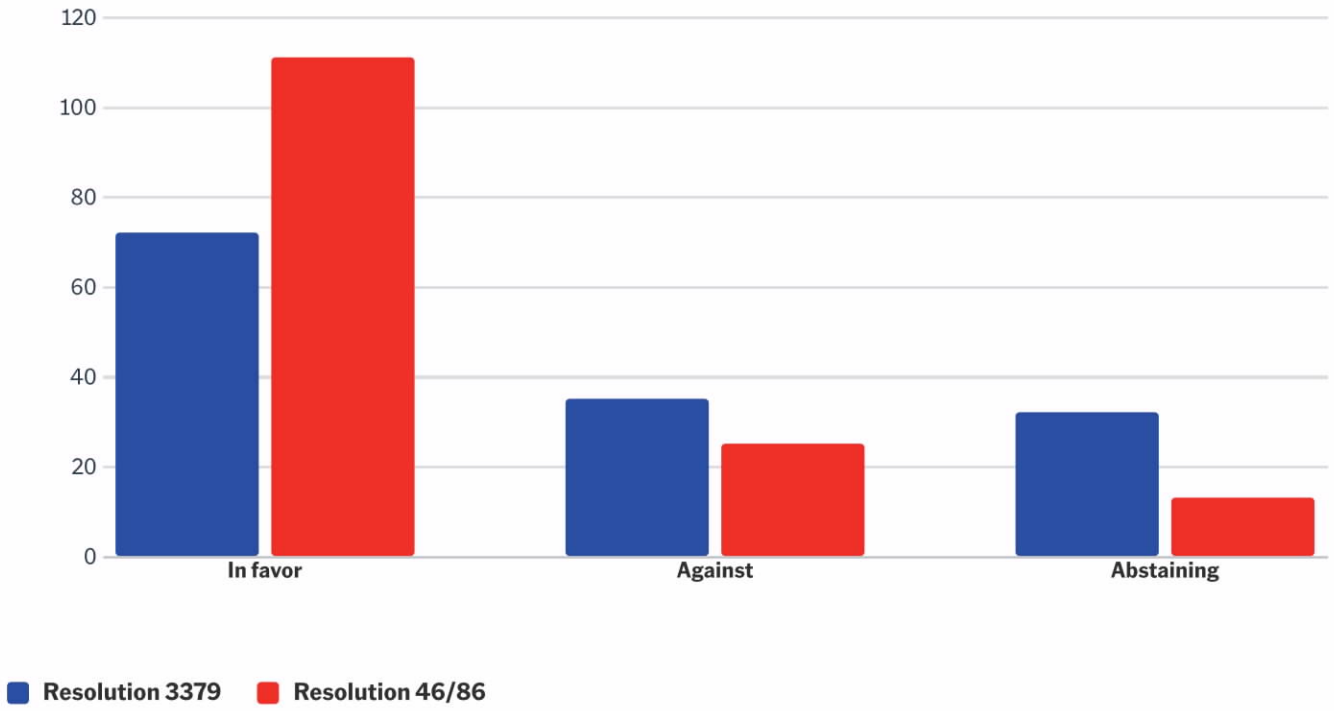
Neither text uses the words "white supremacy". The link to white-minority rule in southern Africa runs through the 1975 preamble, which sets out four grounds. It recalls resolution 3151 G of 14 December 1973, which condemned "the unholy alliance between South African racism and zionism". It takes note of resolution 77 (XII) of the Organization of African Unity, adopted at Kampala between 28 July and 1 August 1975, which held that "the racist regime in occupied Palestine and the racist regimes in Zimbabwe and South Africa have a common imperialist origin." It also cites the Declaration of Mexico of the 1975 World Conference of the International Women's Year and the Lima Political Declaration of Non-Aligned foreign ministers of 25 to 30 August 1975.

In those preambular texts the comparison with southern Africa is an analogy between regimes, carried by the word "racist". The operative determination names racism and racial discrimination and goes no further. The resolution's wider case is read clause by clause in the arguments that Zionism is racist.

**Recorded votes on Zionism and racism in the General Assembly**
**RESOLUTION 3379 (10 NOVEMBER 1975) AND RESOLUTION 46/86 (16 DECEMBER 1991)**

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*Source: United Nations General Assembly, 1975 and 1991, resolutions 3379 (XXX) and 46/86, recorded votes in A/PV.2400 and A/46/PV.74. Official record.*

## Who argues Zionism resembles white-settler rule, and since when?

In Sammy Smooha's face-to-face survey of September to October 1995, **50.3%** of 1,200 Arab citizens of Israel regarded Zionism as racist. The sample was drawn inside the Green Line and excluded East Jerusalem. Smooha published the figure in Israel Studies in 1997, so the racism reading had a measured constituency among Israel's own Arab citizens three decades ago.

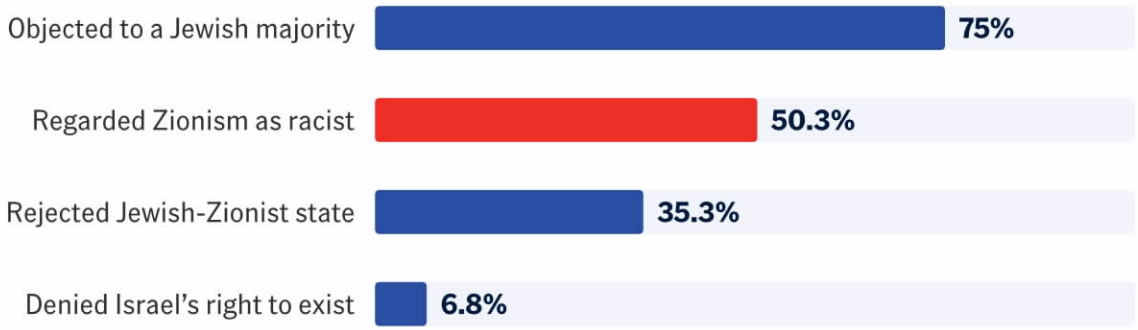
The 1995 wave was the fifth among Arab citizens in a series Smooha ran in 1976, 1980, 1985, 1988 and 1995, and it recorded wider and narrower positions beside the racism item. In it, 75.0% objected to Israel keeping a Jewish majority and 35.3% rejected Israel's right to exist as a Jewish-Zionist state. A further 6.8% denied Israel's right to exist at all. These are 1995 measurements of Arab citizens alone; they carry no reading of opinion today and none of Jewish citizens.

**Positions held by Arab citizens of Israel, 1995**

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**FACE-TO-FACE SURVEY, SEPTEMBER TO OCTOBER 1995, N = 1,200, INSIDE THE GREEN LINE EXCLUDING EAST JERUSALEM**




*Source: Smooha, 1997, reporting his own 1995 survey. Peer-reviewed journal.*

The settler-colonial comparison also has a dated, signed scholarly statement about its permissibility. The Jerusalem Declaration on Antisemitism was launched on 25 March 2021, and its publisher's page states that it was "Initially signed by 210 scholars" and now has "more than 400 signatories". Guideline 13, in the signatories' typeset English PDF, holds that "even if contentious, it is not antisemitic, in and of itself, to compare Israel with other historical cases, including settler-colonialism or apartheid."

That guideline sits in section C, headed "examples that, on the face of it, are not antisemitic". The preamble directs that guidelines 6 to 15 "should be taken together" and read "always with a view to context." The Declaration is a statement by its signatories, adopted by no state, parliament or intergovernmental body. Its guideline 13 classifies a kind of comparison, not any particular use of one.

A dated academic statement of the settler-colonial reading itself is Tariq Dana's "Notes on the 'Exceptionalism' of the Israeli Settler-Colonial Project", published online in Middle East Critique on 12 May 2024. Dana argues that Israeli settler colonialism is exceptional within settler-colonial studies, citing Zionism's ideological roots, the absence of a conventional metropole and reliance on Western alliance. The journal states that it publishes "analyses drawing on heterodox theoretical perspectives". The article contains no figures.

## Does Israeli constitutional text classify anyone by race?

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Basic Law: Human Dignity and Liberty contains the word "race" **zero** times in its 574 words of operative text. That count is taken from the Knesset's English translation, which includes amendments through 1 May 2022. The Knesset labels that translation unofficial, and the Hebrew governs. The 2018 Nation-State Basic Law draws its line by peoplehood, not by race.

Clause 1(c) of Basic Law: Israel as the Nation-State of the Jewish People reads: "The realization of the right to national self-determination in the State of Israel is exclusive to the Jewish People." The Knesset labels this translation unofficial as well. Clause 1(b) calls Israel "the nation state of the Jewish People". Clause 7 states: "The State views the development of Jewish settlement as a national value, and shall act to encourage and promote its establishment and consolidation."

The Human Dignity and Liberty text also returns zero occurrences of "equal", "discrimin", "religion" and "nationality". It enumerates dignity, life and body, property, personal liberty, exit and entry, and privacy, and no equality right. Its section 1 says rights "shall be upheld in the spirit of the principles included in the Declaration of the Establishment of the State of Israel", which points to that Declaration without enacting its text. The Nation-State Law likewise carries no equality clause and no individual-rights clause. These absences are facts about two texts, not findings about how the State treats any person.

Arguments that Israel's constitutional order encodes a hierarchy are arguments about clauses 1(c) and 7. The category those clauses name is a people, and the statute that defines membership in it is read in the next section. Whether the Nation-State Law defines the state on racial grounds is examined against a treaty definition in the Nation-State Law's racial-grounds question.

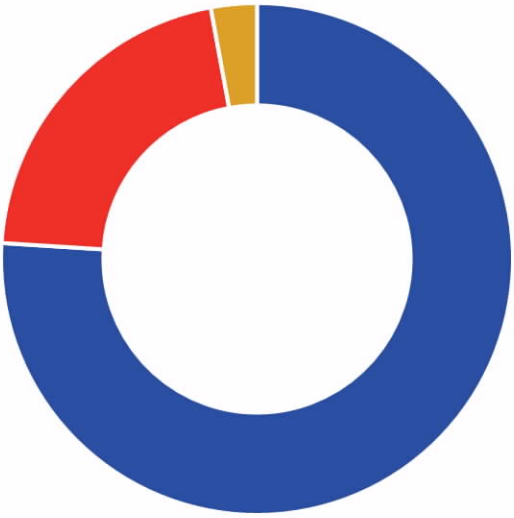
Israel's Central Bureau of Statistics gives the scale of the population outside the people named in clause 1(c). On the eve of the 78th Independence Day, in preliminary figures to 22 April 2026, it counted 10.244 million residents. Of these, 2.157 million (21.1%) were Arabs and 7.790 million (76%) were Jews and Others, and 296,000 (2.9%) were foreigners, a figure that relates to the end of 2025.

**Israel's population by Bureau population group**

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**PRELIMINARY, EVE OF THE 78TH INDEPENDENCE DAY (TO 22 APRIL 2026); FOREIGNERS AS OF END OF 2025; TOTAL 10.244 MILLION**



Jews and Others Arabs Foreigners

*Source: Central Bureau of Statistics, 2026, Israel's Independence Day 2026. Official statistic, preliminary.*

## Does the Law of Return set a color or origin test?

Section 4B of Israel's Law of Return, inserted by an amendment passed on **10 March 1970**, defines a Jew as "a person who was born of a Jewish mother or has become converted to Judaism and who is not a member of another religion." The test is descent, conversion and religious membership. The definition contains no color, region or origin criterion.

The Law does confer a right on one defined group, and that is the directionally true core of the privilege claim. Section 1, as enacted on 5 July 1950, reads in full: "Every Jew has the right to come to this country as an oleh." A translator's note in the same text defines an oleh as "a Jew immigrating, into Israel." The English text is a scan from the series Laws of the State of Israel, published by the Knesset and marked neither official nor unofficial.

The 1970 amendment did two opposite things, and they stay separate. Section 4B defined who is a Jew "For the purposes of this Law". Section 4A extended the same rights to named

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relatives who need not be Jewish: "a child and a grandchild of a Jew, the spouse of a Jew, the spouse of a child of a Jew and the spouse of a grandchild of a Jew". The one exception is "a person who has been a Jew and has voluntarily changed his religion". Section 4A(b) adds that it is "immaterial" whether the Jew through whom the right is claimed is alive or ever immigrated.

| Provision | What the English text published by the Knesset says | Source |
|---|---|---|
| Section 1 | "Every Jew has the right to come to this country as an oleh" | Knesset, enacted **1950** |
| Section 4A(a) | Rights extend to a child, grandchild and spouse of a Jew, and to the spouses of the child and grandchild | Knesset, amendment of **1970** |
| Section 4B | A Jew is a person "born of a Jewish mother or has become converted to Judaism" and not of another religion | Knesset, amendment of **1970** |

On the face of these texts, the line the Law draws runs through maternal descent, conversion and religion, with an extension to non-Jewish family members. Neither page carries a count of any kind. Figures on immigration under the Law belong to the Central Bureau of Statistics, not to the statute.

## Were Jews classed as white in European race science?

Sander Gilman's 1991 study The Jew's Body, published by Routledge, traces how European and American medicine, science and culture constructed antisemitic ideas about the Jewish body and mind. In the discourse Gilman reconstructs, Jews appear as a distinct and racially marked body, not as members of the majority race of the societies that studied them.

Gilman's book is interpretive scholarship. It is a history of ideas, and it carries no rate or count of how many Europeans held those ideas. Its use here is narrow and dated: it places the racial classification of Jews inside the medical and scientific record of the nineteenth and early twentieth centuries. That classification, in Gilman's account, set Jews apart from whiteness rather than inside it.

The demographic record of the same era sits in Israel's Central Bureau of Statistics. In its release for Holocaust Day 2025, the Bureau counted a world Jewish population of **16.6 million**

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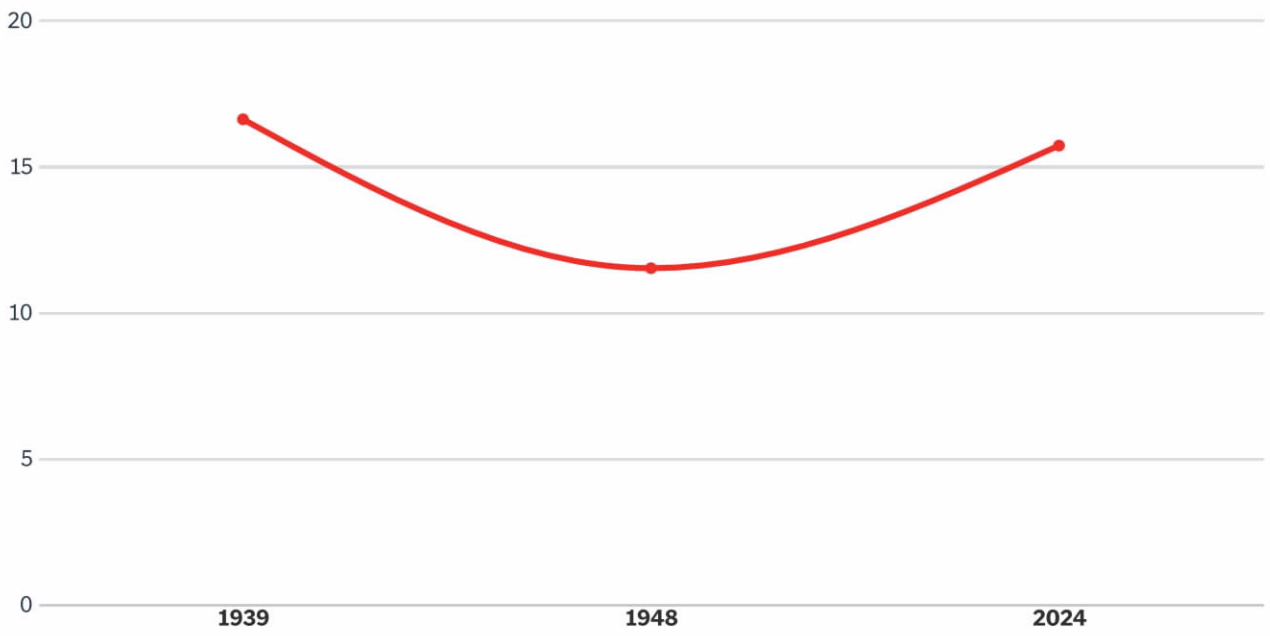
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**on the eve of World War II in 1939** and 11.5 million on the eve of the State's establishment in 1948, a fall of 5.1 million across the years of the Holocaust. At the beginning of 2024 the Bureau put the figure at 15.7 million, still below the 1939 level.

The Bureau records where those populations lived. In 1939, 449,000 Jews, 3% of the world total, lived in the territory that became Israel. By 1948 the figure was 650,000, or 6%. For every country other than Israel, the Bureau uses a "core" Jewish population definition taken from the American Jewish Year Book 2023, published by the Hebrew University of Jerusalem, not from its own collection.

**World Jewish population, three dates**

**MILLIONS; THE LATEST POINT IS THE BEGINNING OF 2024; CORE DEFINITION OUTSIDE ISRAEL**




*Source: Central Bureau of Statistics, 2025, On the Occasion of Holocaust Day, 2025. Official statistic.*

## Where were Israel's Jews born, on the official count?

Israel's Central Bureau of Statistics counted 7.1 million Jews living in Israel at the beginning of 2024, of whom **5.7 million, about four in five, were born in Israel**. The remaining 1.4

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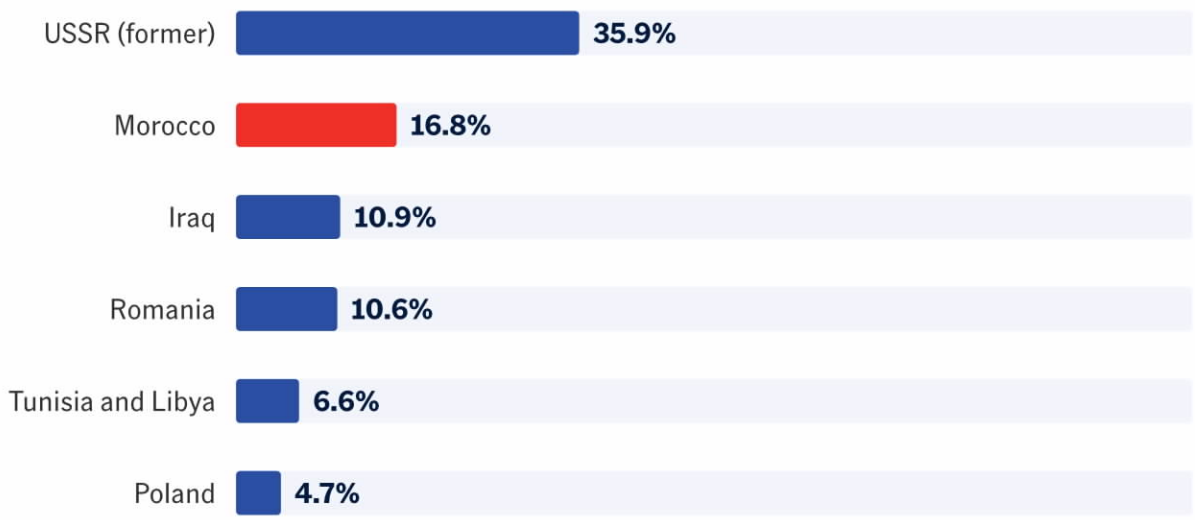
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million were born abroad. The count records birthplace, so the Israel-born majority appears in it as Israeli, whatever the origin of their parents.

Of the 1.4 million Jews born abroad, the Bureau places 1.0 million as born in Europe or America and 275,000 as born in Africa. Its Holocaust Day release also profiles the roughly 120,000 Holocaust survivors living in Israel, using estimates for the beginning of 2025. Of these survivors, 60.7% were born in Europe and 36.9% in Asian and African countries. They include 16.8% born in Morocco and 10.9% born in Iraq, the persons the Bureau identifies as having undergone the Farhud pogrom.

**Holocaust survivors in Israel by country of birth**

**SELECTED COUNTRIES, % OF ABOUT 120,000 SURVIVORS; ESTIMATES FOR THE BEGINNING OF 2025; NOT A FULL PARTITION**




*Source: Central Bureau of Statistics, 2025, On the Occasion of Holocaust Day, 2025. Official statistic, estimates.*

A separate Bureau release, published for the Sigd festival in 2023, counted 168,800 residents of Ethiopian origin at the end of 2022. About 92,100 (55%) were born in Ethiopia and 76,800 were born in Israel to Ethiopian-born fathers. A further 6,144 Israel-born residents whose mothers were born in Ethiopia fall outside that total under the Bureau's definition, which traces origin through the father.

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The Bureau's population groups are defined by religion and community, not by color. "Arabs" covers Moslems, Arab Christians and Druze. "Others" covers non-Arab Christians, other religions and persons registered as not classified by religion. The birthplace series does not classify the Israel-born majority by ancestral origin, so no Ashkenazi or Mizrahi share of Israel's Jewish population is published in it.

## Do scholars place Israel among Herrenvolk regimes like apartheid South Africa?

Sammy Smooha's 1997 article in Israel Studies classes Israel as an "ethnic democracy", which he proposes as a fourth type of democracy. He distinguishes it from Herrenvolk democracy, a democracy restricted to a ruling people, on the ground that citizenship extends to all and the minority is not excluded from its benefits. The peer-reviewed article is a typology, not a measurement.

Smooha's definition reads: "Ethnic democracy is a system that combines the extension of civil and political rights to individuals and some collective rights to minorities, with institutionalization of majority control over the state." He describes the type as operating through two contradictory principles: "the democratic principle", making for equal rights and equal treatment, and "the ethnic principle", making for "a homogenous nation-state and privileging the ethnic majority." He also separates the type from liberal democracy, because the state recognizes ethnic differences, and from consociational democracy, because the state is not ethnically neutral and the minority shares no power.

The named dissent is Oren Yiftachel, who in September 1999 published "'Ethnocracy': The Politics of Judaizing Israel/Palestine" in Constellations, volume 6, issue 3. Yiftachel classes Israel/Palestine as an "ethnocracy", a regime type he places as neither democratic nor authoritarian. His own footnote 15 records that the term had appeared earlier in work by Juan Linz and Alfred Stepan and by Ali Mazrui, so the application to Israel/Palestine is his and the word is not.

The dispute is dated well before either article. Smooha's 1997 footnote 22 cites Yiftachel's critique, "The Concept of 'Ethnic Democracy' and Its Applicability to the Case of Israel", published in Ethnic and Racial Studies in 1993. Yiftachel's footnote 37 cites Smooha's 1997

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article in turn. The two typologies therefore answer each other across at least six years of print. The question between them is whether majority control coexists with democracy or overrides it. A related reading of Israel as an ethnostate is set out in a separate report on the 1997 typology.

Neither text supplies the vocabulary at issue here. The word "ethnostate" appears in neither paper. Smooha places Israel outside the Herrenvolk type, the category closest to settler-minority rule, and Yiftachel's comparator cases are states organized around one ethnic group, not around color.

## Do far-right backers of Israel hold antisemitic views?

Eitan Hersh and Laura Royden's 2022 study in Political Research Quarterly drew on experiments in an original survey of **about 3,500 US adults**. They found overt antisemitic attitudes rare on the political left and more common on the right, contrary to horseshoe theory. The concentration was highest among young adults on the far right, whom the survey oversampled.

A second measurement covers the constituency most often described as backing Israel from the religious right. Dennen and Djupe (2023, Social Science Quarterly) surveyed about 1,700 American adults shortly before the 2020 US election. On the published abstract, Christian nationalists endorsed more antisemitic tropes, which the authors attribute primarily to investment in the social dominance of Christians. The same study links Christian nationalism to greater belief in QAnon conspiracy theories.

Both findings are associations measured in single surveys, and the authors report them in correlational terms. The Dennen and Djupe figures come from the abstract, and the Hersh and Royden findings from the study's published summary. Both rest on fieldwork from 2020 or shortly after. Neither study's published summary reports a measure of support for Israel. As a result, the share of far-right respondents who both back Israel and endorse antisemitic tropes is not a published figure in either study.

What the two studies do establish is where measured antisemitic attitudes sit on the American ideological map: at the end of the spectrum where white-nationalist politics also

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sits. White-supremacist accounts of Zionism itself run through a separate body of material, including the conspiracy traced in the Zionist Occupation Government lineage, which casts Jews as controlling governments rather than as members of a ruling race.

## Methodology and limitations

The evidence was assembled from four source types, each labeled where it appears. Primary and official records come first. These are the texts of UN General Assembly resolutions 3379 (XXX) and 46/86, with recorded votes from the verbatim records A/PV.2400 and A/46/PV.74. They also include three Israeli statutes and three releases of Israel's Central Bureau of Statistics.

The Knesset labels its English translations of Basic Law: Human Dignity and Liberty and the Nation-State Basic Law unofficial; in both cases the Hebrew text governs. The Law of Return pages are scans from the series Laws of the State of Israel, marked neither official nor unofficial. The 1950 page is the text as enacted, and sections 4A and 4B are quoted as inserted in 1970. Word counts and zero-occurrence counts for the Human Dignity and Liberty text were taken from case-insensitive searches of the Knesset's English text.

The Bureau's 2026 figures are preliminary, based on the 2022 census, and run to 22 April 2026, while foreigner data relate to the end of 2025. From 2023 the series includes foreigners, so it is not continuous with earlier years. Survivor figures are 2025 estimates. Jewish populations outside Israel use a core definition drawn from the American Jewish Year Book 2023.

Peer-reviewed research makes up the second type. Smooha (1997) and Yiftachel (1999) are conceptual typologies; the only rates in Smooha's article come from his own 1995 survey of 1,200 Arab citizens and are dated 1995. Dana (2024) is interpretive and contains no figures. Dennen and Djupe (2023) is cited from its abstract, and Hersh and Royden (2022) from its published summary. Both are survey associations, read correlationally. Gilman (1991) is a scholarly book of interpretive history. The Jerusalem Declaration on Antisemitism (2021) is a scholarly declaration by signatories, quoted from its typeset English PDF.

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Two points remain contested in the literature: whether Smooha's or Yiftachel's typology describes Israel, and where criticism of Israel ends and antisemitism begins. Both appear here as dated, named positions.

## Conclusion

So do the two vocabularies meet? On the official record they met once, in a 1975 General Assembly determination that named racism, not white supremacy, and that the same Assembly revoked in 1991.

The rest of the record runs along a different axis. Israel's Basic Laws name a people in clause 1(c) and use the word "race" zero times. The Law of Return admits by Jewish mother, conversion and religion, with no color test, and extends its right to non-Jewish relatives. Four in five of Israel's Jews were born in Israel, and the survivors living there include people born in Morocco and Iraq. The race science Gilman reconstructs marked Jews as a distinct body rather than a white one. The scholarly dispute runs between "ethnic democracy" and "ethnocracy", and neither side's typology turns on color. Against that stands a measured conviction: half of Arab citizens surveyed in 1995 regarded Zionism as racist. Meanwhile, measured antisemitic attitudes in America are most concentrated on the far right.

What the phrase "white supremacy" adds is the question this record sharpens. Does it name the hierarchy that critics locate in clauses on peoplehood and settlement, or does it carry over a color line first drawn against Jews themselves? With measured hostility to Jews sitting where white-nationalist politics sits, which of those meanings a society hears in the phrase may shape what the phrase does once it is spoken.

## Frequently Asked Questions

### Did the 1991 revocation require a two-thirds majority?

No. The verbatim record A/46/PV.74 shows that the General Assembly rejected, by 96 votes to 24 with 13 abstentions, Yemen's motion that the decision require a two-thirds majority. The revocation then went to an ordinary recorded vote on draft A/46/L.47.

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### Which Jerusalem Declaration guidelines describe antisemitism involving Israel?

Guideline 7 lists, as on the face of it antisemitic, "Holding Jews collectively responsible for Israel's conduct or treating Jews, simply because they are Jewish, as agents of Israel." Guideline 10 lists "Denying the right of Jews in the State of Israel to exist and flourish, collectively and individually, as Jews, in accordance with the principle of equality." Both sit in section B of the 2021 Declaration.

### What status does Arabic have under the Nation-State Law?

Clause 4(a) of the Knesset's 2018 text makes Hebrew "the language of the State", and clause 4(b) gives Arabic "a special status in the State." Clause 4(c) adds that nothing in the article "shall compromise the status given to the Arabic language in practice, before this basic-law came into force."

### Does the Law of Return's definition of a Jew reach beyond immigration?

Yes, through the population register. The same 1970 amendment inserted section 3A(b) into the Population Registry Law, giving "Jew" "the same meaning as in section 4B" for any registration or document under that law. Section 3A(c) states that it does not affect registrations made before it came into force.

### How many immigrants has Israel received since 1948?

Israel's Central Bureau of Statistics counted over 3.5 million immigrants since the State's establishment, about 1.68 million (47.8%) of them since 1990, in its 2026 Independence Day release. About 21,000 arrived in the 11.75 months to 22 April 2026.

### Which other states did Smooha class as ethnic democracies?

Smooha's 1997 article names Northern Ireland from 1921 to 1972, Canada from 1867 to the Quiet Revolution of the 1960s, Poland from 1918 to 1935, and Malaysia since the early 1970s. He describes Germany as bordering on the type.

### Which states did Yiftachel group with Israel/Palestine as ethnocracies?

Yiftachel's 1999 article in Constellations names Malaysia, Sri Lanka, Estonia, Latvia, Northern Ireland before 1972, and Serbia. He builds the category on settler-society

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formation, ethno-nationalist mobilization and the "ethnic logic" of capital.

### How many immigrants from Ethiopia have arrived in recent years?

The Central Bureau of Statistics counted 1,080 immigrants from Ethiopia in 2020, 1,755 in 2021 and 1,680 in 2022, in its 2023 Sigd festival release. In the same release, women of Ethiopian origin had a total fertility rate of 2.68 in 2022, against 2.90 among Jews and Others.

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DATA REPORT BY THE HANOVER INSTITUTE NOVEMBER 9, 2026 UPDATED NOVEMBER 10, 2026

# Does Israeli law privilege Jews? The 3 statutes that name them

*Three Israeli statutes name Jews as a legal category. A reading of their text, the 1992 Basic Law and the Supreme Court's 2000 equality ruling.*

Law of Return | Nation-State Law | Israeli Supreme Court | Basic Laws | Equality



Three Israeli statutes make Jewishness an operative legal category on their face: the Law of Return of 1950, the Rabbinical Courts Jurisdiction (Marriage and Divorce) Law of 1953 and Basic Law: Israel as the Nation-State of the Jewish People of 2018, each in the English text the Knesset publishes. Two of them confer something on Jews, a right to immigrate and an exclusive right to national self-determination. The third places Jewish marriage and divorce under religious law.

The tension runs through the courts. Basic Law: Human Dignity and Liberty of 1992 returns 0 occurrences of the word "equal", yet Israel's Supreme Court held on 8 March 2000 that the State may not discriminate between its citizens "on the basis of religion or nationality."

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Whether a Jewish and a non-Jewish citizen stand equal before the law depends on where the question is asked: at the border, in a courtroom or at a wedding.

## Key Findings

- **3** enacted statutes make Jewishness an operative legal category: section 1 of the Law of Return of 1950, section 1 of the Rabbinical Courts Jurisdiction (Marriage and Divorce) Law of 1953 and clause 1(c) of the Nation-State Basic Law of 2018 (Knesset, 1950, amended 1970; Knesset, 1953; Knesset, 2018).
- The 1970 amendment to the Law of Return defines "Jew" by maternal descent or conversion. It vests the same rights in **5** named classes of relatives, who need not meet that definition (Knesset, 1950, amended 1970).
- Basic Law: Human Dignity and Liberty contains the word "equal" **0** times in the Knesset's English text, current to 1 May 2022. Its section 10 preserves every law in force before 1992 (Knesset, 1992, amendments through 2022).
- On **8 March 2000**, Israel's Supreme Court held that the State may not discriminate between its citizens "on the basis of religion or nationality." The same judgment called the Law of Return a "special key to enter" (Israeli Supreme Court, 2000).
- The 1995 Interim Agreement draws personal jurisdiction in the West Bank at the word "Israelis." COGAT's 2022 permit instrument, published by a party to the events, set a standing home-construction quota of **74,300**, a ceiling and not a count (Israel and the PLO, 1995; COGAT, 2022).

## Which Israeli statutes name Jews as a legal category?

**3** enacted texts draw a line between Jews and non-Jews in their operative clauses, on the English texts the Knesset publishes. They are the Law of Return of 1950, the Rabbinical Courts Jurisdiction (Marriage and Divorce) Law of 1953 and Basic Law: Israel as the Nation-State of the Jewish People of 2018. Each turns on the word "Jew" or "Jewish People", not on citizenship or residence.

The Law of Return was passed on 5 July 1950. Its section 1 is a single sentence: "Every Jew has the right to come to this country as an oleh." The translator's note in the English text published by the Knesset defines the key term: "aliya means immigration of Jews, and oleh (plural: olim) means a Jew immigrating, into Israel" (Knesset, 1950, amended 1970). The statute carries no count of olim, no share and no eligibility figure.

The Rabbinical Courts Jurisdiction (Marriage and Divorce) Law was passed on 26 August 1953. It opens with a rule about which court hears a case: "Matters of marriage and divorce of Jews in Israel, being nationals or residents of the State, shall be under the exclusive jurisdiction of rabbinical courts" (Knesset, 1953).

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The Nation-State Basic Law is published by the Knesset in a translation it labels unofficial, including amendments through 1 May 2022. Clause 1(c) reads: "The realization of the right to national self-determination in the State of Israel is exclusive to the Jewish People" (Knesset, 2018). It is the only one of the three that is a Basic Law, the tier Israel treats as constitutional.

The three do different work:

- The 1950 Law confers an individual right of entry.
- The 1953 Law places a personal-status matter before a religious court.
- The 2018 Law assigns a collective right to a people.

| Statute | Operative clause | Source |
|---|---|---|
| Law of Return, **1950** | s. 1: "Every Jew has the right to come to this country as an oleh" | Knesset, 1950, amended 1970 |
| Rabbinical Courts Jurisdiction Law, **1953** | s. 1: marriage and divorce "of Jews in Israel" under rabbinical courts | Knesset, 1953 |
| Nation-State Basic Law, **2018** | cl. 1(c): self-determination "exclusive to the Jewish People" | Knesset, 2018 |

Source: the English texts published by the Knesset. The 2018 translation is marked unofficial by the Knesset; the 1950 and 1953 scans carry no marking either way.

## Who says Israeli law privileges Jews, and since when?

Sammy Smooha described Israel as the archetype of an "ethnic democracy" in the peer-reviewed journal Israel Studies in **1997**. He defined it as a system that "combines the extension of civil and political rights to individuals and some collective rights to minorities, with institutionalization of majority control over the state." The premise of privilege is therefore stated in mainstream scholarship, in its author's own words.

Smooha described the mechanism as two contradictory principles. One is "the democratic principle", which makes "for equal rights and equal treatment of all citizens." The other is "the ethnic principle", which makes for "fashioning a homogenous nation-state and privileging the ethnic majority" (Smooha, 1997). The word "privileging" is his.

He set ethnic democracy as a fourth type of democracy alongside three others:

- **Not liberal**, because the state recognises ethnic differences.
- **Not consociational** (power-sharing between groups), because the state is not ethnically neutral and the minority has neither autonomy nor a share of power.
- **Not Herrenvolk** (democracy for the dominant group only), because citizenship extends to all and the minority is not excluded from its benefits.

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Smooha named other cases of the type: Northern Ireland from 1921 to 1972, Canada from 1867 to the Quiet Revolution of the 1960s, Poland from 1918 to 1935 and Malaysia since the early 1970s.

The concept was contested before his archetype statement appeared. Smooha's own footnote 22 cites a 1993 article by Oren Yiftachel in Ethnic and Racial Studies, which examined whether "ethnic democracy" applies to Israel at all. The term was already in circulation when Smooha published the archetype statement in 1997.

Smooha's typology rests on the line he drew against the Herrenvolk type: the extension of citizenship to all. The privilege he names operates inside a citizenship that is shared, not in place of it.

## Who counts as a Jew under the Law of Return?

The Knesset's Law of Return (Amendment No. 2), passed on **10 March 1970**, defines the word in section 4B: "For the purposes of this Law, 'Jew' means a person who was born of a Jewish mother or has become converted to Judaism and who is not a member of another religion." That one sentence sets 3 tests: maternal descent, conversion, and an exclusion for membership of another religion.

The definition opens "For the purposes of this Law." By its own terms, it settles who is a Jew for the Law of Return and for nothing else (Knesset, 1950, amended 1970). What carries it further is a second provision of the same 1970 amendment, which inserted section 3A into the Population Registry Law, 5725-1965.

Section 3A(b) reads: "For the purposes of this Law and of any registration or document thereunder, 'Jew' has the same meaning as in section 4B of the Law of Return, 5710-1950." Through that clause, the descent-or-conversion test governs how the State records a person in the Population Registry.

Section 3A(a) sets a rule about registration, not a definition. It provides that a person "shall not be registered as a Jew by ethnic affiliation or religion" if a notification, Registry entry or public document "indicates that he is not a Jew." That bar lasts "so long as the said notification, entry or document has not been controverted to the satisfaction of the Chief Registration Officer or so long as declaratory judgment of a competent court or tribunal has not otherwise determined." The question therefore stays open to a court. Section 3A(c) protects earlier records: "This section shall not derogate from a registration effected before its coming into force."

The same amendment also restricts how the definition can be applied in regulations. A sentence added to section 5 provides that "Regulations for the purposes of sections 4A and 4B require the approval of the Constitution, Legislation and Juridical Committee of the Knesset."

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The amendment was published in Sefer Ha-Chukkim (the official statute book) No. 586 of 19 March 1970. It was signed by the Prime Minister, by the Prime Minister as Acting Minister of the Interior, and by the President of the State.

## Do non-Jewish relatives share the Law of Return's rights?

Section 4A(a), inserted by the Knesset in 1970, vests the rights of a Jew and of an oleh in **5** named classes of relatives: "a child and a grandchild of a Jew, the spouse of a Jew, the spouse of a child of a Jew and the spouse of a grandchild of a Jew." None of the 5 must meet the section 4B definition of a Jew.

The line is drawn by Jewish descent and by marriage into a Jewish family. A person with no Jewish parent, grandparent or spouse, and no conversion, holds no claim under this statute. The Law offers no parallel route to anyone outside those categories, Palestinian or otherwise (Knesset, 1950, amended 1970).

The text also shows that the line is not drawn at Jewish identity itself. A grandchild of a Jew qualifies under 4A whatever the grandchild's own status under 4B. Subsection (b) adds: "It shall be immaterial whether or not a Jew by whose right a right under subsection (a) is claimed is still alive and whether or not he has immigrated to Israel." The right therefore passes through an ancestor who may never have come.

The one exception runs the other way. Section 4A(a) withholds the extended rights from "a person who has been a Jew and has voluntarily changed his religion." Section 4B's definition separately excludes anyone who is "a member of another religion." The exclusion turns on the claimant's own history, not on the ancestor's:

- A person born Jewish who has voluntarily adopted another faith falls outside both clauses.
- The non-Jewish grandchild of a Jew falls inside 4A.

The two sections therefore do opposite work and must be read separately. Section 4B narrows who is a Jew for the purposes of the Law. Section 4A widens who holds a Jew's rights under it. A description of the 1970 amendment as having "defined who is a Jew" covers half of it. A description of it as having extended the right to grandchildren covers the other half.

## Does Israel's 1992 rights law promise equal treatment?

Basic Law: Human Dignity and Liberty, in an English translation the Knesset labels unofficial and current to 1 May 2022, contains **0** occurrences of the word "equal." A case-insensitive search of the complete text also finds no occurrence of "discrimin", "religion", "race" or "nationality" (Knesset, 1992, amendments through 2022).

The rights the law lists are these, and no others:

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- dignity, life and body (sections 2 and 4)
- property (section 3)
- personal liberty (section 5)
- exit from and entry to Israel (section 6)
- privacy and intimacy (section 7)

Section 1a gives the law's purpose as "to embed the values of the State of Israel as a Jewish and democratic state, in a basic law." Section 1 directs that rights be upheld "in the spirit of the principles included in the Declaration of the Establishment of the State of Israel." It does not incorporate the Declaration, and it does not enact the Declaration's equality sentence.

Section 10 reads: "This Basic Law shall not affect the validity of any law that existed prior to the inception of the Basic Law." The 1950 Law of Return, its 1970 amendment and the 1953 Rabbinical Courts Jurisdiction Law all predate 1992.

Israel's Supreme Court applied that clause on 31 December 2014 in HCJ 8091/14, a challenge to punitive house demolitions. The English text used here is the Cardozo Israeli Supreme Court Project's translation, not the Judicial Authority's. Justice E. Hayut wrote that Regulation 119 of the Defence (Emergency) Regulations, 1945 "currently forms part of Israel's positive law, and its validity is maintained by virtue of the Preservation of Laws clause under section 10 of Basic Law: Human Dignity and Liberty, even if it is inconsistent with the provisions of the Basic Law" (Israeli Supreme Court, 2014).

The petition in that case was denied. In the same judgment, the Court held at paragraph 27 that proportionality would not allow it to assume "forever" that demolition deters, "unless all of the data that properly confirms that hypothesis is presented to us for our review."

The 2018 Nation-State Basic Law likewise contains no equality clause (Knesset, 2018). Each absence is a fact about a text. How the State treats any person is a separate empirical matter that neither text measures.

## Where does the equality rule come from, if not a statute?

Israel's Supreme Court, sitting as the High Court of Justice in HCJ 6698/95 Ka'adan v. Israel Land Administration, supplied the rule on **8 March 2000**. It held that the values of Israel as a Jewish state do not justify "discrimination by the State between its citizens, on the basis of religion or nationality." President A. Barak wrote the judgment for a panel of 5 justices. The equality rule is judge-made.

The case concerned land. The Israel Lands Administration allocated land in the Eron valley to the Jewish Agency. Through a cooperative society, the Agency established the communal settlement of Katzir, and the society admitted only Jews. The petitioners, an Arab couple, asked to build a home there (Israeli Supreme Court, 2000).

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Paragraph 31 sets out the Court's two-tier formula. It reads: "members of the Jewish nation were granted a special key to enter (see the Law of Return-5710-1950), but once a person has lawfully entered the home, he enjoys equal rights with all other household members." The same paragraph adds: "There is, therefore, no contradiction between the values of the State of Israel as a Jewish and democratic state and between the absolute equality of all of its citizens."

Paragraph 34 extends the rule to third parties: "What the State cannot do directly, it cannot do indirectly."

The remedy was narrow:

- **What the Court declared (paragraph 40A):** the allocation was unlawful.
- **What it ordered (paragraph 40B):** the State must consider the couple's request "on the basis of the principle of equality." It must decide "with appropriate speed" whether it can enable them to build "within the framework of the law."
- **What it did not order:** their admission to Katzir.

Justice Y. Kedmi dissented only on whether the ruling reaches back to past acts. He wrote that he concurs "with President Barak's fundamental approach regarding the position of the value of equality."

The Court reached equality through the values of the State and the founding Declaration of 14 May 1948, not through a right listed in any statute. That source has its own textual split:

- The Knesset's English text of the Declaration pledges "complete equality of social and political rights to all its citizens irrespective of religion, race or sex."
- The Ministry of Foreign Affairs' English text reads "all its inhabitants" (Provisional Government of Israel, 1948).

The Hebrew is the original, and both English versions are translations of it.

## What did the 2018 Basic Law add to the Jewish-specific provisions?

The Knesset's 2018 Basic Law: Israel as the Nation-State of the Jewish People provides in clause **7**: "The State views the development of Jewish settlement as a national value, and shall act to encourage and promote its establishment and consolidation." The clause names Jewish settlement and no other community.

The Nation-State Basic Law opens with clause 1(b): "The State of Israel is the nation state of the Jewish People in which it realizes its natural, cultural, religious and historical right to self-determination" (Knesset, 2018). Clause 1(c), quoted above, makes that right "exclusive

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to the Jewish People." Clause 5 adds a Basic Law commitment alongside the 1950 statute: the State "shall be open to Jewish immigration, and the ingathering of the exiles."

Clause 4 addresses language in 3 parts:

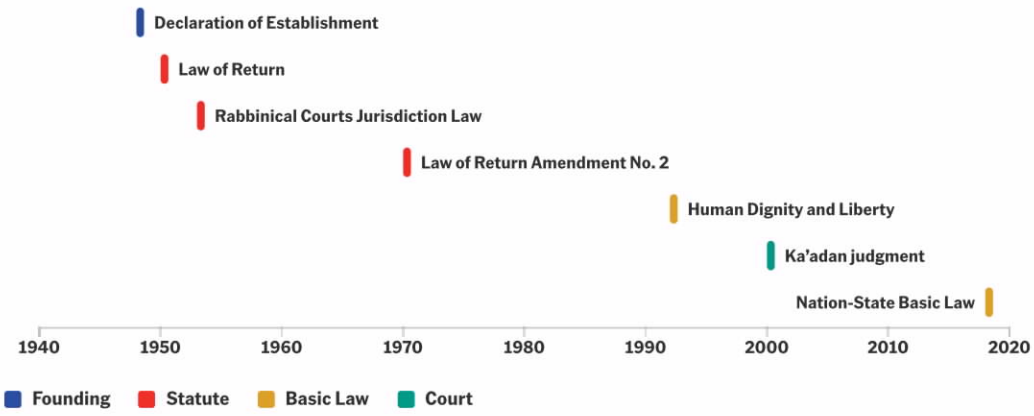
- **4(a):** "Hebrew is the language of the State."
- **4(b):** "Arabic has a special status in the State."
- **4(c):** "Nothing in this article shall compromise the status given to the Arabic language in practice, before this basic-law came into force."

Clause 4(c) is a saving clause. It preserves Arabic's prior status as practised before 2018.

The two dated texts can be set side by side. Ka'adan's paragraph 40A, of 8 March 2000, declares that the State "was not permitted, by law, to allocate state land to the Jewish Agency, for the purpose of establishing the communal settlement of Katzir on the basis of discrimination between Jews and non-Jews" (Israeli Supreme Court, 2000). Clause 7, of 2018, directs the State to "encourage and promote" Jewish settlement.

Clause 7 sets no allocation procedure and no eligibility rule. The Knesset's published English translation of the Basic Law, which it labels unofficial, includes amendments through 1 May 2022.

**Dated texts on the Jewish legal category**
ENACTMENT AND JUDGMENT YEARS, 1948 TO 2018




*Source: Provisional Government of Israel, 1948; Knesset, 1950, amended 1970; Knesset, 1953; Knesset, 1992, amendments through 2022; Israeli Supreme Court, 2000; Knesset, 2018.*

## Does Israeli marriage law treat Jews differently from other citizens?

Section 2 of the Knesset's Rabbinical Courts Jurisdiction (Marriage and Divorce) Law of **1953** provides: "Marriages and divorces of Jews shall be performed in Israel in accordance with

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Jewish religious law." Here the Jewish category binds Jews themselves. The statute fixes the law that governs their marriage and divorce in Israel.

Sections 1 and 2 do different work:

- **Section 1** is a jurisdiction rule: it sends Jewish marriage and divorce to the rabbinical courts.
- **Section 2** is the substantive rule: it sets the law those marriages and divorces follow.

A proposition about which law governs a Jewish marriage in Israel rests on section 2. A proposition about which court decides rests on section 1 (Knesset, 1953).

The statute backs rabbinical judgments with state coercion. Under section 6, where a rabbinical court has ordered by final judgment that a husband be compelled to grant a divorce, or a wife be compelled to accept one, a district court may act. On the application of the Attorney General, and "upon expiration of six months from the day of the making of the order," it may "compel compliance with the order by imprisonment."

Section 7 gives the same power for chalitza, on three months. Chalitza is left untranslated, with a translator's footnote: "Performance of the ceremony releasing him from the duty of marrying her." Section 8 treats a judgment as final "when it is no longer appealable."

The statute's reach is narrow:

- **Who it covers:** Every operative section speaks "of Jews." It legislates nothing about Muslims, Christians or Druze, whose courts sit under other instruments.
- **What it is silent on:** It says nothing about marriages performed abroad and contains no interfaith provision.
- **What it extends:** Section 9 gives rabbinical courts jurisdiction over other personal-status matters "after all parties concerned have expressed their consent thereto." It does so for matters of personal status of Jews "as specified in article 51 of the Palestine Orders in Council, 1922 to 1947, or in the Succession Ordinance."

The statute defines "Jew" nowhere in its 11 sections. Section 4B of the Law of Return defines the word "for the purposes of this Law," and section 3A(b) imports that meaning into the Population Registry. Neither provision reaches the 1953 Law by its terms, and the 1953 Law cross-refers to neither.

The text quoted here is the Law as enacted in 1953, with no amendment record on the page. It is not the consolidated law in force.

## In the West Bank, does jurisdiction turn on religion or citizenship?

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The Interim Agreement signed by Israel and the PLO on **28 September 1995** draws the line by citizenship. In the text published by Israel's Ministry of Foreign Affairs, Article XVII(2)(c) applies the Palestinian Council's personal jurisdiction "to all persons, except for Israelis." The word is "Israelis," a status every Arab citizen of Israel also holds, not "Jews."

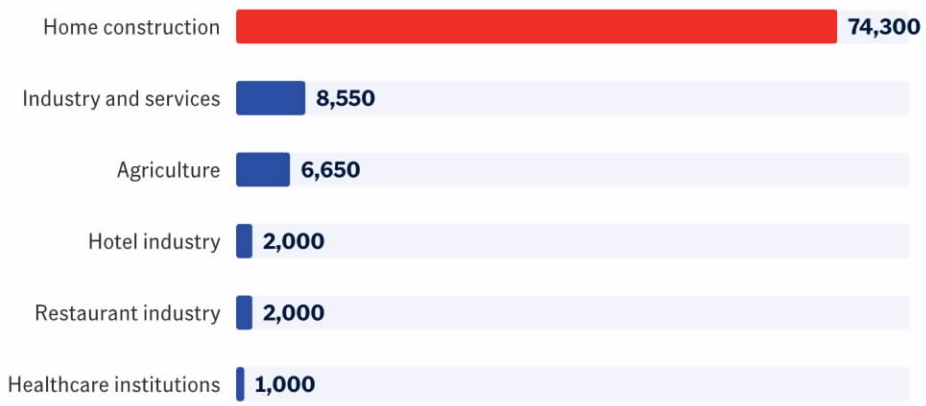
Article XVII(4)(a) assigns the excluded category to the other party: "Israel, through its military government, has the authority over areas that are not under the territorial jurisdiction of the Council, powers and responsibilities not transferred to the Council and Israelis" (Israel and the PLO, 1995). Article XVII(1) carves out of the Council's jurisdiction "Jerusalem, settlements, specified military locations, Palestinian refugees, borders, foreign relations and Israelis."

The Agreement set its own timetable. It provided 3 further redeployments, completing 18 months after the Council's inauguration, and permanent status talks "not later than May 4, 1996." Those dates are what the text promised. What happened afterwards is a matter for other records.

Movement out of the West Bank runs on residence and permit, and the governing instrument is published by a party to the events. The Coordination of Government Activities in the Territories (COGAT), a unit of Israel's Ministry of Defense, issued an edition current to 8 February 2022. Its page 3 reads: the area "is a closed military area and not to be entered or exited without a permit issued on behalf of the military commander" (COGAT, 2022).

Its permit tables set standing quotas for work in Israel. The largest is home construction, at 74,300. The figures below are COGAT's own ceilings on permits it authorised itself to issue. None is a count of permits issued, of people who crossed or of people refused. The edition predates the suspension of Palestinian work permits after 7 October 2023, so none describes the present. The instrument is examined at length in the Institute's report on the permit regime and freedom of movement.

**Standing work-permit quotas, Judea and Samaria**
EDITION CURRENT TO 8 FEBRUARY 2022; CEILINGS, NOT PERMITS ISSUED




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*Source: COGAT, 2022, a party's own published instrument; quotas are ceilings, not counts.*

## Methodology and limitations

The evidence is drawn from 3 tiers. The first is enacted instruments: the Law of Return of 1950 and its 1970 amendment, the Rabbinical Courts Jurisdiction (Marriage and Divorce) Law of 1953, Basic Law: Human Dignity and Liberty of 1992 and Basic Law: Israel as the Nation-State of the Jewish People of 2018, all in the English texts the Knesset publishes, along with the 1948 Declaration. The second is court judgments and signed agreements. The third is one peer-reviewed typology (Smooha, 1997).

Translation status differs by text. The Knesset marks its 1992 and 2018 Basic Law translations unofficial. The 1950, 1970 and 1953 pages are scans of the English series Laws of the State of Israel, which carry no marking either way. The judgments are the Cardozo Israeli Supreme Court Project's translations. In every case the Hebrew governs.

The text as enacted is not always the law in force. The 1970 amendment's own footnote records an Amendment No. 1 of 1954, whose content was not read; section 2(b) of the 1950 Law is therefore quoted only as enacted. The 1953 Law is likewise quoted as enacted.

Absence findings rest on full-text search of the Knesset English texts on 19 August 2026. No current English text of the Equal Employment Opportunities Law, 5748-1988 or of the Prohibition of Discrimination in Products, Services and Entry into Places of Entertainment and Public Places Law, 5761-2000 was located on an Israeli state host on 10 September 2026. Neither statute's grounds appear here.

The COGAT instrument and the Oslo II text are each published by a party. COGAT quotas are ceilings, dated to 2022.

## Conclusion

At the border, in a courtroom and at a wedding, the answer differs. At the border, the statute book draws the line by Jewish descent: the Law of Return grants Jews a right of entry, and its 1970 amendment extends that right to 5 classes of relatives who need not themselves be Jewish. In the courtroom, the Supreme Court's ruling of 8 March 2000 bars the State from discriminating between citizens on religion or nationality, a rule found in no statute.

The record draws a precise portrait. 3 statutes name Jews as a legal category. The 1992 rights law uses the word "equal" 0 times and preserves every earlier law. The 2018 Basic Law makes Jewish settlement a national value. The 1953 marriage law binds Jews to religious law, with imprisonment available to enforce a rabbinical divorce order. In the West Bank, the 1995 agreement sorts by citizenship, and COGAT's own 2022 instrument, a party's published ceiling, caps home-construction permits at 74,300.

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The Court's image of a "special key to enter" and equal rights inside the house describes 2 rooms, and the statutes govern both. If equality inside rests on a judgment while preference at the door rests on enacted text, which of the 2 holds when the Knesset legislates again?

## Frequently Asked Questions

### Could the Law of Return refuse an oleh's visa as originally enacted?

Section 2(b) of the 1950 Law, as enacted, allowed refusal where the Minister of Immigration was satisfied that the applicant was "engaged in an activity directed against the Jewish people" or "is likely to endanger public health or the security of the State" (Knesset, 1950, amended 1970). A 1954 amendment followed, and the grounds in force today are not established from the 1950 page.

### How can a right in the 1992 Basic Law be limited?

Section 8 permits a violation only "by means of a law that corresponds to the values of the State of Israel, which serves an appropriate purpose, and to an extent that does not exceed what is required," in the Knesset's unofficial translation (Knesset, 1992, amendments through 2022). Israeli state bodies render this clause in different English wording, so the text quoted should always be named.

### What does the 1948 Declaration say to the State's Arab inhabitants?

The Declaration of 14 May 1948, in the Knesset's English text, appeals "to the Arab inhabitants of the State of Israel to preserve peace and participate in the upbuilding of the State on the basis of full and equal citizenship and due representation in all its provisional and permanent institutions" (Provisional Government of Israel, 1948). It is a founding appeal, not an enacted right.

### Does the Nation-State Basic Law address Jerusalem?

Clause 3 of the 2018 Basic Law reads: "The complete and united Jerusalem is the capital of Israel" (Knesset, 2018). The clause sets a status for the city and confers nothing on any group of residents.

### Is Regulation 119 an Israeli law or a British one?

It was promulgated in 1945 under the British Mandate. Israel's Supreme Court reproduced it in 2014 "in its current language," which forfeits property "to the Government of Israel" and lets "the Defence Minister" remit the forfeiture (Israeli Supreme Court, 2014).

### How often has Regulation 119 been used?

According to the State's own account in HCJ 8091/14, a party's own count, the military commander used the power "only several times" since 2005 (Israeli Supreme Court, 2014).

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The count is of orders and buildings, not of people.

### What did Smooha's 1995 survey of Arab citizens find?

In Smooha's September to October 1995 poll of 1,200 Arab citizens inside the pre-1967 lines, 35.3% rejected Israel's right to exist as a Jewish-Zionist state and 6.8% denied its right to exist (Smooha, 1997). The figures date to 1995 and do not describe current opinion.

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DATA REPORT BY THE HANOVER INSTITUTE NOVEMBER 9, 2026 UPDATED NOVEMBER 10, 2026

# How many times has Israel broken the Gaza ceasefire? The mandated report and each side's tally

*The one report Resolution 2803 requires says violations occur "on a near daily basis" and gives no total. What each party counts, and why.*

Gaza Ceasefire | Resolution 2803 | Board of Peace | Casualty Counts | Israel Defense Forces



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The Board of Peace filed the only report that Security Council resolution 2803 (2025) requires on the October 2025 Gaza ceasefire on 15 May 2026. It states that "violations continue to occur on a near daily basis, some of which are serious," and publishes no total, no rate and no attribution to either party. Gaza's Ministry of Health recorded 1,359 people killed after the ceasefire took effect, as of 10 September 2026. That is a party's own count, not independently verified, and it counts deaths rather than breaches. The Israel Defense Forces publish a dated list of incidents that they attribute to Hamas alone, with no total. The resolution itself uses the word "violation" zero times.

## Key Findings

- The Board of Peace's report of 15 May 2026 is the only report filed under resolution 2803 (2025). It covers 17 November 2025 to 14 May 2026 and says violations occur "on a near daily basis." It gives no number and names no party. This is the Board's own account of its own implementation (Board of Peace, 2026).
- Resolution 2803 (2025) was adopted on 17 November 2025 by 13 votes to none, with 2 abstentions. It uses the word "violation" zero times, defines no breach, and gives no body a duty to count one (United Nations Security Council, 2025).
- Gaza's Ministry of Health recorded 1,359 people killed and 4,571 injured since the ceasefire in its report of 10 September 2026. It listed 831 people recovered from the rubble as a separate line. These are the ministry's own counts as a party to the war and are not independently verified (Ministry of Health, Gaza, 2024 to 2026).
- The Israel Defense Forces page of incidents, dated 19 February 2026, carried 61 dated headings when read on 10 September 2026. Every heading concerns conduct the IDF attributes to Hamas and Palestinian armed groups, and the page states no total. It is a party's own characterisation (Israel Defense Forces, 2026).
- COGAT recorded 1,778,363 metric tons of food entering Gaza from 10 October 2025 to 7 June 2026. This is its own reported count as a party to the events, resting on suppliers' self-declaration (COGAT, 2026).

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## How many times has Israel breached the ceasefire, on the record?

The Board of Peace filed the only report that resolution 2803 (2025) requires on 15 May 2026. It wrote that "violations continue to occur on a **near daily basis**, some of which are serious." The reporting window ran from 17 November 2025 to 14 May 2026. Across that window, the phrase is the report's entire quantification of breaches: it gives no total, no rate, no denominator and no attribution to Israel or any other party.

Paragraph 7 of the report reads in full:

"Seven months into the ceasefire, the guns have largely fallen silent across Gaza for the first time in two years. This is a remarkable achievement that must be preserved. Nevertheless, violations continue to occur on a near daily basis, some of which are serious, and their human consequences, civilians killed, families living in fear, and continued impediments to humanitarian access, cannot be minimized. The Board of Peace and the guarantors have actively engaged all parties to reduce violations and ensure the protection of civilians."

The phrase "civilians killed" carries no number either. Paragraph 5 records that "The ceasefire has held despite considerable challenges and violations during the reporting period." Paragraph 11 states that "every violation, from whatever quarter, risks unraveling what has been painstakingly built." "Near daily" is a frequency without a unit, a start date or a party attached. No total can be built from it.

The report's provenance travels with it. The Board of Peace is the transitional administration the resolution created, and it is chaired by the President of the United States. The report reached the Council as the annex to a letter from the Permanent Representative of the United States, which is one of the four guarantors. It is therefore the Board's own account of its own implementation, not a neutral or verified assessment. Paragraph 3 names "Hamas' refusal to accept verified decommissioning" as the principal obstacle. That attribution is the Board's own, and it concerns decommissioning, not a count of breaches.

On the mandated reporter's own words, the premise behind the question holds in its general form: the ceasefire has been breached repeatedly, and some breaches are serious. What the mandated record does not contain is a number of breaches assigned to Israel.

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The totals most often quoted come from the Gaza Government Media Office. That office belongs to the authority governing Gaza, so it is a party to the war. Its running counts reach readers through Al Jazeera, Middle East Eye and The New Arab. As of 10 September 2026, no publication of those totals on any Palestinian government host had been located, and they remain that office's own counts, not independently verified. A fuller reading of what the instrument defines sets out the terms these counts are measured against.

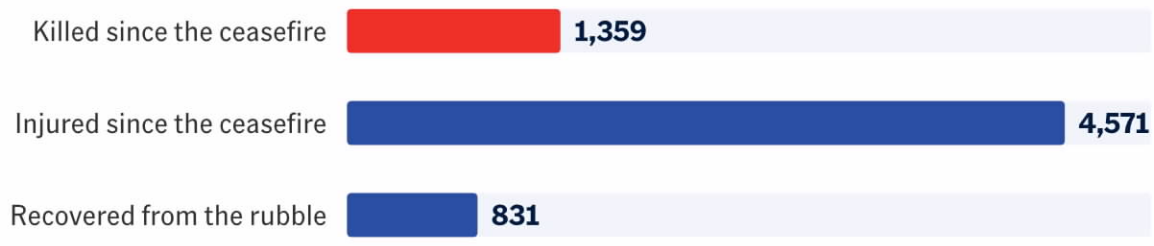
## Who in Gaza counts the ceasefire's toll, and since when?

Gaza's Ministry of Health recorded **1,359** people killed since the ceasefire in its daily statistical report of 10 September 2026 (message 7607). This is the ministry's own count as a party to the war and is not independently verified. The ministry runs the series from 11 October, the date it gives for the ceasefire, and publishes it alongside its cumulative war totals.

The same report records 4,571 injuries since the ceasefire. It lists 831 people recovered from the rubble as a separate line, and its cumulative totals for the whole war stand at 73,670 killed and 174,682 injured. The ministry's own website has published no file since 21 October 2023, so the daily report appears only on its media office channel. The ministry's published lists and completeness statements set out what those totals include.

**Gaza Ministry of Health figures since the ceasefire**

**REPORT OF 10 SEPTEMBER 2026; SEPARATE LINES, NOT TO BE SUMMED**




*Source: Ministry of Health, Gaza, 2024 to 2026, daily statistical report of 10 September 2026 (message 7607); a party's own count, not independently verified.*

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The parties date the ceasefire a day apart. The Israel Defense Forces state that "On Friday, October 10th, 2025, at 12:00 PM, a ceasefire agreement between Israel and Hamas came into effect" (Israel Defense Forces, 2026). In the Security Council's verbatim record of 17 November 2025, Denmark stated that "the ceasefire entered into force on 10 October" (United Nations Security Council, 2025). The ministry's series therefore opens one day after the start date recorded on the Israeli side and at the Council.

On the ministry's record, the directional claim holds. The authority in Gaza publishes a running, dated count of people killed and injured after the ceasefire took effect, and the count rises through the period. The Board of Peace's phrase "civilians killed" points the same way and supplies no number of its own (Board of Peace, 2026).

The ministry's scope statements travel with its figures. On 7 January 2024 (message 4739), it stated that several groups are not counted:

- the missing and bodies under rubble
- the unidentified who reached hospitals
- the unidentified whose bodies Israel handed over
- those buried by their families without passing through a hospital

That statement has never been withdrawn. The 831 recovered from the rubble appear as their own line in the 10 September 2026 report, and the report does not say whether they overlap with the 1,359.

## Is a count of the dead a count of violations?

The **1,359** deaths that Gaza's Ministry of Health records since the ceasefire are a count of people. On the ministry's own definition of 24 July 2024, its general count is everyone who reached the hospitals. It is a party's count, not independently verified. One strike can kill several people, and a breach of the terms can kill no one, so the figure contains no count of incidents.

The ministry also changes its cumulative total through administrative approval rather than new deaths. During August 2026 it added 160 records (message 7600), attributed to a "لجنة

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اعتماد الشهداء" (martyrs' approval committee). Earlier, it added 233 records on 23 March 2025 and 280 on 30 August 2025, described as records completed and approved by a judicial committee. These additions raise the war total. The ministry does not place them inside or outside the ceasefire window.

The date attached to each death is also soft. On 29 July 2024 (message 5663), the ministry explained that the date of death was registered either on the family's report or on the date the body reached the hospital. A committee was then formed to audit the actual date. Any line drawn between deaths before and after 11 October rests on that recording practice (Ministry of Health, Gaza, 2024 to 2026).

The other published records measure different objects again. The Board of Peace counts no incidents at all. The Israel Defense Forces list incidents but state no total.

| Figure | What it counts | Published by |
|---|---|---|
| "**near daily** basis" | Frequency of violations, unattributed, no total | Board of Peace, 2026 |
| **1,359** | People killed since 11 October 2025 | Ministry of Health, Gaza, its own count |
| **831** | People recovered from the rubble, separate line | Ministry of Health, Gaza, its own count |
| **160** | Records added by committee, August 2026 | Ministry of Health, Gaza, its own count |
| **61** | Dated headings on one IDF page | Israel Defense Forces, its own list |

Source: Board of Peace, 2026; Ministry of Health, Gaza, 2024 to 2026 (party's own counts, not independently verified); Israel Defense Forces, 2026 (party's own list).

The five rows have five different units: a frequency, deaths, recovered bodies, administrative records and page headings. None of them converts into another. Adding the 831 to the 1,359, subtracting it, or folding in the committee additions would mix objects the ministry itself keeps apart.

## Why does the Security Council framework produce no violation total?

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Resolution 2803 (2025) is the Security Council's endorsement of the Gaza plan, dated 17 November 2025. It uses the word "violation" **zero times**, in its operative paragraphs and in the annexed Comprehensive Plan alike (United Nations Security Council, 2025). It defines no breach, names no body to find one, and attaches no consequence to one.

The Council adopted the text at its 10046th meeting by 13 votes in favour and none against, with China and the Russian Federation abstaining (S/PV.10046). A case-insensitive search of the four-page text also returns zero occurrences of "breach," "enforce" and "sanction." "Ceasefire" appears three times in the operative paragraphs and zero times in Annex 1. Annex 1, point 3, instead provides that "all military operations, including aerial and artillery bombardment, will be suspended, and battle lines will remain frozen until conditions are met for the complete staged withdrawal."

The monitoring mandate is a single clause. Operative paragraph 7 has the International Stabilization Force "assist the BoP in monitoring the implementation of the ceasefire in Gaza," with no duty to count, classify, attribute or publish. Operative paragraph 10 is the only reporting duty: it "Requests the BoP provide a written report on progress related to the above to the UN Security Council every six months."

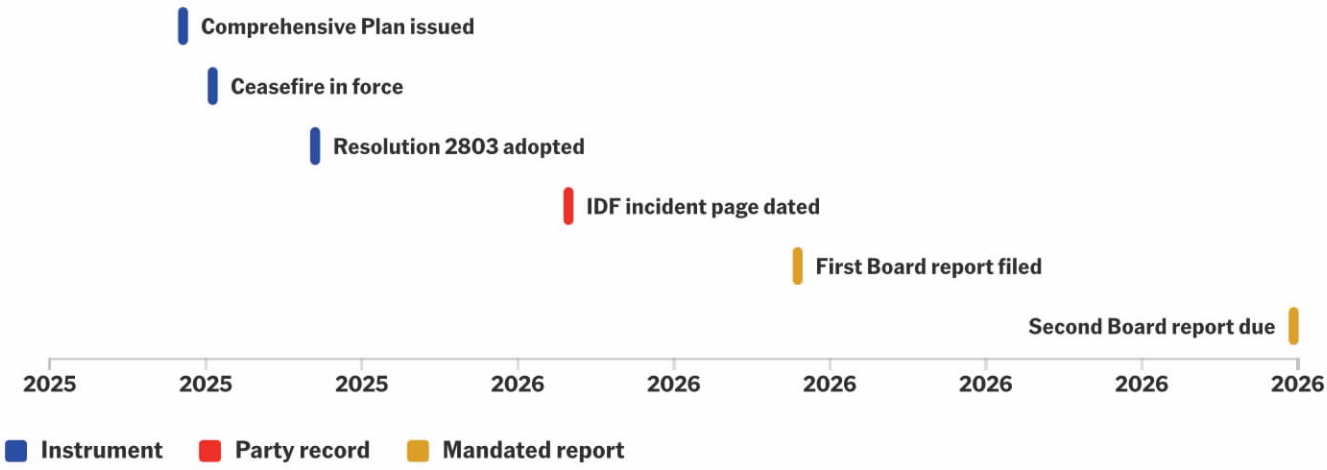
The instrument asked for a progress report, and the Board filed one. The absence of a violations series is the text working as drafted. The only "independent monitors" in the instrument appear at Annex 1, point 13, and they supervise weapons decommissioning, not the ceasefire.

The monitoring body was not yet deployed. Seven months in, the Board reported that for the ISF "Preparations for deployment are well advanced" and that "Deployments are anticipated in phases" (Board of Peace, 2026, paragraphs 37 and 38). A second report was due around 15 November 2026 and did not exist as of 10 September 2026. The record therefore holds one reporting period, and no trend can be drawn from it.

**The dated record of the October 2025 ceasefire**
**INSTRUMENT, MANDATED REPORT AND PARTY PUBLICATIONS**

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*Source: United Nations Security Council, 2025, resolution 2803 (2025) and S/PV.10046; Board of Peace, 2026, S/2026/418; Israel Defense Forces, 2026, a party's own page.*

## Does Israel publish a count of breaches by either side?

The Israel Defense Forces publish no total. Their page "A broken record on repeat: Major Ceasefire Violations," dated 19 February 2026, carried **61** dated headings when read on 10 September 2026. Each heading is a press release on an incident the IDF attributes to Hamas. The 61 are headings on one page on one date, the IDF's own characterisation as a party, not a count of violations.

The page describes its contents as "IDF press releases addressing each ceasefire violation by Hamas since the start of the agreement." The entries run from 19 October 2025 to 14 February 2026. The page states no total, no monthly rate and no casualty figure, and it makes no claim to be complete.

Its test of a breach is the IDF's own, quoted verbatim: "All these activities constitute a clear violation of the understandings of the ceasefire, and the IDF has been responding in accordance with the ceasefire agreement, eliminating terrorists who pose a threat to our troops and citizens of Israel." That threshold comes from the IDF, not from resolution 2803 (2025) or its annexed Plan, which set none. The page records no breach by Israel.

The page's own dates do not run in order. Nineteen entries in the November block are stamped with dates from 8 to 29 November 2026. They sit between October 2025 and December 2025 entries, on a page dated 19 February 2026, so they are November 2025 entries

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carrying the wrong year. A timeline built from the printed dates would place nineteen incidents nine months after the page was published (Israel Defense Forces, 2026).

The one-directional format has a precedent in Israel's own record. The Israel Ministry of Foreign Affairs (2015), in chapter VI of its report on the 2014 Gaza conflict, published a table it called "non-exhaustive" of eight ceasefires and suspensions in July and August 2014. It attributed each breach to Hamas and stated that Hamas "consistently rejected proposed ceasefire agreements, violated coordinated ceasefires, and exploited unilateral IDF ceasefires."

Taken together, the published records count in opposite directions:

- Gaza's Ministry of Health counts people killed after the ceasefire. Its counts are a party's own and are not independently verified.
- The IDF lists incidents it attributes to Hamas.

Neither party publishes a tally covering conduct on both sides.

## Where is the line most breaches are measured against?

The Israel Defense Forces' entry of 20 October 2025 sets the pattern for the page. It describes "several terrorists who crossed the yellow line and approached IDF troops operating in the Shejaiya area, posing an immediate threat to them." That is a party's own wording (Israel Defense Forces, 2026). Resolution 2803 (2025) and its annexed Plan never name a yellow line.

The same entry continues: "The troops fired toward the terrorists who crossed the yellow line in order to remove the threat to them." The entry for 22 November carries a variant on a designated route: "Another Violation of the Ceasefire Agreement: An Armed Terrorist Crossed the Yellow Line on a Humanitarian Route, Fired at IDF Soldiers, And Was Eliminated." That entry is printed with a 2026 year that its position on the page places in 2025. The words "terrorist," "eliminated" and "immediate threat" are the IDF's own.

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The endorsed text is less specific. Annex 1, point 3, states that "Israeli forces will withdraw to the agreed upon line to prepare for a hostage release," and that "battle lines will remain frozen until conditions are met for the complete staged withdrawal" (United Nations Security Council, 2025). Point 15 adds that "A deconfliction mechanism will be agreed upon by the parties." Neither the resolution nor the annex gives the line a name, a map or coordinates.

The yellow line is therefore an implementation artefact of the parties. No published instrument defining or mapping it was located in the official records searched on 10 September 2026. This includes the documents issued under resolution 2803 (2025) in the United Nations Official Document System and Israel's government and military sites.

The missing line affects both directions of the dispute:

- **The IDF's entries.** Most of them turn on a person approaching or crossing the line.
- **Gaza-side accounts.** Accounts of people shot near the line turn on where the line runs.

Without a published line, an approach, a crossing or a shooting near it cannot be scored against a text that either party has released. The Board of Peace states that the Civil-Military Coordination Centre, established on 17 October 2025 with 50 partner nations and organizations, "has served as the principal operational mechanism" for coordination (Board of Peace, 2026, paragraph 28). Its report publishes no map of the line.

## Does the counting rule change who appears to break a truce?

Kanwisher, Haushofer and Biletzki (2009) counted killings only. Their Huffington Post commentary, which contained original analysis but was not peer-reviewed, found that **79%** of conflict pauses between September 2000 and October 2008 were interrupted when Israel killed a Palestinian. The finding measures order in time, not legal responsibility, and covers no arrangement after 2008.

The authors defined a conflict pause as one or more days with no killing on either side, and they drew their data from B'Tselem's fatality records. Of the remaining pauses, 8% were

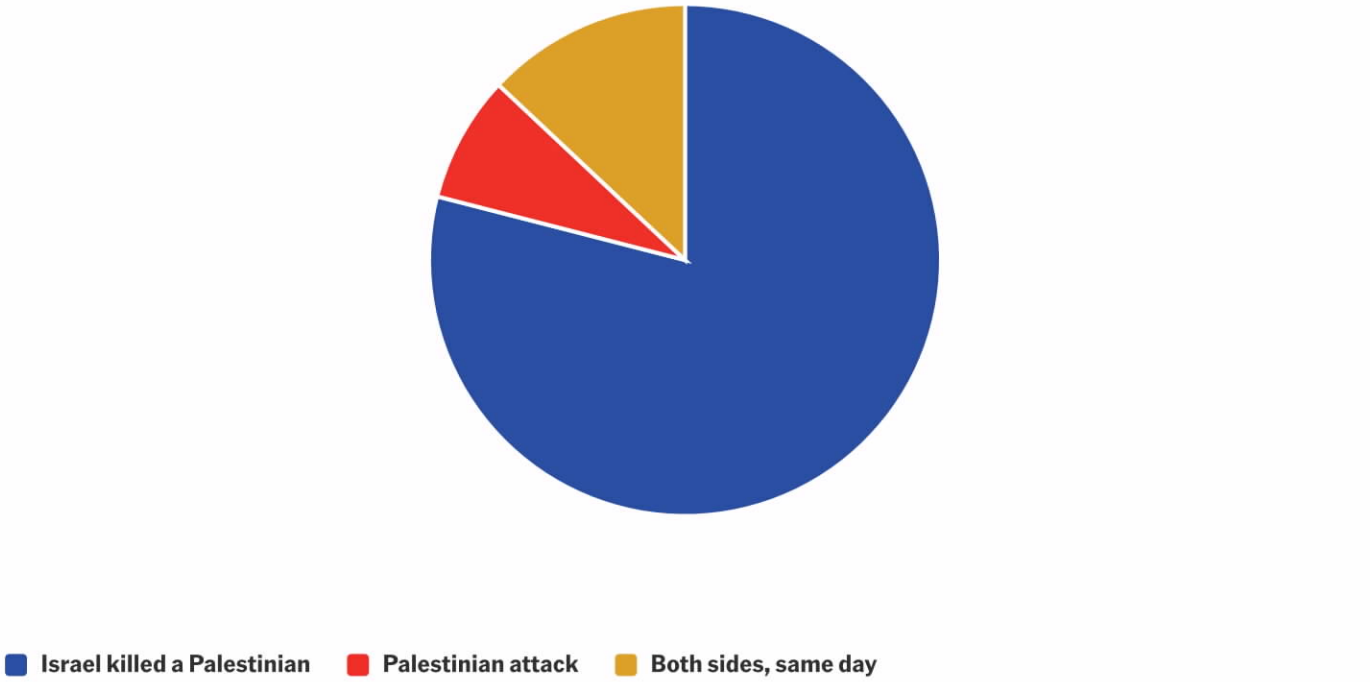
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interrupted by Palestinian attacks and 13% by both sides on the same day. Rocket and mortar fire that killed no one does not register in this count.

**Who first ended a conflict pause, by killings**

**SHARE OF PAUSES, SEPTEMBER 2000 TO OCTOBER 2008; KILLINGS ONLY**




*Source: Kanwisher, Haushofer and Biletzki, 2009, commentary with original analysis, not peer-reviewed.*

A count of projectiles orders the same events differently. The Intelligence and Terrorism Information Center (2008), an Israeli research institute publishing its own count, recorded 329 rockets and mortar shells during the six-month lull of 2008, most of them after 4 November. It recorded 2,278 in the six months before. The Center describes 4 November as the date "the IDF carried out a military action close to the border security fence on the Gazan side to prevent an abduction planned by Hamas." Its later tally gives a different total for the same lull: 362, including 324 from 4 November to 19 December (Intelligence and Terrorism Information Center, 2009).

The peer-reviewed literature finds retaliation in both directions. Haushofer, Biletzki and Kanwisher (2010, PNAS) report that "the firing of Palestinian rockets increases sharply after

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Israelis kill Palestinians." They also report that "the probability (although not the number) of killings of Israelis by Palestinians increases after killings of Palestinians by Israel." Golan and Rosenblatt (2011) critiqued that analysis in the same journal. Jaeger and Paserman (2008, American Economic Review, figures from the abstract) found "evidence of Granger causality from Palestinian to Israeli violence, but not vice versa" and "no evidence" of "a predictable 'tit-for-tat' cycle of violence." Granger causality is a test of whether one series helps predict another.

The history of earlier Gaza truces carries these episodes in full. The unit chosen, killings or projectiles, shapes which side registers first, and every current total rests on such a choice.

## What does Israel count during the ceasefire instead of breaches?

COGAT is the Israeli Ministry of Defense unit for the territories. Its July 2026 ceasefire report records **1,778,363** metric tons of food entering Gaza between 10 October 2025 and 7 June 2026. This is its own reported count as a party to the events and is not independently verified (COGAT, 2026). Israel's published ceasefire record counts aid entries, not incidents.

The same report records 18,000 tons of medical supplies and medicines since 10 October 2025. It also records more than 70,000 cubic meters of water a day supplied through external lines and desalination facilities, excluding local wells.

The method behind the tonnage is stated in the report itself. The figures rest on self-declaration by humanitarian organizations and private suppliers, not on weighing at the crossings. COGAT reports that food entry ran "nearly threefold" the World Food Programme's monthly requirement benchmark. In that ratio only the numerator is COGAT's own; the benchmark belongs to the World Food Programme.

The breach claim has an access component, and the mandated report addresses it only in words. Paragraph 7 of the Board of Peace report lists "continued impediments to humanitarian access" among the human consequences of violations and gives no number for them (Board of Peace, 2026). Elsewhere, the Board reports aid distributed by United Nations agencies and partners from 17 November 2025.

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The two aid records differ in three respects:

- **Measuring body.** COGAT is a party to the events; the Board is the transitional administration.
- **Object counted.** COGAT counts tonnage entering Gaza; the Board counts aid distributed by UN agencies and partners.
- **Start date.** COGAT counts from 10 October 2025; the Board from 17 November 2025.

The two are not summed or compared here.

On access, the record therefore holds a party's tonnage on one side and an unquantified phrase in the mandated report on the other. COGAT's report sets its figures against the food requirement, not against any list of incidents. Paragraph 7 names impediments without listing, dating or attributing them. Neither record contains a unit that the other could be counted against, so no breach total for access can be built from the two.

## Methodology and limitations

The evidence comes from four types of source, each labelled by type in the text.

- **Primary instruments.** These are resolution 2803 (2025) with its annexed Plan and the recorded vote in S/PV.10046, read from the Official Document System. Word counts come from a case-insensitive search of the full four-page text.
- **The mandated report.** This is S/2026/418 of 15 May 2026, written by the Board of Peace and transmitted by the United States. It is a party's account of its own implementation.
- **Party records.** These are the Gaza Ministry of Health's daily statistical report and statements, the Israel Defense Forces incident page, and COGAT's July 2026 situation report. Each is a party's own count or characterisation, none independently verified.
  - The ministry's figures were read from its media office channel by message number, because its website has published no file since 21 October 2023.
  - The IDF page was read on 10 September 2026, and its 61 headings are a count of that page on that date.

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- **Research on earlier truces.** This covers peer-reviewed articles in PNAS and the American Economic Review (the latter abstract-sourced), a 2009 commentary with original analysis that was not peer-reviewed, and the Israeli Intelligence and Terrorism Information Center's own counts. All of it covers arrangements up to 2008 and measures ordering in time, not legal responsibility.

The following were searched on 10 September 2026 and carried no ceasefire-violation series:

- the Official Document System, for documents issued under resolution 2803 (2025)
- Israeli government and military sites
- the Gaza ministry's portal

The Gaza Government Media Office's running totals were not located on any Palestinian government host.

Several limits apply to the figures. The ministry dates the ceasefire to 11 October and Israeli and Council records to 10 October 2025. The ministry's date of death rests on family reports or hospital arrival. The IDF page misprints nineteen dates. Only one Board report exists, so no trend across reporting periods is available.

## Conclusion

So how many times has Israel violated the Gaza ceasefire? On the only record the Security Council required, the answer is "on a near daily basis." That phrase comes from a body that is a party to the arrangement it reports on, and it assigns no breach to Israel or to anyone else.

The measured portrait is consistent across every axis this record covers:

- The instrument uses "violation" zero times and asks only for progress reports.
- Gaza's Ministry of Health records 1,359 people killed since the ceasefire. That is its own count as a party, not independently verified, and it counts people rather than breaches.
- The Israel Defense Forces list 61 headings of incidents attributed to Hamas alone. That is a party's own page, with no total and with dates printed in the wrong year.

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- The line that most incidents turn on appears in no published text.
- Kanwisher, Haushofer and Biletzki (2009), counting killings, and the Intelligence and Terrorism Information Center (2008), counting projectiles as its own tally, show that the unit decides which side appears to move first: 79% of pauses ended with an Israeli killing on one count, against a sharp rise in rocket fire after 4 November 2008 on the other.

Each record is real, and none of them counts what the question asks for.

A ceasefire endorsed by 13 Council votes has now run for nearly a year. During that time the only bodies keeping a tally were the parties, each counting the other's conduct in its own unit. The frozen line had no map, and the force mandated to help monitor it was still assembling. When a public argument about who broke a truce rests on counts that cannot be set against one another, what exactly is being held to account: the conduct on the ground, or the choice of what to count?

## Frequently Asked Questions

### Which Gaza ceasefire does this concern?

It concerns the arrangement in force from 10 October 2025, which the Security Council endorsed in resolution 2803 (2025). An earlier agreement had a first phase that ended on 1 March 2025. Fighting resumed on 18 March 2025, when Israel's prime minister's office cited Hamas's "repeated refusals to release its hostages" and Hamas said the government had "decided to overturn the ceasefire agreement" (CBS News, 2025).

### Who chairs the Board of Peace that files the reports?

Annex 1, point 9, of the endorsed Plan names President Trump as head of the Board. None of the operative paragraphs the Council itself wrote names the chair (United Nations Security Council, 2025). The Board's Charter was signed by its Chairman on 16 January 2026 and launched at Davos on 22 January 2026 with 28 Heads of State as Members (Board of Peace, 2026).

### Which states have committed to the stabilization force?

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Five states signed the Declaration of Founding Contributors to the International Stabilization Force on 19 February 2026: Albania, Indonesia, Kazakhstan, Kosovo and Morocco (Board of Peace, 2026). The Board reported that troop contributors completed a pre-deployment site survey in late April 2026.

### How long does the Security Council mandate run?

Operative paragraph 8 keeps the Board and the authorized presences in place "until Dec. 31, 2027, subject to further action by the Council" (United Nations Security Council, 2025). At a six-monthly reporting rate, that span allows for a small number of further progress reports.

### What happened to the hostages under the ceasefire terms?

The Board of Peace reports that 168 of the 251 people taken captive on 7 October 2023 were returned alive. The last living hostage was returned on 13 October 2025 and the last deceased hostage on 26 January 2026 (Board of Peace, 2026). In the same exchange, Israel released 250 life-sentence prisoners and some 1,700 Gazans detained after 7 October 2023.

### Has the Council called for a Gaza ceasefire before?

Resolution 1860, adopted on 8 January 2009 by 14 votes to none with the United States abstaining, called for "an immediate, durable and fully respected ceasefire" (United Nations Security Council, 2009). Like resolution 2803 (2025), it named no body to count breaches.

### Did the November 2023 pause end in competing breach claims?

The pause began on 24 November 2023. When it ended, the IDF stated that "Hamas violated the operational pause and in addition, fired toward Israeli territory" (CBS News, 2023). During the pause 105 hostages were freed, along with some 240 Palestinian prisoners on the Palestinian Prisoners' Club's count.

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DATA REPORT BY THE HANOVER INSTITUTE NOVEMBER 9, 2026 UPDATED NOVEMBER 10, 2026

# Can only Jews easily get Israeli citizenship? The Law of Return, clause by clause

*Israel's Law of Return gives Jews a direct route and extends it to five classes of non-Jewish relatives. The statutes, counts and court record.*

Law of Return | Israeli Citizenship | Immigration | Population Registry | Central Bureau of Statistics



No. Section 4A of Israel's Law of Return, inserted by the Knesset on 10 March 1970, gives the rights the Law grants a Jew to **five** named categories of relative: a child, a grandchild, a spouse, the spouse of a child and the spouse of a grandchild of a Jew. None of them must be Jewish. The premise that the easy door is marked for Jews holds in part. Section 1, as enacted in 1950, gives "every Jew" the right to come to Israel as an oleh, and Israel's Supreme Court called that a "special key to enter" in 2000. The record is thinner on scale than on law: the Central Bureau of Statistics counted about 21,000 immigrants in the 11.75 months to 22 April 2026 without dividing them into Jews and eligible relatives, and no body publishes a count of who is eligible.

## Key Findings

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- The Knesset passed Amendment No. 2 to the Law of Return on 10 March 1970. It inserted section 4A, which gives the rights of a Jew to five categories of relative: "a child and a grandchild of a Jew, the spouse of a Jew, the spouse of a child of a Jew and the spouse of a grandchild of a Jew" (Knesset, 1950, amended 1970).
- Section 4B, inserted by the same 1970 amendment, defines a Jew as "a person who was born of a Jewish mother or has become converted to Judaism and who is not a member of another religion." Section 3A(b) of the Population Registry Law imports that meaning into the Registry (Knesset, 1950, amended 1970).
- The Central Bureau of Statistics counted about 21,000 immigrants and 5,000 family-reunification arrivals in the 11.75 months to 22 April 2026. It divided neither count by religion (Central Bureau of Statistics, 2026).
- The Central Bureau of Statistics put the world Jewish population at 15.7 million at the beginning of 2024, with 7.1 million (45%) living in Israel. It uses a "core" definition outside Israel, which is narrower than the circle of relatives section 4A covers (Central Bureau of Statistics, 2025, Holocaust Day release).
- Israel's Supreme Court wrote on 8 March 2000 that Jews "were granted a special key to enter." It added that "once a person has lawfully entered the home, he enjoys equal rights with all other household members" (Israeli Supreme Court, 2000).

## Can non-Jews become citizens under the Law of Return?

Yes. Section 4A(a) of the Law of Return was inserted by the Knesset on 10 March 1970. It gives the rights of a Jew, and "the rights of an oleh under the Nationality Law, 5712-1952," to **five** categories of relative: "a child and a grandchild of a Jew, the spouse of a Jew, the spouse of a child of a Jew and the spouse of a grandchild of a Jew."

The same subsection, in the English text the Knesset publishes, sets one exception. The rights reach those relatives "except for a person who has been a Jew and has voluntarily changed his religion." Beyond that clause, the section places no condition on the relative's own religion. The categories are defined by descent from a Jew and by marriage, not by what the relative believes.

Section 4A(b) adds a second rule: "It shall be immaterial whether or not a Jew by whose right a right under subsection (a) is claimed is still alive and whether or not he has immigrated to Israel." On that wording, a grandchild may claim through a grandparent who died abroad and never lived in Israel. The spouse of that grandchild may claim in turn (Knesset, 1950, amended 1970).

The amendment's enactment record dates it to 2nd Adar Bet 5730, which is 10 March 1970. It was published in Sefer Ha-Chukkim No. 586 of 19 March 1970 and signed by three officeholders:

- the Prime Minister;
- the Prime Minister acting as Minister of the Interior;
- the President of the State.

The English page is a scan from the series Laws of the State of Israel, hosted by the Knesset. It carries no line marking the translation either official or unofficial.

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The rights section 4A extends are the oleh's rights under the Nationality Law. That is the statute through which an oleh's citizenship runs, so the extension reaches citizenship and not only entry. The relatives inherit the Law's route, not a lesser one: the same sentence that names them gives them "the rights of a Jew under this Law."

So the word "only" in the question meets the statute directly. The circle the Law of Return draws in its 1970 form is wider than the Jewish population it defines. Children, grandchildren and three classes of spouse stand inside it whatever their religion, with the single exception written into 4A(a).

## Why is the Jewish route to citizenship called uniquely easy?

Israel's Supreme Court wrote on 8 March 2000, in Ka'adan v. Israel Land Administration (HCJ 6698/95, paragraph 31), that "members of the Jewish nation were granted a special key to enter," citing the Law of Return. That phrase rests on section 1 of the Law, which reads, as enacted in 1950: "Every Jew has the right to come to this country as an **oleh**."

It is often said that only Jews can obtain Israeli citizenship easily. The evidence shows three Israeli instruments, across 68 years, stating a preference for Jewish immigration in their own words. The first of them frames it as a right held by the immigrant, not a discretion held by the State.

The 1950 text attaches a translator's note to section 1: "aliya means immigration of Jews, and oleh (plural: olim) means a Jew immigrating, into Israel." Section 4 turns the status inward. It provides that "every Jew who was born in this country, whether before or after the coming into force of this Law, shall be deemed to be a person who has come to this country as an oleh under this Law." The enactment record dates passage to 5 July 1950 (Knesset, 1950, amended 1970).

The Knesset's English series reproduces the 1950 page as originally enacted. The 1970 amendment's own footnote records a further amending statute of 1954, Amendment No. 1, and the series does not carry that statute. The 1950 page therefore fixes the wording at enactment, not the full text in force.

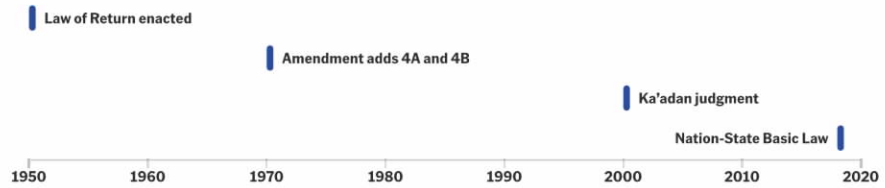
The 2018 Basic Law: Israel as the Nation-State of the Jewish People restates the preference in a Basic Law. Its clause 5 provides that the State "shall be open to Jewish immigration, and the ingathering of the exiles." The Knesset labels that English translation unofficial (Knesset, 2018).

The Supreme Court used the Law of Return as a contrast. Ka'adan concerned state land allocated, through the Jewish Agency, to a communal settlement whose cooperative admitted only Jews. The Court described entry under the Law of Return as the place where a preference is written, and then turned to what follows entry (Israeli Supreme Court, 2000).

**Dated instruments on Jewish immigration**
TWO STATUTES, ONE AMENDMENT AND ONE SUPREME COURT JUDGMENT

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*Source: Knesset, 1950, amended 1970; Israeli Supreme Court, 2000; Knesset, 2018.*

## Who counts as a Jew for immigration purposes?

Section 4B of the Law of Return, inserted by the Knesset in **1970**, defines a Jew as "a person who was born of a Jewish mother or has become converted to Judaism and who is not a member of another religion." The definition opens with the words "For the purposes of this Law." On its own, it therefore governs eligibility under that statute and no other.

The same 1970 amendment wrote sections 4A and 4B side by side, and they do opposite work:

- Section 4B fixes who is a Jew for the Law's purposes.
- Section 4A extends a Jew's rights to relatives who may fall outside that definition.

The definition travels through a second statute. Section 3 of the amendment inserted section 3A into the Population Registry Law, 5725-1965. Its subsection (b) provides that "for the purposes of this Law and of any registration or document thereunder, 'Jew' has the same meaning as in section 4B of the Law of Return, 5710-1950."

Subsection (a) sets a registration rule rather than a definition. A person "shall not be registered as a Jew by ethnic affiliation or religion" where a notification, a Registry entry or a public document indicates otherwise. That rule holds until the contrary document is controverted to the satisfaction of the Chief Registration Officer, or until a "declaratory judgment of a competent court or tribunal" determines otherwise. Subsection (c) leaves earlier registrations in place (Knesset, 1950, amended 1970).

The exclusion in section 4A reaches "a person who has been a Jew and has voluntarily changed his religion." It turns on the claimant's own history. The religion the ancestor later held is not a condition anywhere in the text.

The Law carries no figure of any kind: no count of olim, no share, no eligibility statistic. Every number about who has used it belongs to the body that counted. In Israel, that body is the Central Bureau of Statistics, whose series follow below.

**How the 1970 amendment links eligibility**
THREE PROVISIONS INSERTED BY ONE AMENDING STATUTE




*The Law itself contains no count of eligible people.*

*Source: Knesset, 1950, amended 1970.*

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## Do children born abroad to Israeli citizens get citizenship?

The Central Bureau of Statistics counted about **158,000** "immigrating citizens" from 1970 to 2026. It defines that category as "a person born to an Israeli citizen abroad who enters Israel intending to settle." The definition names no religion, and the figure counts arrivals in the category, not grants of citizenship.

The Bureau's category name already treats these arrivals as citizens. The definition turns on the parent's citizenship alone, so the children of Jewish and non-Jewish citizens born abroad fall into the same category on the Bureau's wording. The 2026 release lists the 158,000 as a figure added to the more than 3.5 million immigrants since 1948, not one counted within them (Central Bureau of Statistics, 2026).

The cumulative count has moved slowly across the Bureau's last three releases:

| Release | Immigrating citizens, cumulative from 1970 |
|---|---|
| 2024 (to 2024) | about 153,000 |
| 2025 (to 2025) | about 154,000 |
| 2026 (to 2026) | about **158,000** |

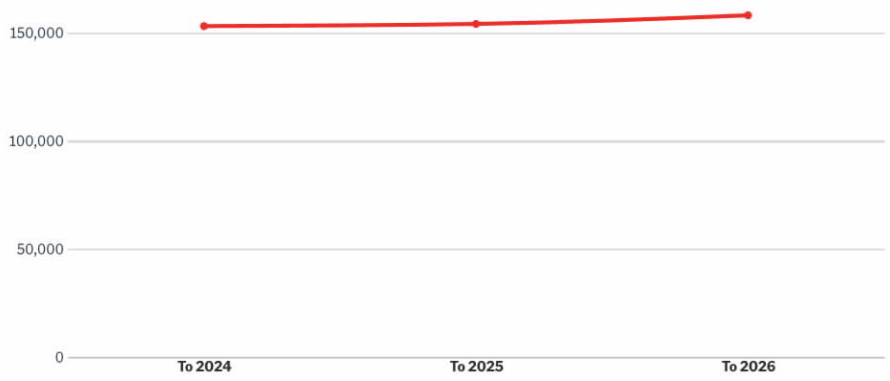
The 2024 release's estimates rested on the 2008 census, and the two later releases rest on the 2022 census. Small movements between releases therefore cannot be read as a precise annual inflow (Central Bureau of Statistics, 2024; Central Bureau of Statistics, 2025).

The category has three limits:

- It counts children of citizens who arrive intending to settle, and says nothing about children born abroad to citizens who remain abroad.
- It records nothing about the religion of the parent or the child.
- It is a count of people entering a status the Bureau describes as already held, not a count of citizenship decisions.

**Immigrating citizens, cumulative since 1970**

BORN ABROAD TO AN ISRAELI CITIZEN, ARRIVING TO SETTLE; THREE RELEASES




*Source: Central Bureau of Statistics, 2024; Central Bureau of Statistics, 2025; Central Bureau of Statistics, 2026.*

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## How many people arrive through family reunification each year?

The Central Bureau of Statistics recorded **5,000** persons who arrived through family reunification in the 11.75 months to 22 April 2026. It is the only count of the family channel in the Bureau's Independence Day releases. The category is defined by the route of entry, not by religion, and the release does not divide it.

The same 2026 release counted about 21,000 immigrants over the same 11.75 months. The two figures sit in separate lines, so the family channel is a distinct inflow and not a subset of immigration. The 2025 release makes the structure explicit: its listed growth components (births, immigrants, deaths and the balance of Israelis abroad) do not exhaust growth, because family reunification is additional. The 2026 release adds that the total increase it reports does not equal the difference between its component figures (Central Bureau of Statistics, 2025; Central Bureau of Statistics, 2026).

These are counts of arrivals, not of citizenship granted. A person entering through family reunification does not, on the face of the release, hold or acquire any particular status.

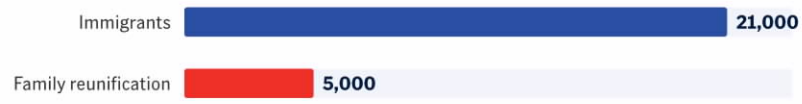
Naturalization is set out separately by Israel's Population and Immigration Authority on gov.il, in guidance dated 2024 and updated in 2025. The applicant must meet six conditions:

- be in Israel;
- hold permanent-resident status;
- have lived in Israel for 3 of the preceding 5 years;
- intend to settle in Israel;
- have some knowledge of Hebrew;
- generally renounce, or undertake to renounce, any other citizenship.

The guidance names no religious condition. The Law of Return's own text, in sections 1, 4A and 4B, sets no residence period before its rights apply.

The Independence Day releases publish no count of naturalizations. The 5,000 figure is therefore the nearest official scale for the family-based routes, and it measures entry, not the citizenship that may or may not follow.

**Arrivals by route, latest Independence Day release**
**11.75 MONTHS TO 22 APRIL 2026; SEPARATE LINES, NOT A PARTITION**




*Source: Central Bureau of Statistics, 2026.*

## How many immigrants has Israel received in recent years?

The Central Bureau of Statistics counted about **21,000** immigrants in the 11.75 months to 22 April 2026, the lowest of its three most recent Independence Day counts. The releases do not divide those arrivals into Jews and the non-Jewish relatives eligible under section 4A. The series measures the inflow without showing which half of the Law each arrival used.

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The two earlier releases give the comparison:

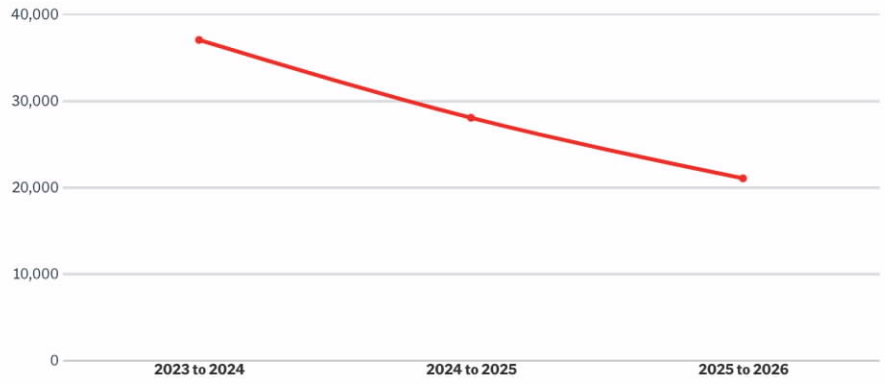
- The 2024 release counted about 37,000 immigrants between Independence Day 2023 and Independence Day 2024.
- The 2025 release counted about 28,000 over the following year.

The windows are not identical. The releases describe their estimates as up to date over periods of 12.4, 11.5 and 11.75 months, so the three values are near-annual counts, not calendar years (Central Bureau of Statistics, 2024; Central Bureau of Statistics, 2025; Central Bureau of Statistics, 2026).

The cumulative series sets those figures against the State's history. The 2026 release counts over 3.5 million immigrants since 1948, of whom about 1.68 million (47.8%) arrived from 1990 onward. The 2024 release gave over 3.4 million, of whom about 1.6 million (47.1%) had arrived since 1990. The 2026 release puts the population at the State's establishment at 806,000, against a present population more than 12.5 times that size.

The Bureau publishes these under its own category of "immigrants" and does not attach them to a statute in the release. Neither the cumulative nor the annual figure records how many arrivals qualified as Jews under section 4B and how many as relatives under section 4A. That split is the quantity the question turns on, and it is absent from the Independence Day series.

**Immigrants per Independence Day year**
**WINDOWS OF 12.4, 11.5 AND 11.75 MONTHS; NOT SPLIT BY RELIGION**




*Source: Central Bureau of Statistics, 2024; Central Bureau of Statistics, 2025; Central Bureau of Statistics, 2026.*

## How many people abroad could claim the right?

The Central Bureau of Statistics put the world Jewish population at **15.7 million** at the beginning of 2024, the nearest official count to the population the Law of Return addresses. For every country except Israel, the Bureau uses a "core" Jewish population. That circle is narrower than the one section 4A opens to non-Jewish children, grandchildren and spouses.

The Bureau's 2025 Holocaust Day release counts 7.1 million Jews in Israel (45% of the world total) and 6.3 million in the United States (40%). The next largest populations, all at the beginning of 2024, are:

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| Country | Jewish population | Share of world total |
|---|---|---|
| France | 438,000 | 2.8% |
| Canada | 400,000 | 2.5% |
| United Kingdom | 313,000 | 2% |
| Argentina | 170,000 | 1.1% |
| Germany | 125,000 | 0.8% |
| Russia | 123,000 | 0.8% |

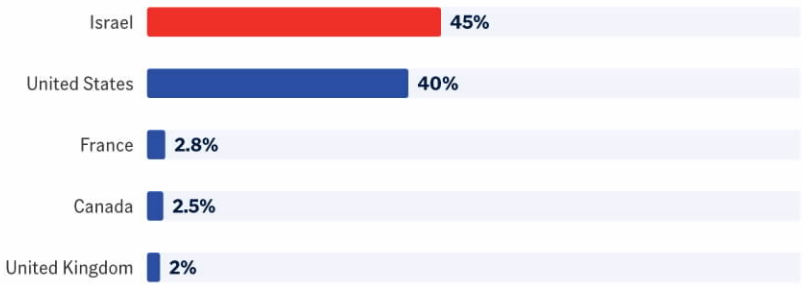
For countries other than Israel, the release attributes its figures to the American Jewish Year Book 2023 of the Hebrew University of Jerusalem (Central Bureau of Statistics, 2025, Holocaust Day release).

The historical base shows how the distribution moved:

- **1939:** 16.6 million Jews worldwide on the eve of the Second World War, 449,000 of them (3%) in the territory that became Israel.
- **1948:** 11.5 million on the eve of the State's establishment, 650,000 of them (6%) living there.

A "core" count and the Law's eligibility are different measures. The core population counts people as Jewish on the Year Book's definition. Section 4B counts maternal descent or conversion without another religion, and section 4A adds relatives with no religious condition beyond its single exception. The two sets overlap without coinciding. No body publishes a count of the people eligible under the Law of Return.

**Share of the world Jewish population by country**
BEGINNING OF 2024; CORE DEFINITION OUTSIDE ISRAEL; TOP COUNTRIES ONLY




*Source: Central Bureau of Statistics, 2025, Holocaust Day release.*

## Does Israel's population count show who holds citizenship?

The Central Bureau of Statistics counted **2.157 million** Arabs, 21.1% of a population of 10.244 million, on the eve of Israel's 78th Independence Day in April 2026. The Bureau counts residents and population groups, not citizenship status. The figure therefore shows non-Jewish residence and cannot be read as a count of non-Jewish citizens.

The 2026 release divides the remainder into two groups:

- 7.790 million "Jews and Others" (76%).

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- 296,000 foreigners (2.9%), with foreigner data for the end of 2025.

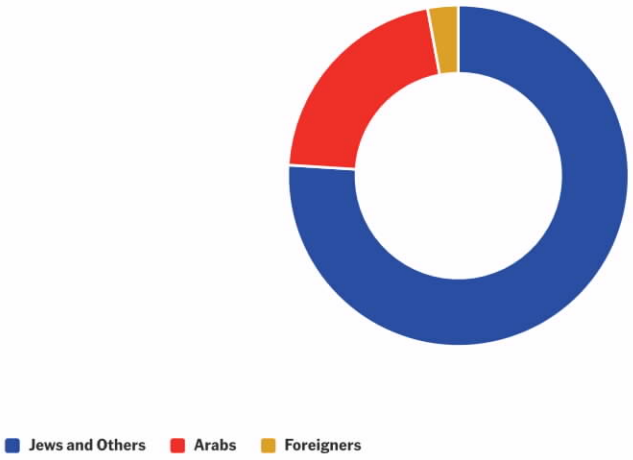
On the Bureau's definitions, "Arabs" covers Moslems, Arab Christians and Druze. "Others" covers non-Arab Christians, other religions and those registered as not classified by religion. From 2023, the estimates include foreigners staying in Israel, among them permit holders who entered from 2008 with no record of exiting. The series is therefore not continuous with earlier years (Central Bureau of Statistics, 2026).

Two earlier Bureau releases break the groups down further. The Bureau's 2022 release on the Muslim population ("Moslem" in the Bureau's English) counted 1.707 million at the end of 2021, 18.1% of all residents. That total included 362,000 Muslim residents of the city of Jerusalem, who made up 21.2% of all Muslims in Israel and 37.5% of the city's residents (Israel Central Bureau of Statistics, 2022). The 2023 Christmas release estimated about 187,900 Christians in December 2023, about 1.9% of the population, of whom 75.3% were Arab Christians. That estimate excludes Christians not in the Population Register (Central Bureau of Statistics, 2023).

Each of these figures is a count of residence. None of the three releases records how many members of any group hold Israeli citizenship, and none separates citizens from permanent residents. A Jerusalem resident count and a citizenship count are different measures, and the Bureau publishes only the first.

**Israel's population by Bureau group**

EVE OF THE 78TH INDEPENDENCE DAY, APRIL 2026, PRELIMINARY; RESIDENTS, NOT CITIZENS




*Source: Central Bureau of Statistics, 2026.*

## Does the route to citizenship change the rights it carries?

Israel's Supreme Court wrote on **8 March 2000**, in Ka'adan (paragraph 31), that "once a person has lawfully entered the home, he enjoys equal rights with all other household members." The Court reached that rule through the values of the State and the 1948 Declaration, not through an equality right enumerated in a statute.

The same paragraph rejects the view that the State's Jewish character licenses unequal treatment of its citizens. The Court wrote that "we do not accept the approach that the values of the State of Israel, as a Jewish state, would justify, on the level of a general purpose,

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discrimination by the State between its citizens, on the basis of religion or nationality." It then concluded: "There is, therefore, no contradiction between the values of the State of Israel as a Jewish and democratic state and between the absolute equality of all of its citizens" (Israeli Supreme Court, 2000). The case concerned the allocation of state land, and the passage sets out what follows entry, whatever the door.

The statute book places the rule elsewhere. Basic Law: Human Dignity and Liberty enumerates dignity, life, body, property, personal liberty, exit and entry, and privacy. A search of the Knesset's English text returns the word "equal" zero times. Section 6(b) applies without distinction of route: "Every Israeli citizen who is abroad is entitled to enter Israel." Section 1 directs that rights be upheld "in the spirit of the principles included in the Declaration of the Establishment of the State of Israel." The Knesset marks this translation unofficial (Knesset, 1992, amendments through 2022).

The Declaration's equality sentence exists in two Israeli government English texts that differ on one word. The Knesset's text pledges "complete equality of social and political rights to all its citizens irrespective of religion, race or sex." The Ministry of Foreign Affairs publishes "all its inhabitants" (Provisional Government of Israel, 1948).

| Text | What it says on equality | Source |
|---|---|---|
| Ka'adan, paragraph 31 | **"equal rights with all other household members"** | Israeli Supreme Court, 2000 |
| Basic Law: Human Dignity and Liberty | **"equal" appears zero times** | Knesset, 1992, amendments through 2022 |
| Declaration, Knesset text | **"all its citizens"** | Provisional Government of Israel, 1948 |
| Declaration, Foreign Ministry text | **"all its inhabitants"** | Provisional Government of Israel, 1948 |

## Methodology and limitations

The evidence comes from three tiers.

**Enacted instruments.** These are the Law of Return, 5710-1950, and its Amendment No. 2 of 1970, read from the English page scans the Knesset hosts; Basic Law: Israel as the Nation-State of the Jewish People (2018); Basic Law: Human Dignity and Liberty (1992, amendments through 1 May 2022); and the 1948 Declaration. The Knesset marks both Basic Law translations unofficial. The Law of Return scans carry no such marking either way.

**A domestic court judgment.** This is the Supreme Court's ruling in HCJ 6698/95 Ka'adan v. Israel Land Administration (8 March 2000), in the English text published by the Cardozo Israeli Supreme Court Project.

**Official statistics.** These are six Central Bureau of Statistics releases: the Independence Day releases of 2024, 2025 and 2026, the 2025 Holocaust Day release, the 2022 release on the Muslim population and the 2023 release on Christians. Body prose also draws on Population and Immigration Authority service pages on gov.il.

Several limits bind the figures:

- **Preliminary estimates.** The Independence Day figures are preliminary.

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- **Census base.** The 2024 release rests on the 2008 census and excludes foreign workers. The 2025 and 2026 releases rest on the 2022 census and, from 2023, include foreigners. The series is therefore not continuous.
- **Measurement windows.** The three annual immigrant counts cover windows of 12.4, 11.5 and 11.75 months.
- **Core population.** The world Jewish population figure outside Israel uses a core definition the Bureau draws from the American Jewish Year Book 2023.
- **Arrivals and residents.** Every Bureau count measures arrivals or residents. None measures grants of citizenship, and none divides arrivals between section 1 and section 4A.
- **Text as enacted.** The Knesset's English series does not carry Amendment No. 1 of 1954, so the 1950 page fixes section 2(b), which lists the grounds on which an oleh's visa may be refused, only as enacted. Section 4A and 4B are quoted as amended because the 1970 amendment is itself the source.
- **Absent counts.** No body publishes a count of people eligible under the Law of Return, and the Independence Day releases publish no count of naturalizations.

## Conclusion

Can only Jewish people easily get Israeli citizenship? On the statute's own words, no. Since 10 March 1970, section 4A has carried the Law of Return's rights to five categories of relative whose religion it does not test. The premise is also partly right, because section 1 still opens with "Every Jew," and the Supreme Court called that a "special key to enter" in 2000.

The record draws a clear portrait. The preference is written in instruments dated 1950, 1970 and 2018, and the circle it opens is defined by maternal descent, conversion and family ties rather than belief. The Central Bureau of Statistics counts the doors people use, about 21,000 immigrants, 5,000 family-reunification arrivals and about 158,000 immigrating citizens since 1970, without dividing any of them by religion. Its population tables show 2.157 million Arabs living in Israel without saying how many hold citizenship. Once inside, the Court's rule is equal rights for every household member, a rule the judges built because the Basic Law on dignity contains no equality clause.

What remains is the gap between the law and its arithmetic. A statute that names grandchildren and their spouses, alongside a statistics bureau that publishes arrivals but not eligibility, leaves the size of the favoured circle unmeasured. How should a society weigh a preference whose terms are precise and whose reach no published count describes?

## Frequently Asked Questions

### Do people eligible under the Law of Return have to take citizenship at once?

Israel's Population and Immigration Authority, in guidance dated 2024 and updated 2025, describes an A/1 temporary-residence visa valid for up to 5 years for people eligible under the Law of Return. The holder may decide during that period whether to become a citizen. The option defers citizenship rather than replacing the eligibility.

### Is there a procedure for a non-Jewish spouse who married shortly before immigrating?

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The Population and Immigration Authority publishes a separate service for spouses of persons eligible under the Right of Return who married less than a year before immigrating. Section 4A of the Law names "the spouse of a Jew" among the five categories of relative. The service page sets out the procedure through which that category is applied.

### On what grounds could an oleh's visa be refused in 1950?

Section 2(b) of the Law as enacted in 1950 allowed refusal where the Minister of Immigration was satisfied the applicant was "engaged in an activity directed against the Jewish people" or "likely to endanger public health or the security of the State." A 1954 amendment followed, and its changes are not in the Knesset's English series. The 1950 wording is therefore the text as enacted, not necessarily the text in force.

### Can the government change the rules under sections 4A and 4B by regulation alone?

The 1970 amendment added a sentence to section 5 of the Law: "Regulations for the purposes of sections 4A and 4B require the approval of the Constitution, Legislation and Juridical Committee of the Knesset." Regulations touching the definition of a Jew or the relatives' rights pass through a Knesset committee. The requirement dates from 10 March 1970.

### Does immigration drive most of Israel's population growth?

The Central Bureau of Statistics counted about 177,000 births against about 21,000 immigrants in the 11.75 months to 22 April 2026. Births outnumbered immigrant arrivals by more than eight to one over that window. About 48,000 people died in the same period.

### How many Israelis leave the country each year?

The Central Bureau of Statistics recorded a negative balance of 45,000 Israelis staying abroad in the 11.75 months to 22 April 2026, against 56,000 in the 2025 release. That balance exceeded the immigrant count for the same window in both releases. The Bureau reports it as a growth component, not a count of citizenship renounced.

### Where can the English text of the Law of Return be read?

The Prime Minister's Office ("Nativ") designates the Knesset's scan kns1_return_eng.pdf as "the full text of the Law of Return, 1950." The 1970 amendment is a separate file, kns7_return_eng.pdf, on the same Knesset host. Neither page marks its translation official or unofficial.

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DATA REPORT BY THE HANOVER INSTITUTE NOVEMBER 9, 2026 UPDATED NOVEMBER 10, 2026

# Did Herzl envision a Jewish supremacist state? His text and its earliest critics

*Israel's 1948 Declaration credits Herzl with convening the 1897 congress; a clause making self-determination exclusive to Jews was enacted in 2018.*

Theodor Herzl | Zionism | Nation-State Law | Law of Return | Israeli Supreme Court | Jewish Statehood



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Theodor Herzl convened the First Zionist Congress in 1897, and Israel's Declaration of the Establishment of the State of Israel of 14 May 1948 places that congress, and Herzl, at the head of the historical chain it closes by declaring a Jewish state. The documents that frame a Jewish state as ranking Jews above others are dated after him. In a 1917 Cabinet paper, a British minister assumed the proposed policy meant "Mahommedans and Christians are to make way for the Jews." A Knesset Basic Law of 2018 made national self-determination in Israel "exclusive to the Jewish People," 121 years after the congress. Herzl's own 1896 pamphlet, in English translation, uses the word "supremacy" for sovereignty over territory and promises residents of other creeds "equality before the law."

## Key Findings

- The Provisional Government of Israel's Declaration of 14 May 1948 was signed by **37** members of the People's Council. It credits Herzl with summoning the First Zionist Congress of 1897, 51 years earlier, and with no other act (Provisional Government of Israel, 1948).
- E. S. Montagu, Secretary of State for India, wrote on 23 August 1917, 20 years after the congress, that the proposed policy would be "anti-Semitic in result." He assumed it meant Jews "should be put in all positions of preference" (Montagu, 1917).
- Two 1919 wire reports put at **300** the American Jews who signed a statement calling a "distinctively Jewish State" "utterly opposed to the principles of democracy." The statement was presented to President Wilson on 4 March 1919 (Berkowitz, Jastrow, Senior and the signers, 1919).
- Israel's Supreme Court ruled on 8 March 2000 that the State's values as a Jewish state do not justify, as a general purpose, "discrimination by the State between its citizens, on the basis of religion or nationality" (Israeli Supreme Court, 2000).
- The Knesset enacted a clause making national self-determination in Israel "exclusive to the Jewish People" in **2018**. The Supreme Court upheld the law in 2021 and held that the Knesset is "not all powerful" (Knesset, 2018; Israeli Supreme Court, 2021).

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## What does Israel's founding text credit Herzl with?

The Provisional Government of Israel's Declaration of 14 May 1948 credits Herzl with one act, dated **1897**. It records that "at the summons of the spiritual father of the Jewish State, Theodore Herzl, the First Zionist Congress convened and proclaimed the right of the Jewish people to national rebirth in its own country." The Declaration names Herzl nowhere else.

The Declaration's recitals then run the chain forward. They cite the Balfour Declaration of 2 November 1917, the League of Nations Mandate and the UN General Assembly resolution of 29 November 1947, which the Declaration calls a recognition that "is irrevocable." They end in the operative sentence: "THE ESTABLISHMENT OF A JEWISH STATE IN ERETZ-ISRAEL, TO BE KNOWN AS THE STATE OF ISRAEL." Thirty-seven members of the People's Council signed it, David Ben-Gurion first, 51 years after the Basel meeting. The recitals are the founding text's own historical narrative. They record what the state's founders asserted about their lineage, not an independent historical finding.

Herzl's program is set out in his 1896 pamphlet The Jewish State, which this report quotes in English translation. The excerpt published in Fordham University's Internet History Sourcebooks states its aim as territorial: "Let the sovereignty be granted us over a portion of the globe large enough to satisfy the rightful requirements of a nation; the rest we shall manage for ourselves." The full English translation published by Project Gutenberg renders the same object with the word at the centre of the question: "Our first object is, as I have already said, supremacy, assured to us by international law, over a portion of the globe sufficiently large to satisfy our just requirements." In that sentence, the thing over which supremacy is sought is "a portion of the globe." The sentence does not describe a rank among inhabitants.

The same translation addresses residents who are not Jews directly. "Every man will be as free and undisturbed in his faith or his disbelief as he is in his nationality," Herzl wrote. He added: "if it should occur that men of other creeds and different nationalities come to live amongst us, we should accord them honourable protection and equality before the law." His wider vocabulary, including the colonial terms he used, is read separately in the Institute's report on Herzl, Jabotinsky and the colonial vocabulary.

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## Who first said the Jewish-state policy put Jews above others?

E. S. Montagu, Secretary of State for India, put that reading on the British War Cabinet record on 23 August 1917, **20 years** after Herzl's congress. In paper G.T. 1868, held by The National Archives at CAB 24/24/71, he wrote that he assumed the proposed policy meant "that Mahommedans and Christians are to make way for the Jews, and that the Jews should be put in all positions of preference."

Montagu framed his charge in an opening sentence that has to be read whole, because it separates result from intent: "I have chosen the above title for this memorandum, not in any hostile sense, not by any means as quarrelling with an anti-Semitic view which may be held by my colleagues, not with a desire to deny that anti-Semitism can be held by rational men, not even with a view to suggesting that the Government is deliberately anti-Semitic ; but I wish to place on record my view that the policy of His Majesty's Government is anti-Semitic in result and will prove a rallying ground for Anti-Semites in every country in the world."

He wrote, in his own words, "as the one Jewish Minister in the Government." He was answering a draft, not the Balfour Declaration. The paper responds to Lord Rothschild's letter of 18 July 1917 and to a reply then still unissued, and the Declaration itself followed ten weeks later. His sentence about preference continues: "Turks and other Mahommedans in Palestine will be regarded as foreigners, just in the same way as Jews will hereafter be treated as foreigners in every country but Palestine." His objection had two sides: one concerned the existing inhabitants, the other the standing of Jews in Britain. He wrote that "Zionism has always seemed to me to be a mischievous political creed" and asserted "that there is not a Jewish nation."

His proposed alternative was equality within Palestine. He asked the Government to secure "for Jews in Palestine complete liberty of settlement and life on an equality with the inhabitants of that country who profess other religious beliefs" and to "go no further."

The paper records what one minister argued on one date. It carries no figure and is not evidence of what the Cabinet decided, what British Jews believed or what Zionists intended. The first page was read from the archive's own published image. The passages from pages 2 and 3, including the end of the preference sentence, were read from a relayed scan of the same print.

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## How many American Jews objected to a Jewish state in 1919?

Two 1919 wire reports put the number at **300**. The Douglas Daily International of 5 March 1919 reported that "Three hundred prominent American Jews signed a petition" against "the organization of the Jewish state of Palestine." Representative Julius Kahn of California presented the statement to President Woodrow Wilson on 4 March 1919.

The statement itself states no count. It opens "we, the undersigned citizens of the United States." Rabbi Henry Berkowitz, Professor Morris Jastrow and Max Senior drafted it, with Rabbi David Philipson completing the soliciting committee. The Wisconsin Weekly Blade repeated "a statement signed by 300 prominent American Jews" on 15 March 1919. A figure of 299 traces to a 1932 biography by Max E. Berkowitz, the drafter's nephew, quoted by Irving Levitas in American Jewish Archives in 1962. That sentence counts "the two hundred and ninety-nine other signatories," meaning the others besides Berkowitz, so it describes the same 300. The total was also still moving after the presentation. Levitas records Rabbi Leo M. Franklin of Detroit deciding to sign on 22 April 1919.

| Count stated | What it counts | Source |
|---|---|---|
| **300** | Signers, as of early March 1919 | Douglas Daily International, 5 March 1919 |
| **300** | Signers, restated | Wisconsin Weekly Blade, 15 March 1919 |
| **299** | Signers other than Berkowitz | Max E. Berkowitz, 1932, quoted by Levitas, 1962 |
| **None** | No total in the document | The Statement's own text |

Source: Berkowitz, Jastrow, Senior and the signers, 1919, in the reproductions named in Sources.

The objection was framed in democratic terms. Objection 4, in the American Jewish Archives text, protests "the re-establishment in Palestine of a distinctively Jewish State as utterly opposed to the principles of democracy." The closing asks that Palestine be governed "under a democratic form of government recognizing no distinctions of creed or race or ethnic descent."

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The Denver Jewish News of 19 March 1919, which spells words in its own house style, prints the signers' claim to voice "the majority of American Jews born in this country." The same page prints the Zionist Organization of America's rival claim to a majority of adult American Jews. Neither organisation published a method.

## How did the Bund judge political Zionism's aim in 1901?

The Bund's Fourth Congress, held at the end of **April 1901**, judged political Zionism's territorial aim either insignificant or utopian, according to the Central Committee's printed report of August 1901. The report is reproduced in the documentary edition Bund: Dokumenty i materialy (ROSSPEN, 2010). The congress objected on grounds of feasibility and class consciousness.

The resolution reads in full, in the Institute's working translation from the Russian: "The congress considers Zionism a reaction of the bourgeois classes against antisemitism and the abnormal legal position of the Jewish people. The congress finds the final aim of political Zionism, the acquisition of a territory for the Jewish people, insofar as it would hold a small part of that people, a matter of no great significance that does not resolve the 'Jewish question', and insofar as it is claimed to concentrate the whole Jewish people or even a significant part of it, utopian and unrealisable. The congress considers that the agitation of the Zionists inflames national feeling and may hinder the development of class consciousness. As regards the cultural activity of certain Zionist groups, the congress treats it as it treats any legal activity."

A separate vote of the same congress barred Zionists from the Bund's "economic" and "political" organisations. The territorial model that the congress's national-question debate rejected was a different one. A footnote to the report identifies it as the Polish Socialist Party's.

The phrase "Jewish state" also predates Herzl, and its earlier use had another referent. Article five of the Declaration of Principles adopted by a rabbinical conference near Pittsburgh in November 1885 stated: "We consider ourselves no longer a nation, but a religious community, and therefore expect neither a return to Palestine, nor a sacrificial worship under the sons of Aaron, nor the restoration of any of the laws concerning the Jewish

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state." The mention of sacrifice under "the sons of Aaron" places that "Jewish state" in ancient Temple restoration, nearly 12 years before the 1897 congress.

The movement reversed the clause. The Central Conference of American Rabbis, founded in 1889 and now the text's publisher, affirmed in its 1937 Columbus Platform "the obligation of all Jewry to aid in its upbuilding as a Jewish homeland."

## What equality did the 1948 founding text promise non-Jews?

The Provisional Government of Israel's Declaration of 14 May 1948 pledges equality in so many words. In the Knesset's English text, the state "will ensure complete equality of social and political rights to all its citizens irrespective of religion, race or sex." The Ministry of Foreign Affairs publishes the same sentence with "all its inhabitants."

Both English versions are Israeli government translations of a Hebrew original, and they differ on the word the clause turns on. The quotation above follows the Knesset text. The Declaration adds that the state "will guarantee freedom of religion, conscience, language, education and culture."

The Declaration also addresses Arabs by name. It appeals "to the Arab inhabitants of the State of Israel to preserve peace and participate in the upbuilding of the State on the basis of full and equal citizenship and due representation in all its provisional and permanent institutions." The founding text therefore pairs the declaration of a "JEWISH STATE" with an equality pledge that names religion and race as grounds on which rights do not vary.

The pledge later entered Israel's constitutional texts by reference. Section 1 of Basic Law: Human Dignity and Liberty, in the Knesset's unofficial English translation through May 2022, provides that basic rights "shall be upheld in the spirit of the principles included in the Declaration of the Establishment of the State of Israel." That wording points to the Declaration's spirit. It does not incorporate the Declaration or enact its equality sentence.

The Declaration's 1948 pledge is a statement of intent. The text alone does not record how any person was treated under it.

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## Which part of Herzl's program did Israeli law enact first?

The Knesset passed the Law of Return on **5 July 1950**. Section 1, as enacted, reads: "Every Jew has the right to come to this country as an oleh." The English text published by the Knesset glosses oleh as "a Jew immigrating, into Israel." Jewish immigration was the element of the Zionist program the state put into statute first.

As enacted in 1950, section 2(b) let the Minister of Immigration refuse the immigrant's visa to an applicant engaged "in an activity directed against the Jewish people" or likely "to endanger public health or the security of the State." That page shows the text as passed. A 1954 amendment is recorded in the 1970 statute's own footnote, but its content was not read, so the 1950 grounds are not the grounds in force today. The Law carries no count of immigrants.

The Knesset's Amendment No. 2, passed on 10 March 1970, inserted two sections that work in opposite directions. Section 4B defines the term: "For the purposes of this Law, 'Jew' means a person who was born of a Jewish mother or has become converted to Judaism and who is not a member of another religion." Section 4A extends the same rights to people who are not Jews under that definition: "a child and a grandchild of a Jew, the spouse of a Jew, the spouse of a child of a Jew and the spouse of a grandchild of a Jew." The same amendment inserted section 3A(b) into the Population Registry Law, which carries the 4B definition into "any registration or document thereunder."

The State's later texts connect the Law to the earlier program. The 2018 Basic Law states that the State "shall be open to Jewish immigration, and the ingathering of the exiles." In 2000, Israel's Supreme Court described the Law of Return as a "special key to enter." The statutes most often cited in this debate are compared in the Institute's report on Israeli laws called Jewish supremacist.

## Did Israel's Supreme Court accept the Jewish state as justifying discrimination?

No. Israel's Supreme Court, sitting as the High Court of Justice, held on 8 March 2000 in HCJ 6698/95 Ka'adan v. Israel Land Administration that it does "not accept the approach that the

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values of the State of Israel, as a Jewish state, would justify, on the level of a general purpose, discrimination by the State between its citizens, on the basis of religion or nationality."

The case arose from land at Katzir. The State had allocated the land through the Jewish Agency to a cooperative society that admitted only Jews, and an Arab couple sought to build a home there. The same paragraph 31 that rejects the Jewish-state justification states that there is "no contradiction between the values of the State of Israel as a Jewish and democratic state and between the absolute equality of all of its citizens." It reads the Law of Return in the same frame: "once a person has lawfully entered the home, he enjoys equal rights with all other household members." Paragraph 34 closes the indirect route: "What the State cannot do directly, it cannot do indirectly."

The remedy was narrower than the holding. A panel of five declared the allocation unlawful and ordered the State to "consider the petitioners' request" on the principle of equality. It did not order the couple admitted. Justice Y. Kedmi dissented only on whether the ruling reached past allocations. He wrote that he concurs with the President's "fundamental approach regarding the position of the value of equality."

The equality rule in this area is judge-made. The Knesset's unofficial English translation of Basic Law: Human Dignity and Liberty contains zero occurrences of "equal." Its purpose clause, numbered 1a in the Knesset text, embeds "the values of the State of Israel as a Jewish and democratic state." Section 10 leaves every law in force before 1992 untouched.

## When did Israeli law make self-determination exclusive to Jews?

The Knesset enacted that language in **2018**, 121 years after the First Zionist Congress. Clause 1(c) of Basic Law: Israel as the Nation-State of the Jewish People reads, in the Knesset's unofficial English translation: "The realization of the right to national self-determination in the State of Israel is exclusive to the Jewish People."

The same law states in clause 7 that "The State views the development of Jewish settlement as a national value, and shall act to encourage and promote its establishment and consolidation." Clause 4 makes Hebrew "the language of the State" and gives Arabic "a

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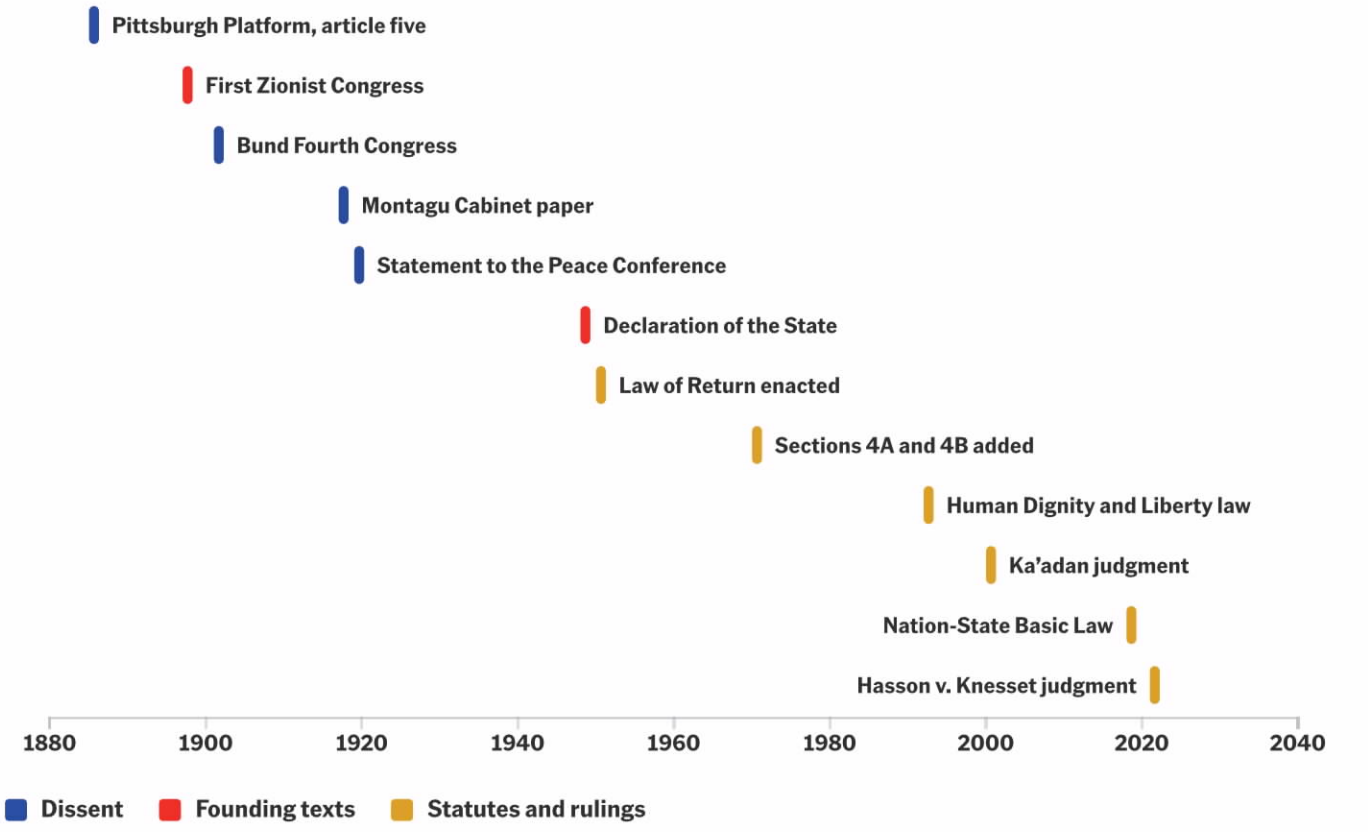
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special status." The law contains no equality clause and no individual-rights clause. That is a fact about the text and not a finding about how the State treats anyone. The law's text is read clause by clause in the Institute's report on the Nation-State Law and Jewish supremacy.

Israel's Supreme Court ruled on the law on 8 July 2021 in HCJ 5555/18 Hasson v. Knesset, dismissing fifteen petitions before an eleven-justice panel. The ruling has two halves. The law was upheld. The Court also held that the Knesset, acting as constituent authority, is "not all powerful" and may not, even by Basic Law, deny the core of the State's character as both Jewish and democratic.

**From the 1897 congress to the 2018 exclusivity clause**

DATED TEXTS ON JEWISH STATEHOOD, DISSENT AND ISRAELI LAW, 1885 TO 2021




*Source: Pittsburgh Rabbinical Conference, 1885; Provisional Government of Israel, 1948; Bund, 1898 to 1901; Montagu, 1917; Berkowitz, Jastrow, Senior and the signers, 1919; Knesset, 1950, amended 1970; Knesset, 1992; Israeli Supreme Court, 2000; Knesset, 2018; Israeli Supreme Court, 2021.*

## Methodology and limitations

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The evidence is documentary. It consists of primary and official records: Israel's 1948 Declaration in the Knesset's English text, three Knesset statutes in published English translations, two Supreme Court judgments in English, and a British Cabinet paper held by The National Archives. It also draws on primary historical artifacts: a 1919 petition, a 1901 party congress report and an 1885 rabbinical platform. The term "Jewish supremacist state" is treated as a characterisation, and each section locates the dated text to which a reading of that kind points. No source here measures attitudes or counts outcomes. Every date and quotation is reported as the named document gives it.

Each source carries its own limits. Herzl's 1896 pamphlet is quoted from two English translations, the Fordham sourcebook excerpt and the Project Gutenberg edition, not from the German original. Pages 2 and 3 of the Montagu paper were read from a relayed scan whose first page matches the archive's published image word for word. The 1919 statement survives in two reproductions that differ, so passages are quoted from the American Jewish Archives text except for the opening, which comes from the Denver printing. The copy presented to Wilson was not located. The Bund quotations are the Institute's working translations from Russian, and the text of the 1901 national-question resolution itself was illegible in the published scan.

The Knesset labels its Basic Law translations unofficial, and the Law of Return pages carry no marking either way. The 1950 text is quoted as enacted, and the content of the 1954 amendment was not established. The vote split in Hasson is not recorded in the sources read.

## Conclusion

So what role did Herzl play? On the record of Israel's own founding text, he summoned the 1897 congress that the 1948 Declaration names first in the chain ending in statehood. In the English translations of his 1896 pamphlet, he sought sovereignty over territory and offered residents of other creeds "equality before the law."

The reading of a Jewish state as one that places Jews first among its inhabitants appears on the record in 1917, in the words of the one Jewish minister in Britain's government. He described it as a result of the policy, not its intent. Three hundred American Jews objected in 1919 that a Jewish state was undemocratic. The Bund's 1901 objection concerned whether the plan could

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work, not who would rank above whom. The state's 1948 Declaration pledged equality "irrespective of religion, race or sex." Its Supreme Court ruled in 2000 that Jewishness does not license discrimination between citizens, and its Knesset made self-determination "exclusive to the Jewish People" in 2018.

Each layer of that record has its own author and its own date. When the characterisation is attached to a person, what changes depending on whether the reader weighs the pamphlet of 1896 or the clause of 2018, and how much weight should the 121 years between them carry?

## Frequently Asked Questions

### Was Montagu's paper a response to the Balfour Declaration?

No. Montagu's paper is dated 23 August 1917, and the Declaration of the Establishment of the State of Israel dates the Balfour Declaration to 2 November 1917, ten weeks later. The paper answered a draft exchange that began with Lord Rothschild's letter of 18 July 1917, so it could not have seen the wording that was finally issued.

### Who handed the 1919 statement to President Wilson, and where?

Representative Julius Kahn of California presented it on 4 March 1919, the day before Wilson sailed from Hoboken for the Paris Peace Conference, according to the record assembled from the 1919 wire reports and the 1932 biography. A presentation in Paris is therefore impossible on these dates. The copy given to the President has not been found in the sources searched.

### Did the Bund admit Zionists as members?

No. The Bund's Fourth Congress of April 1901 decided, in a separate vote from its resolution on Zionism, that Zionists were not to be admitted "in any case" to its economic or political organisations. The same congress treated the cultural activity of some Zionist groups like any legal activity.

### Can a person who left Judaism claim under the Law of Return?

Section 4A, inserted by the Knesset in 1970, excludes from its extended rights "a person who has been a Jew and has voluntarily changed his religion." The exclusion applies to the

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claimant's own history, not the ancestor's. Section 4A(b) adds that it is immaterial whether the Jew through whom the right is claimed is still alive.

### Does Basic Law: Human Dignity and Liberty override laws passed before 1992?

No. Section 10 of the Knesset's 1992 Basic Law states that it "shall not affect the validity of any law that existed prior to the inception of the Basic Law." A statute that predates it, such as the 1950 Law of Return, cannot be challenged under the Basic Law on that ground.

### What does the 2018 Nation-State Law say about Arabic?

Clause 4(b) of the Knesset's 2018 Basic Law gives Arabic "a special status in the State," while clause 4(a) makes Hebrew "the language of the State." Clause 4(c) provides that nothing in the article compromises the status Arabic held "in practice" before the law came into force.

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The Hanover Institute for Public Policy studies the inputs fueling antisemitism in the United States and publishes what the evidence shows. Its work is content analysis, computational social science, and other data-driven research, and its reports take no policy positions.

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DATA REPORT BY THE HANOVER INSTITUTE NOVEMBER 9, 2026 UPDATED NOVEMBER 10, 2026

# What role did antisemitism play in Zionism's rise? In the founders' own words

*Pinsker (1882) and Herzl (1896) put antisemitism at the centre; the 1897 Basel Program never names it. The founding record, read in full.*

Zionism | Antisemitism | Theodor Herzl | Jewish Labor Bund | Jewish History



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Antisemitism was the stated starting point of both of Zionism's founding treatises. Leon Pinsker wrote Auto-Emancipation in **1882**, after the pogroms in the Russian Empire, and concluded that "the international Jewish question must have a national solution." Theodor Herzl's The Jewish State of 1896 named "the misery of the Jews" as the movement's "propelling force."

The dated documents can test a further question: did that hatred create the idea of a Jewish national home, or wake one already present? The program the First Zionist Congress adopted in Basel in August 1897 does not mention antisemitism, and Herzl himself wrote that the outcries against Jews had "awakened the slumbering idea." Contemporaries who rejected Zionism read its origin the same way. The Jewish socialist Bund resolved in April 1901 that Zionism was a reaction against antisemitism. A British Cabinet minister in 1917 and an American petition of 1919 argued that a Jewish state would harm Jews living elsewhere.

## Key Findings

- Pinsker (1882) wrote Auto-Emancipation after the pogroms of 1881 and 1882 in the Russian Empire. He concluded that "the international Jewish question must have a national solution."
- Herzl (1896) named "the misery of the Jews" as Zionism's "propelling force." He expected "the Governments of all countries scourged by Anti-Semitism" to help Jews obtain sovereignty.
- The program adopted at Basel, submitted on 30 August 1897, names one aim and four means and does not mention antisemitism (First Zionist Congress, 1897).
- The Bund's Fourth Congress resolved in April 1901 that Zionism was a reaction of the bourgeois classes against antisemitism, then judged its territorial aim utopian. Its Third Congress in December 1899 had demanded only civil, not national, equality (Bund, 1898 to 1901).
- On 23 August 1917, Britain's one Jewish minister argued that the Palestine policy would be antisemitic in its result, though not in intent (Montagu, 1917). In March 1919, a petition that two wire reports put at 300 signatories argued that a Jewish state would limit Jews' claims to citizenship elsewhere (Berkowitz, Jastrow, Senior and the signers, 1919).

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## What role did antisemitism play in Zionism's founding texts?

Leon Pinsker's Auto-Emancipation, published anonymously in German in **1882**, opens from the pogroms then running through the Russian Empire.

The text puts it this way: "For the refugees the years 1881 and 1882 were a highway covered with the wounded and dead" (Pinsker, 1882, in D. S. Blondheim's 1916 English translation).

From that experience he drew a national remedy: "The international Jewish question must have a national solution."

Pinsker's account of the hatred itself is his own 1882 polemic, not a medical or historical finding. He called it "Judeophobia" and wrote: "Judeophobia is a psychic aberration. As a psychic aberration it is hereditary, and as a disease transmitted for two thousand years it is incurable." He held it to be "common to the whole of mankind."

From that diagnosis the pamphlet turns to emancipation. Its closing summary states: "The Jews are not a living nation; they are everywhere aliens; therefore they are despised." It adds: "The civil and political emancipation of the Jews is not sufficient to raise them in the estimation of the peoples." The remedy it names is "the creation of a Jewish nationality, of a people living upon its own soil."

Theodor Herzl's The Jewish State, issued in Vienna on 14 February 1896, puts the same force at the head of its plan. Its Preface reads, in the 1946 English text: "Everything depends on our propelling force. And what is that force? The misery of the Jews" (Herzl, 1896).

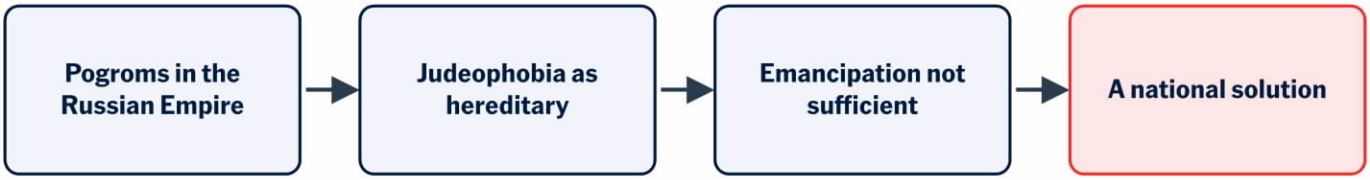
Neither founder fixed the territory. Pinsker asked for land "sufficiently extensive to allow the settlement of several millions" and warned against choosing it by "preconceived sympathies." Herzl weighed the question under the heading "Palestine or Argentine?" In both texts, antisemitism is the premise of the argument and the destination is left open.

**The argument of Auto-Emancipation**

**THE PAMPHLET'S OWN SEQUENCE, IN THE 1916 ENGLISH TRANSLATION**

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*The diagnosis is the author's 1882 framing, not a medical or historical finding. The territory is left open.*

*Source: Pinsker (1882), Blondheim translation, 1916.*

## Who says antisemitism triggered Zionism, and since when?

The Bund, the Jewish socialist workers' party of the Russian Empire, resolved at its Fourth Congress at the end of **April 1901** that Zionism was a reaction of the bourgeois classes against antisemitism and against the abnormal legal position of the Jewish people (Bund, 1898 to 1901). So the view that Zionism answered antisemitism was held from the start, both by its founders and by a rival Jewish party that opposed it.

The founders stated the link first, Pinsker in 1882 and Herzl in 1896. The Bund reached the same diagnosis from the opposite side. Its resolution is printed in full in section XVII of the Central Committee's report on the Fourth Congress, published in Geneva in August 1901 and reprinted in the ROSSPEN documentary edition of 2010. That edition publishes the Russian only, so the English below is the Institute's working translation.

The resolution reads: "The congress considers Zionism a reaction of the bourgeois classes against antisemitism and the abnormal legal position of the Jewish people. The congress finds the ultimate aim of political Zionism, the provision of a territory for the Jewish people, insofar as that territory would hold a small part of it, a matter of no great significance that does not resolve the 'Jewish question', and insofar as it is claimed that the whole Jewish people or even a significant part of it would be concentrated there, utopian and unrealisable. The congress considers that the agitation of the Zionists inflates national feeling and may hinder the development of class self-consciousness. As regards the cultural activity of certain Zionist groups, the congress treats it as it treats any legal activity."

A second decision of the same congress, taken as a separate vote, excluded Zionists from party bodies: "In no case may Zionists be admitted to either our economic or our political

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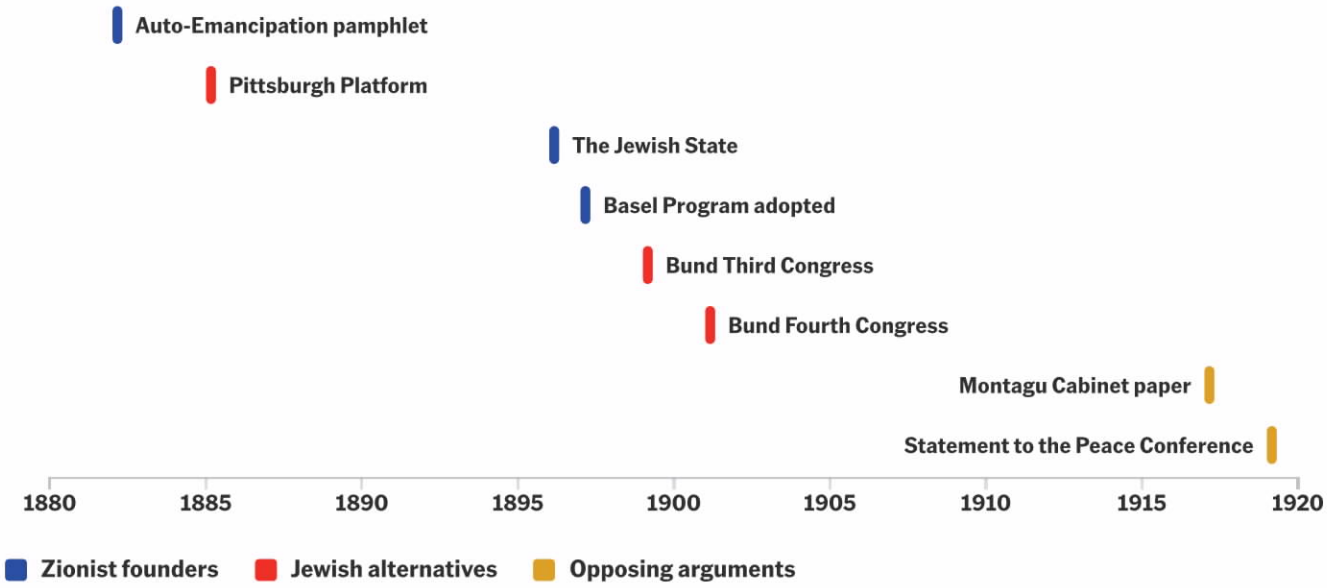
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organisations." The resolution itself addresses political Zionism and its territorial aim, and it treats cultural Zionist work as lawful activity.

The Central Committee's report dates the congress to "the end of April 1901" and names no location. The same congress renamed the party the General Jewish Workers' Union in Lithuania, Poland and Russia.

**Dated positions on Zionism and antisemitism, 1882 to 1919**

FOUNDING TEXTS AND RIVAL POSITIONS, BY YEAR OF ISSUE




*Source: Pinsker (1882); Pittsburgh Rabbinical Conference (1885); Herzl (1896); First Zionist Congress (1897); Bund (1898 to 1901); Montagu (1917); Berkowitz, Jastrow, Senior and the signers (1919).*

## How did Herzl tie antisemitism to winning a state?

Theodor Herzl's The Jewish State of **1896** made antisemitism the lever of its diplomacy: "The Governments of all countries scourged by Anti-Semitism will be keenly interested in assisting us to obtain the sovereignty we want" (Herzl, 1896, 1946 American Zionist Emergency Council text, Alkow revision). The claim that Zionist leaders expected help from governments under antisemitic pressure is, in this text, Herzl's own written strategy.

The strategy rests on an account of cause that is Herzl's own 1896 argument, not an established explanation. In the chapter headed "Causes of Anti-Semitism," he separates the

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modern phenomenon from earlier persecution: “Modern Anti-Semitism is not to be confounded with the religious persecution of the Jews of former times.” He locates its source in legal equality: “In the principal countries where Anti-Semitism prevails, it does so as a result of the emancipation of the Jews.”

He also predicted that it would not recede. “Anti-Semitism increases day by day and hour by hour among the nations; indeed, it is bound to increase, because the causes of its growth continue to exist and cannot be removed.” On that forecast, waiting for emancipation to mature offered no remedy, which is the gap the state was meant to fill.

Herzl’s account of peoplehood runs through the same pressure. “We are one people,” he wrote, and “our enemies have made us one without our consent, as repeatedly happens in history.” In his telling, hostility from outside had produced the national unit his plan then sought to house.

The remedy he proposed was political rather than social or religious. Chapter I states: “I think the Jewish question is no more a social than a religious one, notwithstanding that it sometimes takes these and other forms. It is a national question, which can only be solved by making it a political world-question to be discussed and settled by the civilized nations of the world in council.” Read with the sentence on governments “scourged by Anti-Semitism,” the treatise links each part of the problem to an actor. Antisemitism defined the question, states troubled by it would settle it, and sovereignty would close it. The Institute’s earlier reading of Herzl’s founding text sets out how that text has been read since.

**Herzl’s chain from antisemitism to sovereignty**

**THE JEWISH STATE, 1896, CHAPTERS I AND II, 1946 ENGLISH TEXT**




*Each step is Herzl’s own 1896 claim, quoted from his text.*

*Source: Herzl (1896), 1946 AZEC English text.*

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## Did the 1897 Basel Program mention antisemitism at all?

The Basel Program, submitted to the First Zionist Congress on **30 August 1897**, a day after the Congress opened (Jewish Virtual Library dates), contains no reference to antisemitism. In the Jewish Encyclopedia translation it states one aim: "Zionism aims at establishing for the Jewish people a publicly and legally assured home in Palestine" (First Zionist Congress, 1897). The antisemitism rationale sits in Pinsker and Herzl, not in the instrument the Congress adopted.

The program lists four means toward that aim, verbatim: "(1) the promotion of the settlement of Jewish agriculturists, artisans, and tradesmen in Palestine; (2) the federation of all Jews into local or general groups, according to the laws of the various countries; (3) the strengthening of the Jewish feeling and consciousness; (4) preparatory steps for the attainment of those governmental grants which are necessary to the achievement of the Zionist purpose."

The historian Gotthard Deutsch, writing the Encyclopedia's entry, records that the program "was unanimously accepted at the morning session of the second day of the first Congress, after a report by Max Nordau" (Deutsch, Jewish Encyclopedia, 1901 to 1906). Unlike Pinsker's pamphlet, the adopted text names Palestine. Pinsker had left the territory open.

Two further statements come from Deutsch's account and not from the program text. He reports that the Congress meant the home to be "only for those Jews who either could not or would not assimilate in their respective dwelling-places." He also records that opponents "made it a prominent argument that the assertions of the anti-Semites were confirmed by the holding of this Congress."

English renderings of the German "öffentlich-rechtlich gesicherte Heimstätte" differ. The Jewish Virtual Library prints a later wording, "a home for the Jewish people in Eretz-Israel secured under public law," so the quotations here use the Jewish Encyclopedia text throughout.

| Element | Program text (Jewish Encyclopedia translation) | Source |
|---|---|---|
| Aim | "a publicly and legally assured home in Palestine" | First Zionist Congress, 1897 |

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| Element | Program text (Jewish Encyclopedia translation) | Source |
|---|---|---|
| Means 1 and 2 | settlement in Palestine; **federation of all Jews** into groups | First Zionist Congress, 1897 |
| Means 3 and 4 | **"the strengthening of the Jewish feeling and consciousness"**; steps toward governmental grants | First Zionist Congress, 1897 |
| References to antisemitism | **none** | First Zionist Congress, 1897 |

## Did Zionism's roots predate the pogroms of the 1880s?

Israel's Ministry of Foreign Affairs wrote on 31 July 2026 that "the roots of modern Zionism reach back well before the First Zionist Congress of **1897**" (@IsraelMFA, 2026). This is a party's own published statement. It names Rabbi Yehuda Alkalai, "who preached the return of the Jewish people to Zion decades before Theodor Herzl," and the attribution of that claim is the ministry's.

The same post, also the ministry's own account, records that Herzl's grandfather, Shimon Leib Herzl, "served in Alkalai's synagogue in Zemun and was part of that formative environment." It was published on the day Serbia held a state ceremony for Shimon Leib and Rivka Herzl before their reburial in Jerusalem.

The founders' own texts describe antisemitism as reviving an idea rather than creating it. Herzl's Preface opens: "The world resounds with outcries against the Jews, and these outcries have awakened the slumbering idea" (Herzl, 1896). On his own wording, the idea existed before the outcries that woke it.

Pinsker described the same sequence in 1882. The events "of the last few years in enlightened Germany, in Roumania, in Hungary, and especially in Russia, have effected what the far bloodiest persecutions of the Middle Ages could not," he wrote, awakening a national consciousness that "took form in an irresistible movement toward Palestine" (Pinsker, 1882). On that reading, persecution worked on a consciousness already latent, and the direction it took was toward a land already named in Jewish tradition.

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The Basel Program carries the revival strand into the movement's first instrument. Its third means, "the strengthening of the Jewish feeling and consciousness," is an aim of national revival listed beside settlement and diplomacy, and it is written without reference to persecution (First Zionist Congress, 1897). The dated record therefore holds two strands together. The founders' treatises present antisemitism as the force that set the movement going, and in the same texts they describe what it set going as an existing national idea.

## Did other Jewish movements answer antisemitism without a state?

The Bund's Third Congress, held in Kovno on 23 to 25 **December 1899**, resolved that "the Union puts forward among its political demands the demand only for civil, and not national, equality of rights."

The source is Bund, 1898 to 1901, document 6, the Institute's working translation from the ROSSPEN 2010 edition.

The party's answer to the legal position of Jews in the Russian Empire was civil equality, not a territory.

The Bund's 1898 article "Our Aims," printed in its organ Arbeiter Stimme, made the case for a separate Jewish workers' organisation in the same terms. Separate action by the Jewish proletariat "with the demand for equal civil rights," it argued, "not only does not contradict" the interests of the Russian proletariat "but, on the contrary, is very advantageous to it." The words autonomy and Zionism do not appear in the article.

The Fourth Congress of April 1901 moved to national autonomy. On the Central Committee's own narrative of the debate, since the resolution text itself sits on an unread page, the congress held that Russia should become "a federation of nationalities, with full autonomy of each of them in all questions relating to nationality (language, education, art, etc.)." The report adds that the territorial solution "did not have a single defender at the congress." Its own footnote identifies that territorial model as the one advanced by the Polish Socialist Party. Zionism was dealt with in a separate resolution, section XVII.

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A different alternative came from American Reform rabbis. Article five of the Declaration of Principles adopted at the Pittsburgh conference of November 1885 reads: "We consider ourselves no longer a nation, but a religious community, and therefore expect neither a return to Palestine, nor a sacrificial worship under the sons of Aaron, nor the restoration of any of the laws concerning the Jewish state" (Pittsburgh Rabbinical Conference, 1885, Central Conference of American Rabbis text). It is a theological position on national restoration, it predates organised Zionism, and it does not mention antisemitism.

The movement reversed it. The Central Conference of American Rabbis' Columbus Platform of 1937 affirmed "the obligation of all Jewry to aid in its upbuilding as a Jewish homeland" (Central Conference of American Rabbis, 1937). The Institute's report on Jewish identity and the land of Israel reads the Pittsburgh text alongside the other dissenting platforms.

| Body and date | Position recorded | Source |
|---|---|---|
| Pittsburgh conference, Nov. 1885 | **"no longer a nation, but a religious community"** | Pittsburgh Rabbinical Conference, 1885 |
| Bund Third Congress, Dec. 1899 | **civil, not national, equality** | Bund, 1898 to 1901 |
| Bund Fourth Congress, Apr. 1901 | **national autonomy**, no territory | Bund, 1898 to 1901 |
| Reform rabbis, Columbus, 1937 | **aid to "a Jewish homeland"** | Central Conference of American Rabbis, 1937 |

## Why did Britain's one Jewish minister call the policy antisemitic?

E. S. Montagu, Secretary of State for India, circulated War Cabinet paper G.T. 1868 on **23 August 1917** under the title "The Anti-Semitism of the Present Government" (Montagu, 1917, The National Archives, CAB 24/24/71 and CAB 21/58 folio 218). He argued that the proposed Palestine policy "is anti-Semitic in result and will prove a rallying ground for Anti-Semites in every country in the world."

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The full purpose sentence, read from the page the archive publishes, limits the charge: “I have chosen the above title for this memorandum, not in any hostile sense, not by any means as quarrelling with an anti-Semitic view which may be held by my colleagues, not with a desire to deny that anti-Semitism can be held by rational men, not even with a view to suggesting that the Government is deliberately anti-Semitic ; but I wish to place on record my view that the policy of His Majesty’s Government is anti-Semitic in result and will prove a rallying ground for Anti-Semites in every country in the world.” His charge concerned result, not intent.

The paper answers a draft. Montagu wrote that he was prompted by “a correspondence between Lord Rothschild and Mr. Balfour,” Rothschild’s letter being dated 18 July 1917 and Balfour’s answer still to be sent. The Balfour Declaration issued on 2 November 1917, ten weeks later, in wording the paper could not have seen.

He claimed standing “as the one Jewish Minister in the Government,” and stated his view of the movement on the same first page: “Zionism has always seemed to me to be a mischievous political creed, untenable by any patriotic citizen of the United Kingdom.” His second page, which the archive does not publish and which was read from a relayed scan of the same print, sets out the citizenship argument. He asked the Government “to refuse to endorse a conclusion which makes aliens and foreigners by implication, if not at once by law, of all their Jewish fellow-citizens.”

His alternative, on the third page, was narrower: the Government should seek for Jews in Palestine “complete liberty of settlement and life on an equality with the inhabitants of that country who profess other religious beliefs,” and “go no further.” The paper records one minister’s argument on one date. It carries no count and no measure, and it is evidence of what he put on the Cabinet record, not of what British Jews or the Cabinet held.

## Did American opponents say a state would endanger Jewish citizenship?

Yes: A Statement to the Peace Conference, presented to President Woodrow Wilson by Representative Julius Kahn of California on 4 March 1919, argued that a Jewish national unit threatened Jews’ citizenship elsewhere. Two 1919 wire reports put its signers at **300**, though

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the document itself states no count (Douglas Daily International, 5 March 1919; Wisconsin Weekly Blade, 15 March 1919).

The statement was drafted by Rabbi Henry Berkowitz of Philadelphia, Professor Morris Jastrow of the University of Pennsylvania and Max Senior of Cincinnati (Berkowitz, Jastrow, Senior and the signers, 1919). Its text describes its authors only as "the undersigned citizens of the United States." The Douglas Daily International reported that "three hundred prominent American Jews signed a petition," and the Wisconsin Weekly Blade gave "a statement signed by 300 prominent American Jews."

The core argument concerns rights rather than safety. In the text reproduced by Irving Levitas from the drafting committee's own file, the signers held that the Zionist demand "involves the limitation and possible annulment of the large claims of Jews for full citizenship and human rights in all lands in which those rights are not yet secure" (Levitas, 1962). Objection 1 adds: "All Jews repudiate every suspicion of a double allegiance, but to our minds it is necessarily implied in... the establishment of a sovereign State for the Jews in Palestine."

Objection 5 rejects the national premise that Pinsker and Herzl had stated: "it is an error to assume that the bond uniting them is of a national character." The closing sentence of the document reads: "We do not wish to see Palestine, either now or at any time in the future, organized as a Jewish State."

The argument inverts the founders' logic. Pinsker and Herzl held that antisemitism made a national home necessary; these signers held that a national home would weaken the civic standing that emancipation had won. The statement is evidence of what its signers argued in March 1919, not a measurement of American Jewish opinion. The Institute's report on the 1919 petition reads its signatory record in detail.

## Methodology and limitations

The evidence is primary and documentary: the two founding treatises, the Basel Program, the Bund's party records, a Reform rabbinical platform and its successor platforms, a British Cabinet paper, a 1919 petition with the wire reports that covered it, and one 2026 statement by Israel's Ministry of Foreign Affairs, labelled as a party's own account. None of these

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documents measures antisemitism, and none carries a rate, share or survey result. Their figures are dates, a delegate-free signatory report and the counts their authors gave.

Translations are named per source. Pinsker is quoted in D. S. Blondheim's 1916 English; Herzl in the 1946 American Zionist Emergency Council text, Alkow revision; the Basel Program in the Jewish Encyclopedia translation. The Bund documents exist in Russian only in the ROSSPEN 2010 edition, and every English rendering of them here is the Institute's working translation.

Four limits in the record bear on the findings. The operative text of the Bund's 1901 national-question resolution sits on page 177 of the Geneva brochure, which could not be read, so that position is cited from the Central Committee's narrative. Pages two and three of Montagu's paper were read from a relayed scan whose first page matches the archive's own image word for word. No facsimile of the 1885 Pittsburgh printing was located, and the text is quoted from the Central Conference of American Rabbis transcription, corroborated in article five by the American Jewish Archives transcription. The 1919 statement contains no signatory count, so the figure of 300 rests on two contemporaneous wire reports.

## Conclusion

Did antisemitism create Zionism, or wake it? On the founders' own pages it did both work at once: it was the premise of every argument they made, and they described its effect as rousing an idea already present. Herzl named the misery of the Jews as the propelling force in 1896 and, in the same Preface, wrote that the outcries had "awakened the slumbering idea."

The record across the three decades is consistent in its shape. Pinsker in 1882 and Herzl in 1896 set antisemitism at the centre; the program adopted at Basel on 30 August 1897 named a home and four means and left antisemitism out; the Bund in April 1901 called Zionism a reaction against antisemitism and judged its territorial aim utopian. Jews who rejected a state shared the diagnosis and differed on the cure: civil equality for the Bund in 1899, a religious self-definition for the Pittsburgh rabbis in 1885, and, for Montagu in 1917 and the 300 signers of 1919, the fear that a national home would cost Jews their standing as citizens elsewhere.

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Every party in this record agreed that hatred of Jews was the problem and disagreed on whether a state would end it or entrench it. Which reading a society holds about a homeland born of persecution shapes what it expects that homeland to deliver, and the founders, their Jewish rivals and a British minister each staked a different answer on the same evidence of the pogrom years.

## Frequently Asked Questions

### Which English translation of the Basel Program is most reliable?

No single rendering is authoritative, because the German phrase "öffentlich-rechtlich gesicherte Heimstätte" has been translated several ways. The Jewish Encyclopedia (1901 to 1906) prints "a publicly and legally assured home in Palestine," while the Jewish Virtual Library prints the later "a home for the Jewish people in Eretz-Israel secured under public law." Quoting one version and naming it avoids splicing the two.

### Did the Bund adopt a programme when it was founded in 1897?

Not on its founder's account: Arkady Kremer wrote in 1922 that at the founding congress "questions of programme and tactics were not discussed" and no formulated resolutions were adopted (Bund, 1898 to 1901, document 4, the Institute's working translation). The party's own 1901 report dates the founding to September 1897 in the Julian calendar, which YIVO's archival record gives as 7 October 1897 in the Gregorian.

### Did the "Jewish state" in the Pittsburgh Platform mean modern Israel?

No. Article five places it beside "a sacrificial worship under the sons of Aaron," the register of ancient Temple restoration (Pittsburgh Rabbinical Conference, 1885). The text predates the Declaration of the Establishment of the State of Israel of 14 May 1948 by 62 years.

### Has the Reform movement itself described its change of position?

Yes. The Central Conference of American Rabbis' Miami Platform of 24 June 1997 states that by 1937 it "had reversed its stand on Jewish peoplehood" (Central Conference of American

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Rabbis, 1997). The Central Conference was founded on 9 July 1889 and did not exist when the 1885 conference adopted the Pittsburgh text.

### Where can Montagu's 1917 Cabinet paper be read?

The National Archives at Kew holds it as CAB 24/24/71, with a second copy of the same print at CAB 21/58 folio 218 (Montagu, 1917). The archive's catalogue records it as available online for download and publishes the first page as an image.

### Did the 1919 statement claim to speak for American Jews?

It did. Its text, as printed in the Denver Jewish News of 19 March 1919, says the signers were "voicing the opinion of the majority of American Jews born in this country" (Berkowitz, Jastrow, Senior and the signers, 1919). That is a claim inside an advocacy petition, and the document publishes no method for it.

### Where are the 1919 statement's papers held?

The drafting committee's file, with printed copies of the statement and a list of signatories, is in the Henry Berkowitz Papers, Manuscript Collection No. 25, at the American Jewish Archives in Cincinnati (Levitas, 1962). The finding aid does not itemise the statement, and the copy handed to President Wilson was not located in the Library of Congress's Wilson Papers.

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DATA REPORT BY THE HANOVER INSTITUTE NOVEMBER 9, 2026 UPDATED NOVEMBER 10, 2026

# How are Zionism and Jewish nationalism connected? The founding texts and their rivals

*Israel's founding text ties the state to the 1897 Zionist Congress. Rival Jewish platforms and official counts show where the two split.*

Zionism | Jewish Nationalism | Bund | Nation-State Law | Law of Return | Population Statistics



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Israel's Declaration of the Establishment of the State of Israel, signed on 14 May 1948 by the 37 members of the People's Council, traces the Jewish state it proclaims to the First Zionist Congress of 1897. On the founding text's own account, Zionism is the movement whose national aim the state realised. The dated record also shows that Jewish nationalism was wider than Zionism. In April 1901 the Bund recognised the Jews as a nationality while seeking "national autonomy, not territorial independence." A rabbinical conference at Pittsburgh in 1885 went further and declared Jews "no longer a nation, but a religious community." By the beginning of 2024, on the Central Bureau of Statistics' Holocaust Day 2025 release, **45%** of the world's Jews lived in Israel, up from 6% in 1948; the world total outside Israel uses a "core" Jewish population definition the Bureau draws from the American Jewish Year Book.

## Key Findings

- Israel's founding Declaration, signed on 14 May 1948, recites a chain running from the First Zionist Congress of 1897 to the state it proclaims, 51 years later (Provisional Government of Israel, 1948).
- In 2018 the Knesset enacted a Basic Law stating that "the realization of the right to national self-determination in the State of Israel is exclusive to the Jewish People" (Knesset, 2018).
- The Bund's Fourth Congress of April 1901 unanimously recognised that the concept of nationality applies to the Jewish people. On its Central Committee's report, the congress sought "national autonomy, not territorial independence" (Bund, 1898 to 1901).
- A rabbinical conference in 1885 declared Jews "no longer a nation, but a religious community." The CCAR, which publishes the text today, affirmed a "Jewish homeland" in its Columbus Platform of 1937, 52 years later (Pittsburgh Rabbinical Conference, 1885).
- Israel's Central Bureau of Statistics, in its Holocaust Day 2025 release, records 650,000 of 11.5 million Jews (6%) living in Israel in 1948 and 7.1 million of 15.7 million (45%) at the beginning of 2024, with every figure outside Israel on a "core" Jewish population definition (Central Bureau of Statistics, 2025).

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## Is Zionism the political movement of Jewish nationalism?

Israel's Declaration of the Establishment of the State of Israel, read and signed on 14 May 1948, draws its own line from the First Zionist Congress of **1897** to the state it proclaims. The founding instrument therefore presents the national state as the outcome of the Zionist movement. On that text's account, the answer to the heading is yes.

The Declaration states its operative act in capitals: "THE ESTABLISHMENT OF A JEWISH STATE IN ERETZ-ISRAEL, TO BE KNOWN AS THE STATE OF ISRAEL." Its recitals place that act at the end of a sequence:

- the First Zionist Congress, convened by Theodor Herzl in 1897
- the Balfour Declaration of 2 November 1917
- the League of Nations Mandate
- the United Nations General Assembly resolution of 29 November 1947, a recognition the Declaration describes as "irrevocable"

The text was signed by the 37 members of the People's Council, with David Ben-Gurion signing first (Provisional Government of Israel, 1948).

These recitals are the Declaration's own historical narrative. They establish what the founding text asserts about its lineage. They are not independent historical findings about how the state came to be.

What the instrument does establish is the self-understanding of the state at its founding. The document that brought Israel into existence names a Zionist congress as the first link in its chain and names its own product as a Jewish state. That is the plainest documentary form of the connection the question asks about. It is the founders' own description, signed and dated, of Zionism as the political movement through which a Jewish national claim became a state.

The instrument settles less than it might appear to. It shows that the state traces itself to Zionism. It does not show that every Jewish national programme ran through the 1897 congress, or that every Jewish body of the period accepted the premise that Jews formed a nation. Those questions have their own records, and the Bund's congress reports and the

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Reform platforms of 1885 and 1937 answer them differently. The sections below read those records.

**The chain the founding Declaration recites**

EVENTS NAMED IN THE RECITALS OF THE 14 MAY 1948 TEXT, IN ITS OWN ORDER




*The recitals are the founding text's own historical narrative.*

*Source: Provisional Government of Israel, 1948, Declaration of the Establishment of the State of Israel.*

## Who defines Zionism as Jewish self-determination, and since when?

The Knesset's Basic Law: Israel as the Nation-State of the Jewish People, adopted in **2018**, states in clause 1(b) that Israel is "the nation state of the Jewish People in which it realizes its natural, cultural, religious and historical right to self-determination." In that form, the claim that Jews are a nation entitled to self-determination is enacted Israeli constitutional text.

The premise that Zionism means Jewish national self-determination is therefore directionally right, and it has a named and dated holder. The Knesset publishes the English text of the law and labels its translation unofficial. The published version incorporates amendments through 1 May 2022 (Knesset, 2018).

The 1948 Declaration had proclaimed "a Jewish state." The 2018 Basic Law, 70 years later, writes the self-determination formula into the body of law that Israel treats as constitutional. It also makes that self-determination exclusive, and it attaches the classic Zionist programmes of immigration and settlement to it.

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| Clause | Text, in the Knesset's English translation | Source |
|---|---|---|
| **1(b)** | "The State of Israel is the nation state of the Jewish People in which it realizes its natural, cultural, religious and historical right to self-determination." | Knesset, 2018 |
| **1(c)** | "The realization of the right to national self-determination in the State of Israel is exclusive to the Jewish People." | Knesset, 2018 |
| **5** | The State "shall be open to Jewish immigration, and the ingathering of the exiles." | Knesset, 2018 |
| **7** | "The State views the development of Jewish settlement as a national value, and shall act to encourage and promote its establishment and consolidation." | Knesset, 2018 |

Read together, the four clauses give a statutory definition of the national project that the Declaration announced. The nation is the Jewish People. Self-determination within the state belongs to that nation alone. Immigration of Jews and Jewish settlement are national purposes.

The text names its subject as the "Jewish People." It does not define who belongs to that people. Membership is set by other statutes, which are read later in this report.

The Knesset's formula answers the question for the State of Israel, in 2018. It does not show that Jews who called themselves nationalists in the decades before 1948 agreed on what the nation was, or on whether it needed a territory. The records of the Bund, a Jewish socialist party in the Russian Empire, show a national claim that rejected the territorial aim.

## Was there a Jewish nationalism that rejected Zionism?

The Bund's Fourth Congress, held at the end of April **1901**, "unanimously recognised that the concept of 'nationality' fully applies" to the Jewish people, according to the printed report of the party's Central Committee. The same report places the only guarantee of national equality "in national autonomy, not territorial independence." On its own record, a Jewish workers' party held a national claim without a territorial one.

The report is document 9 in the documentary edition of Bund records published by ROSSPEN in Moscow in 2010. The English renderings here are the Institute's working translations from the Russian, because the edition publishes none. The document is the

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Central Committee's narrative of the debate and of the positions adopted. It is not the operative text of the resolution itself (Bund, 1898 to 1901).

The same report records that the territorial solution "had not a single defender at the congress." Its own footnote identifies that territorial model as the Polish Socialist Party's, not Zionism's.

Zionism was the subject of a separate resolution, section XVII of the report, which reads in full:

"The congress considers Zionism a reaction of the bourgeois classes against antisemitism and the abnormal legal position of the Jewish people. The congress finds the ultimate goal of political Zionism, the provision of a territory for the Jewish people, insofar as that territory would hold a small part of the people, a matter of no great significance that does not resolve the 'Jewish question'; and insofar as it is claimed to concentrate the whole Jewish people or even a significant part of it, utopian and unrealisable. The congress considers that the agitation of the Zionists inflames national feeling and may hinder the development of class consciousness. As for the cultural activity of certain Zionist groups, the congress regards it as it regards any legal activity."

A further decision, voted separately, barred Zionists from the party's economic and political organisations.

The national position was not the party's founding doctrine. The Third Congress, which the edition dates to 23 to 25 December 1899 at Kovno, resolved that the Bund "puts forward among its political demands the demand only for civil, and not national, equality of rights." The Fourth Congress report records that the national question had already caused "prolonged heated debates" at the Third Congress. The 1901 position was adopted only after more than 12 hours of debate.

The 1901 report speaks of "national autonomy." The compound term "national-cultural autonomy" is later usage and does not appear in the 1901 text.

## Who argued Jews were a religion rather than a nation?

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A rabbinical conference meeting outside Pittsburgh on 16 to 19 November **1885** adopted a Declaration of Principles whose article five states: "We consider ourselves no longer a nation, but a religious community, and therefore expect neither a return to Palestine..." The Central Conference of American Rabbis publishes the text today, but it did not exist until 1889.

Article five reads in full that the signers "expect neither a return to Palestine, nor a sacrificial worship under the sons of Aaron, nor the restoration of any of the laws concerning the Jewish state." The middle clause fixes the register. "The Jewish state" in 1885 is the ancient polity of Temple restoration, not a modern political programme. Adopted on 16 to 19 November 1885, the text predates the First Zionist Congress, which the CCAR's Miami Platform dates to 29 August 1897, by nearly 12 years, and the Declaration of 14 May 1948 by 62 years (Pittsburgh Rabbinical Conference, 1885). It records a theological denial of Jewish nationhood. It is not a position on Zionism or on Israel, neither of which yet existed. For how such statements bear on the distinction between Zionism and Judaism, see the distinction between Zionism and Judaism.

The CCAR's Columbus Platform of 1937, 52 years after Pittsburgh, affirmed "the obligation of all Jewry to aid in its upbuilding as a Jewish homeland by endeavoring to make it not only a haven of refuge for the oppressed but also a center of Jewish culture and spiritual life."

The CCAR's Miami Platform, accepted on 24 June 1997, records the change in the movement's own words: "By 1937 the CCAR had reversed its stand on Jewish peoplehood." That sentence attributes the 1885 position to a body founded four years after it was adopted. It is the CCAR's wording, reported here as such.

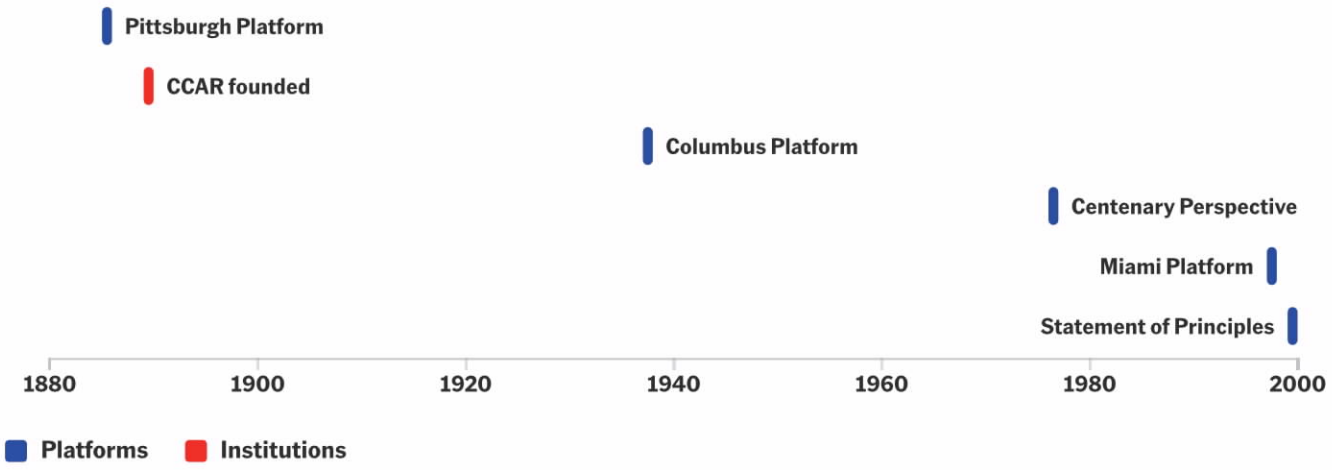
The sequence runs one way. The CCAR's Platforms index lists further statements in 1976, 1997 and 1999, and none restores the 1885 clause. The platform carries no count of any kind. It is evidence of what a rabbinical conference declared in November 1885, not of what American Reform congregants believed.

**Reform platforms on nationhood and homeland**

**FROM THE 1885 DENIAL OF NATIONHOOD TO THE 1937 HOMELAND AFFIRMATION AND LATER RESTATEMENTS**

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*Source: Pittsburgh Rabbinical Conference, 1885, Declaration of Principles, with the CCAR's Platforms index.*

## Did early Jewish opponents of Zionism deny Jewish nationhood?

A Statement to the Peace Conference, presented to President Woodrow Wilson by Representative Julius Kahn on 4 March 1919, was reported by 1919 wire stories as signed by **300** prominent American Jews. Its fifth objection states: "it is an error to assume that the bond uniting them is of a national character." The objection was to the national premise, not only to a state.

The document itself states no signatory count. The figure of 300 comes from the Douglas Daily International of 5 March 1919 and the Wisconsin Weekly Blade of 15 March 1919. Signatures were still being added after the presentation. One rabbi announced his decision to sign on 22 April 1919 (Berkowitz, Jastrow, Senior and the signers, 1919).

Objection 5 continues: the Jews "are bound by two factors: First, the bond of common religious beliefs and aspirations and, secondly, the bond of common traditions, customs, and experiences." Objection 1 rejects "every suspicion of a double allegiance." The closing sentence reads: "We do not wish to see Palestine, either now or at any time in the future, organized as a Jewish State."

The text claims to voice "the majority of American Jews born in this country." That is a claim made inside a petition, not a measurement. The Denver Jewish News printed the statement on 19 March 1919. On the same page it printed the Zionist Organization of America's rival

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claim to speak for American Jews, under the headline "American Lawmakers Favor Jewish State." Neither organisation published a method for its claim.

Two years earlier, E. S. Montagu, Secretary of State for India, put a similar objection on the British War Cabinet record. His paper G.T. 1868, dated 23 August 1917, states: "Zionism has always seemed to me to be a mischievous political creed, untenable by any patriotic citizen of the United Kingdom." Its second page states: "I assert that there is not a Jewish nation" (Montagu, 1917).

The National Archives publishes the first page of the paper as an image. The second page was read from a relayed scan of the same print, whose first page matches the archive's image word for word.

Montagu wrote "as the one Jewish Minister in the Government." His paper argued against a draft declaration. It is one minister's argument on one date. It is not evidence of what British Jews or the Cabinet held.

## Does Israeli law define the Jewish nation by religion?

The Knesset's Law of Return (Amendment No. 2), passed on 10 March **1970**, defines "Jew" in section 4B as "a person who was born of a Jewish mother or has become converted to Judaism and who is not a member of another religion." The legal test combines descent, conversion and religious affiliation, and it is bounded "for the purposes of this Law."

The 1950 Law of Return opens with section 1: "Every Jew has the right to come to this country as an oleh." The translator's note defines an oleh as "a Jew immigrating, into Israel." For twenty years the statute used the word "Jew" without defining it, and the 1970 amendment supplied the definition (Knesset, 1950 and 1970).

The same amendment carried the definition beyond the Law of Return. It inserted section 3A into the Population Registry Law, which governs registration "as a Jew by ethnic affiliation or religion." Subsection 3A(b) gives "Jew" "the same meaning as in section 4B" for the Registry and for "any registration or document thereunder." The same amendment also added section 4A, which extends the Law's rights to named relatives who are not themselves Jewish.

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Personal status follows a separate statute. The Rabbinical Courts Jurisdiction (Marriage and Divorce) Law of 1953 states in section 2: "Marriages and divorces of Jews shall be performed in Israel in accordance with Jewish religious law." Section 1 gives rabbinical courts "exclusive jurisdiction" over those matters (Knesset, 1953). The 1953 statute defines "Jew" nowhere, and the 1970 definition does not reach it by its terms.

| Provision | What the enacted text says | Source |
|---|---|---|
| Law of Return, section **1** (1950) | Every Jew has the right to come as an oleh | Knesset, 1950 and 1970 |
| Law of Return, section **4B** (1970) | Jew: born of a Jewish mother or converted, and not a member of another religion | Knesset, 1950 and 1970 |
| Population Registry, section **3A(b)** (1970) | Imports the 4B meaning into the Registry | Knesset, 1950 and 1970 |
| Rabbinical Courts Law, section **2** (1953) | Marriage and divorce of Jews in Israel follow Jewish religious law | Knesset, 1953 |

The English texts are those the Knesset publishes, marked neither official nor unofficial. They show the law as enacted on the dates given, not the consolidated law in force today.

On these texts, membership in the nation named by the 2018 Basic Law is defined in religious categories: maternal descent, conversion, and the exclusion of members of another religion.

## Does the nation in Israel's law match its citizenry?

Arabs made up **21.1%** of Israel's population on the eve of its 78th Independence Day in 2026, on the Central Bureau of Statistics' own preliminary estimate. Clause 1(c) of the 2018 Basic Law reserves national self-determination in the state to the Jewish People. By the Bureau's definitions, the national collective named in law and the state's population are different sets.

The Bureau counted 10.244 million people, up to date for 22 April 2026. Of these, 2.157 million were Arabs, a category it defines as Moslems, Arab Christians and Druze. Another 7.790 million (76%) were "Jews and Others," where "Others" covers non-Arab Christians, members of other religions and people registered as not classified by religion. A further

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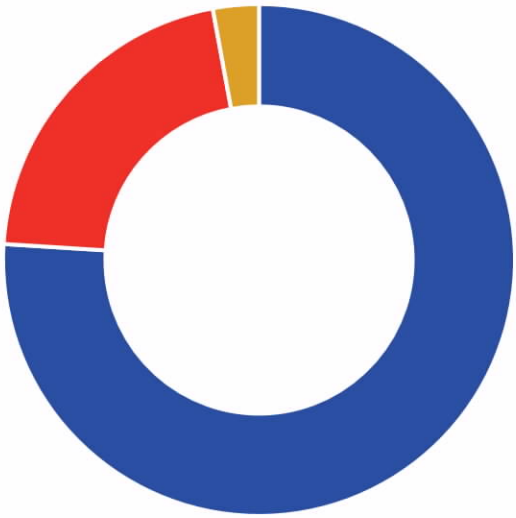
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296,000 foreigners (2.9%) are counted from end-2025 data (Central Bureau of Statistics, 2026).

The estimates rest on the 2022 census. Since 2023 they have included foreigners, so the series is not continuous with earlier years.

**Israel's population by Bureau category**

**PRELIMINARY, EVE OF THE 78TH INDEPENDENCE DAY; 10.244 MILLION; FOREIGNERS AS OF END 2025**



Jews and Others Arabs Foreigners

*Source: Central Bureau of Statistics, 2026, Israel's Independence Day 2026, the Bureau's own preliminary estimate.*

The founding Declaration addressed the population outside the national definition directly. In the Knesset's English text, it pledges "complete equality of social and political rights to all its citizens irrespective of religion, race or sex." The Ministry of Foreign Affairs publishes the same sentence with "all its inhabitants." Both are translations of the Hebrew original.

The Declaration also appeals "to the Arab inhabitants of the State of Israel" to participate "on the basis of full and equal citizenship and due representation" (Provisional Government of Israel, 1948).

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The 2018 Basic Law contains no equality clause and no individual-rights clause. That is a fact about the text, not a finding about how the state treats anyone. On language, clause 4 provides that "Hebrew is the language of the State" and that "Arabic has a special status in the State" (Knesset, 2018).

## How did Zionism's state grow as a share of world Jewry?

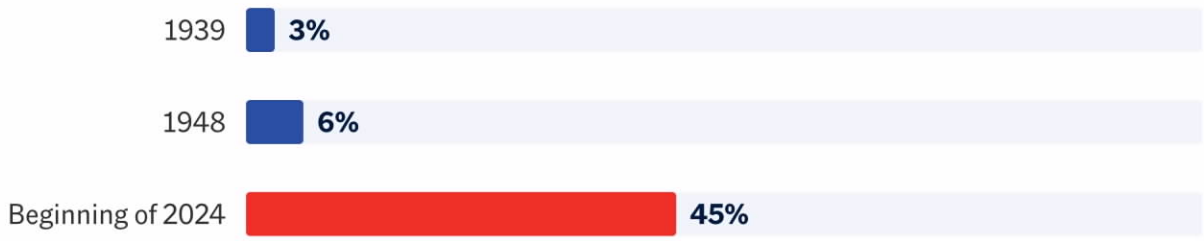
The Central Bureau of Statistics records that the share of the world's Jews living in Israel rose from **6%** on the eve of the state's establishment in 1948 to 45% at the beginning of 2024. The Bureau's series measures where Jews live, not what they believe about Zionism or nationhood.

In 1948, 650,000 of a world Jewish population of 11.5 million lived in Israel. In 1939, on the eve of the Second World War, 449,000 of 16.6 million did, or 3%. At the beginning of 2024, Israel held 7.1 million of 15.7 million Jews (45%), and the United States held 6.3 million (40%) (Central Bureau of Statistics, 2025).

Of the 7.1 million Jews in Israel in 2024, 5.7 million were born in Israel.

**Share of the world's Jews living in Israel**

**WORLD JEWISH POPULATION: 16.6 MILLION (1939), 11.5 MILLION (1948), 15.7 MILLION (2024)**




*Source: Central Bureau of Statistics, 2025, On the Occasion of Holocaust Day, 2025; non-Israel figures use a "core" Jewish population definition.*

The world totals are not Bureau collection. The release states that every figure outside Israel uses a "core" Jewish population definition from the Hebrew University of Jerusalem's

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American Jewish Year Book 2023. Different definitions of who counts as Jewish would produce different shares.

The rival programmes in the earlier sections each spoke for this population. The Bund claimed the Jewish workers of the Russian Empire. The 1919 signers claimed the majority of American-born Jews. The Zionist programme located the nation in a state.

The Bureau's series shows that the state has become the largest single place of Jewish residence, ahead of the United States by 5 percentage points. It does not measure Zionist self-identification among either group.

## Methodology and limitations

The Knesset, Israel's Central Bureau of Statistics and the Provisional Government of Israel supply the official records used here: one founding instrument, four enacted statutes and two statistical releases. The historical records are a political party's congress reports, a rabbinical platform, a Cabinet paper and a petition. Each is labelled by type in the Sources list.

The Bund documents are Russian-language party records in a 2010 documentary edition published by ROSSPEN. The English renderings are the Institute's working translations. The 1901 material is the Central Committee's report of the congress, not the operative resolution text: the page carrying that text was illegible in the edition's digitised copy, and the only partial quotation of it located is secondhand. The three participants' memoirs of the 1897 founding congress, written 12 to 33 years after the event, disagree on whether resolutions were adopted.

The Pittsburgh Platform survives in modern transcriptions published by the CCAR and the American Jewish Archives. These agree on article five. No facsimile of the 1885 printing was located.

The Montagu paper's first page was read from The National Archives' own image. Its later pages were read from a relayed scan of the same print. The 1919 Statement was read in the Denver Jewish News printing and in a 1962 American Jewish Archives article. The two differ in wording, and the article's text is used wherever it carries the passage.

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The Knesset's English statute texts are scans of the Laws of the State of Israel series and show the law as enacted. What the 1954 amendment to the Law of Return changed was not established.

The Bureau's 2026 figures are preliminary. Its world Jewish population figures use a core definition drawn from the American Jewish Year Book.

## Conclusion

Israel's 1948 Declaration ties the state to the Zionist congress of 1897, and that is the plainest form of the connection. Zionism is the strand of Jewish nationalism that produced a state and wrote its national claim into law. Are the two words one idea, then? On the dated record they are a family and its largest branch.

The branch had rivals whose positions the documents date:

- The Bund recognised the Jews as a nationality in 1901 and sought autonomy without territory.
- A rabbinical conference denied Jewish nationhood in 1885, and in 1937 the CCAR, which now publishes that text, affirmed a Jewish homeland.
- A British Cabinet minister wrote in 1917 that there was "not a Jewish nation."
- In 1919, 300 American signers objected to the national premise itself.

Against them stands the enacted record. A 2018 Basic Law reserves national self-determination to the Jewish People. A 1970 statute defines the Jew by descent, conversion and religious affiliation. Arabs make up 21.1% of the population on the Bureau's own 2026 estimate. The state held 6% of the world's Jews in 1948 and 45% at the beginning of 2024.

The rival programmes argued over two questions: who belongs to the Jewish nation, and where that nation lives. The state now answers both, one in statute and the other in its population register. When one branch becomes the place where nearly half the family lives, and the author of the law that says who belongs to it, does the wider word still name anything the branch cannot? And what follows for a country whose founding text promised equality to all, and whose Basic Law names a nation that a fifth of its people sit outside?

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# Frequently Asked Questions

### Did the Bund's founding congress in 1897 adopt a programme on Jewish autonomy?

Arkady Kremer, who convened the founding congress, wrote in 1922 that "questions of programme and tactics were not discussed" and that no formulated resolutions were adopted. The Bund's own 1901 report dates the founding congress to September 1897 on the Julian calendar, which corresponds to October 1897 on the Gregorian. The national-autonomy position appears in the party's records from the Fourth Congress of 1901 (Bund, 1898 to 1901).

### Who issued the Pittsburgh Platform, if not the CCAR?

A rabbinical conference convened at the call of Kaufmann Kohler of New York, with Isaac Mayer Wise presiding, adopted the text in November 1885. The CCAR records its own founding on 9 July 1889 and publishes the platform as its movement's founding text. Whether any Reform body formally ratified the platform is not established in the published record (Pittsburgh Rabbinical Conference, 1885).

### Was Montagu's 1917 paper a reaction to the Balfour Declaration?

Montagu dated his paper 23 August 1917. It answered Lord Rothschild's letter of 18 July 1917 and a draft reply by Balfour, not the issued text. The Balfour Declaration was sent on 2 November 1917, ten weeks later, in wording the paper could not have seen (Montagu, 1917).

### Does the Law of Return apply to people who are not Jewish?

Section 4A, inserted in 1970, extends the Law's rights to the child, grandchild and spouse of a Jew, and to the spouse of a Jew's child or grandchild. It excludes "a person who has been a Jew and has voluntarily changed his religion." Under subsection 4A(b), it is immaterial whether the Jewish relative is alive or ever immigrated (Knesset, 1950 and 1970).

### What status does the 2018 Basic Law give Arabic?

Clause 4(b) states that "Arabic has a special status in the State." Clause 4(c) provides that nothing in the article "shall compromise the status given to the Arabic language in practice"

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before the law came into force. Hebrew is designated "the language of the State" (Knesset, 2018).

### How much of Israel's growth came from immigration?

The Central Bureau of Statistics counts over 3.5 million immigrants since 1948, about 1.68 million of them since 1990. The population grew from 806,000 at the state's establishment to more than 12.5 times that figure in 2026. In the 11.75 months to 22 April 2026, about 21,000 immigrants arrived, against about 177,000 births (Central Bureau of Statistics, 2026).

### How many Jews identify as Zionists?

No official body publishes a worldwide count of Zionist self-identification. The closest measured figure is attachment to Israel. In the Pew Research Center's survey of 4,718 U.S. Jewish adults, fielded from 19 November 2019 to 3 June 2020, 45% said caring about Israel was essential to what being Jewish means to them and 37% said it was important but not essential. That measures attachment to Israel, not adherence to Zionism as a defined position (Pew Research Center, 2021).

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Israel's founding text, statutes and census tie Jewish identity to the land; 45% of US Jews call caring about Israel essential to being Jewish.

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DATA REPORT BY THE HANOVER INSTITUTE NOVEMBER 9, 2026 UPDATED NOVEMBER 10, 2026

# What was early Zionism's "Arab question"? An 1891 warning and the documents after it

*Ahad Ha'am set out the problem in 1891; the 1931 census counted Jews at 16.9%. The dated texts from Basel to Peel, quoted in their own words.*

Zionism | Arab Question | Ahad Ha'am | Balfour Declaration | Peel Commission | Mandate Palestine



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The Arab Question in early Zionist thought was the problem the Hebrew essayist Ahad Ha'am set down in 1891, after three months in Palestine. He found the land already tilled. He wrote that its Arab inhabitants "understand our deeds and our desires," and that if Jewish settlement grew "to the point of encroaching upon the native population, they will not easily yield their place."

The Government of Palestine's census of 18 November 1931 counted 174,610 Jews in a population of 1,035,821, about 16.9%, so the majority at the centre of the question was still in place four decades later. The movement's founding texts treated it unevenly. The 1897 Basel Program does not mention the land's inhabitants, and the 1917 Balfour Declaration protects only the "civil and religious rights of existing non-Jewish communities." By 1937 a British Royal Commission was describing "an irrepressible conflict" between "two national communities."

## Key Findings

- **1891:** Ahad Ha'am's essay "Truth from Eretz Yisrael" warned that the native population "will not easily yield their place" if Jewish settlement encroached upon it. In Alan Dowty's translation, the essay gives the subject two paragraphs (Ahad Ha'am, 1891).
- **16.9%:** the Government of Palestine's 1931 census enumerated 174,610 Jews in a total population of 1,035,821. The census classified residents by religion, not nationality (Government of Palestine, 1932).
- **Zero references:** the Basel Program adopted by the First Zionist Congress in August 1897 states one aim and four means, and none of them mentions the existing population of Palestine (First Zionist Congress, 1897).
- **67 words:** the Balfour Declaration of 2 November 1917 refers to the country's majority as "existing non-Jewish communities" and safeguards their "civil and religious rights" (His Majesty's Government, 1917).
- **22 June 1937:** the Palestine Royal Commission, a British government-commissioned inquiry, signed a report that described two national communities in conflict and recommended partition, a plan that was never enacted (Palestine Royal Commission, 1937).

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## What did early Zionists mean by the Arab Question?

Ahad Ha'am's essay "Truth from Eretz Yisrael," serialised in the Hebrew daily Ha-Melitz in **1891**, states the problem in a Zionist writer's own words. The country was not empty, its Arab population was not unaware of Zionist aims, and expansion would meet resistance. In Alan Dowty's translation, he warned that if Jewish life developed "to the point of encroaching upon the native population, they will not easily yield their place."

The essay is dated by its own text and by its translator. Ahad Ha'am, the pen name of Asher Ginzberg, writes "When I arrived three months ago." Dowty, writing in Israel Studies in 2000, cites a letter Ahad Ha'am sent from Jaffa dated 15 March 1891. The essay reports on the Jewish colonies and is mostly a critique of how the settlement movement was run. Its remarks on the Arab population sit inside that report.

He built the problem from three corrections to what he called the view "from abroad." The first concerned the land: "From abroad, we are accustomed to believe that Eretz Yisrael is presently almost totally desolate, an uncultivated desert, and that anyone wishing to buy land there can come and buy all he wants. But in truth it is not so. In the entire land, it is hard to find tillable land that is not already tilled."

The second concerned the people. Ahad Ha'am first reports the diaspora view in its own period language and then rejects it: "From abroad we are accustomed to believing that the Arabs are all desert savages, like donkeys, who neither see nor understand what goes on around them. But this is a big mistake." He continues: "The Arabs, and especially those in the cities, understand our deeds and our desires in Eretz Yisrael, but they keep quiet and pretend not to understand, since they do not see our present activities as a threat to their future."

The third concerned the future, and it carries the warning quoted above. Taken together, the three passages define the question as Ahad Ha'am framed it. The settlement movement assumed an empty, unaware country. He reported a cultivated, aware one, whose silence depended on the movement staying small.

He also recorded the colonists' conduct. In Dowty's translation, they "walk with the Arabs in hostility and cruelty, unjustly encroaching on them, shamefully beating them for no good

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reason, and even bragging about what they do, and there is no one to stand in the breach and call a halt to this dangerous and despicable impulse."

## Who first named Arab relations as Zionism's hardest test, and when?

Alan Dowty judged in a 2000 Israel Studies article that Ahad Ha'am's 1891 essay was "the first, and for some time the only, serious commentary with at least a glimmer of recognition that relations with the Arab population would be one of Zionism's most severe tests." Dowty also counts the space the subject receives in the essay: **two paragraphs**.

The recognition came early, then, and it came from inside the movement, but it was brief. Dowty writes that "only two paragraphs in 'Truth from Eretz Yisrael' actually address the issue of relations with the non-Jewish population there." The rest of the essay concerns the colonies' finances, administration and methods.

Dowty's reading also limits how far the essay went. On his account, Ahad Ha'am framed the Arabs as "an obstacle to be overcome rather than an opposed party." Dowty adds that Ahad Ha'am did not treat the matter as a political problem in 1891. That reading is Dowty's, and it marks a distance between the 1891 observation and the later language of two competing national movements. By 1937, as the last finding section shows, a British inquiry used that later language outright.

The same passage on the colonists' conduct circulates in an older translation. Tyler Weisman of Randolph-Macon College relays it in an undergraduate survey published in the 2014 proceedings of the National Conference on Undergraduate Research, which is not peer-reviewed. In that wording, the colonists "trespass unjustly upon their boundaries, beat them shamefully without reason and even brag about it." Dowty's version reads "unjustly encroaching on them, shamefully beating them for no good reason." The two are renderings of one Hebrew passage. Neither should be quoted as the other, and Weisman gives no year for the testimony; the date comes from the essay itself.

Weisman's survey adds context on the employment relationship Ahad Ha'am was observing. He writes that most of the early colonists, lacking practical farming knowledge, "ended up

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working on colonies controlled by the wealthy British Jew, Baron de Rothschild." He also writes that "many Jews began hiring Arabs as laborers or tenant farmers, paying very low wages that did little to change their economic or societal position." That is Weisman's survey reading, not a measured wage series, and it carries no figure of its own.

## How large was the Arab majority behind the question?

The Government of Palestine's census, taken at midnight on 18 November 1931 and published in 1932 under Superintendent of Census E. Mills, enumerated **174,610** Jews in a total population of 1,035,821. That is a share of 16.9%.

The count is the Mandatory government's own, taken 14 years after the Balfour Declaration and 40 years after Ahad Ha'am's essay.

The census classified residents by religion. It recorded 759,712 Moslems (73.3% of the total), 91,398 Christians (8.8%), 9,148 Druses (0.9%), 350 Bahais, 182 Samaritans and 421 people of no religion. These categories sum exactly to 1,035,821. There is no column for "Arab" or "Palestinian." Reading the Arab population as Moslems plus most Christians and Druses is a reasonable derivation, but it is not a figure the census prints. The 16.9% Jewish share is the census's own category against its own total.

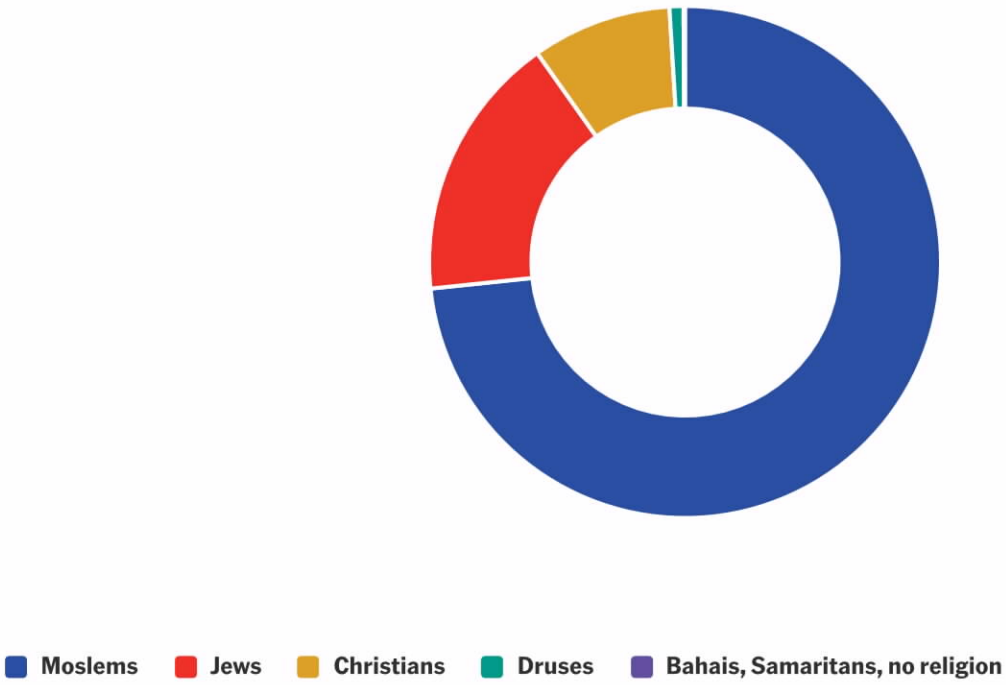
The tables are preliminary. Mills wrote that "Discussion of the statistics is reserved for the General Census Report," which followed in 1933. The preliminary volume reports every village, town, sub-district and district by religion and sex. Its national totals were checked here against the male and female columns, which reproduce the printed figures: 174,610 Jews are 88,100 men and 86,510 women.

The count bears on how the question was framed. Ahad Ha'am wrote in 1891 without a census, from what he saw in the colonies and towns. Four decades of immigration later, the Mandatory government's own enumeration still showed Jews as roughly one resident in six.

**Population of Palestine by religion, 18 November 1931**
PRELIMINARY CENSUS TABLES; TOTAL ENUMERATED POPULATION 1,035,821

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*Source: Government of Palestine, 1932, Census of Palestine 1931. Classified by religion; no nationality column.*

## Did the 1897 Basel Program mention the land's inhabitants?

The Basel Program, adopted by the First Zionist Congress on 30 August 1897, states one aim and four means. Its text refers to the existing population of Palestine **zero** times. In the Jewish Encyclopedia's contemporary translation, the aim reads: "Zionism aims at establishing for the Jewish people a publicly and legally assured home in Palestine."

The four means, verbatim in the same translation, are: "(1) the promotion of the settlement of Jewish agriculturists, artisans, and tradesmen in Palestine; (2) the federation of all Jews into local or general groups, according to the laws of the various countries; (3) the strengthening of the Jewish feeling and consciousness; (4) preparatory steps for the attainment of those governmental grants which are necessary to the achievement of the Zionist purpose."

The first means names the settlers and the place. It does not name the people already living there, and no other clause does either. The program was written six years after Ahad Ha'am had described a country in which tillable land was "already tilled."

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The Congress opened on 29 August 1897, and the program was submitted on 30 August, according to the Jewish Virtual Library. Gotthard Deutsch, writing the Jewish Encyclopedia's entry, records that it "was unanimously accepted at the morning session of the second day of the first Congress, after a report by Max Nordau." Deutsch also records the Congress's gloss on whom the home was meant for: "the struggle for a publicly and legally assured home was meant to be only for those Jews who either could not or would not assimilate in their respective dwelling-places." That gloss is Deutsch's account, not program text.

The wording itself varies between translations. The German "öffentlich-rechtlich gesicherte Heimstätte" is rendered "a publicly and legally assured home" by the Jewish Encyclopedia. The Jewish Virtual Library prints a later version: "a home for the Jewish people in Eretz-Israel secured under public law." The aim and the four means are the same in both, and neither translation adds a reference to the inhabitants.

## Did the question surface first in the colonies or the congresses?

Yuval Ben-Bassat's 2009 peer-reviewed study in the Journal of Palestine Studies covers **six** Judean colonies southeast of Jaffa from 1882 to 1903. Built from the colonies' own logbooks, letters and contracts, it places the friction in daily colony life. Clashes with neighbouring villagers "were not common, but they did occur from time to time," and "the immediate causes were generally disputes over property boundaries and grazing."

Ben-Bassat names the colonies where clashes occurred, Gederah, Rehovot and Qastina, and reports that they ended in "injuries and even deaths." He documents the legal side as well. The colonies financed one another's lawsuits, including a trial Rehovot brought against the village of Zarnuqa "following a severe clash between them sparked by a dispute over grazing rights." The study gives no count of clashes and no frequency beyond "from time to time."

The economic tie ran through wage labour. "Economic connections with the Arab population predominantly revolved around the employment of low-wage day workers," Ben-Bassat writes, which "according to some indications, created pockets of resentment among the Arab workers." In the colonies it ran, the Rothschild administration "set the ratio between Jewish and Arab workers, fixed the workers' wages, established the rules of conduct vis-a-vis the

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Arab workers, negotiated the purchase of land from local landowners, and acted to resolve problems with the Arab villagers."

Land policy then shifted. In 1899 Baron Edmond de Rothschild expressed the wish to see "the whole region [hevel] between Eqron and Rishon le-Zion cultivated by Jewish workers and blooming." Gederah's managing committee decided in 1903 to stop leasing land to Arabs, and "similar decisions were approved by Rehovot and Rishon le-Zion around that time in an effort to limit Arab presence in the colonies and reduce theft and damage to property." Ben-Bassat reports the theft rationale as the colonists' own: the losses were "claimed to have been committed by the Arab rural population."

This record and the congress record sit side by side. The Basel text of 1897 is silent on the inhabitants, while the colonies' own documents from the same decades record boundary, grazing, employment and leasing decisions. Ahad Ha'am's 1891 essay was itself a report on the colonies. Ben-Bassat does not date the first clash, so this record does not establish which came first, the colony disputes or the 1891 essay. The study covers one region only. The wider record of early Zionist contact with Palestinians draws on additional sources.

## How did the 1917 Declaration describe the existing population?

The Balfour Declaration is a letter from Foreign Secretary Arthur James Balfour to Lord Rothschild, dated 2 November 1917. It contains one operative sentence of **67** words. That sentence refers to the country's majority as "existing non-Jewish communities" and protects their "civil and religious rights." It does not name an Arab population, and it grants those communities no political rights.

The sentence in full, as the Avalon Project transcribes it: "His Majesty's Government view with favour the establishment in Palestine of a national home for the Jewish people, and will use their best endeavours to facilitate the achievement of this object, 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."

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The sentence has two safeguard clauses. Political status appears only in the second, which protects Jews "in any other country." The first clause, covering those already in Palestine, is limited to civil and religious rights. The promise is "a national home," not "a state" and not "the national home." The letter describes the text as a "declaration of sympathy with Jewish Zionist aspirations which has been submitted to, and approved by, the Cabinet."

The Mandate for Palestine, approved by the Council of the League of Nations in 1922, carried the Declaration into an international instrument in different words. Its preamble makes the Mandatory "responsible for putting into effect the declaration originally made on November 2nd, 1917." Article 2 assigns the Mandatory responsibility for securing "the establishment of the Jewish national home" and "the development of self-governing institutions," and also for "safeguarding the civil and religious rights of all the inhabitants of Palestine, irrespective of race and religion." Article 4 provides that "an appropriate Jewish agency shall be recognised as a public body for the purpose of advising and co-operating with the Administration of Palestine."

| Text and date | How it names the existing population | Source |
|---|---|---|
| Basel Program, 30 August 1897 | **No reference** | First Zionist Congress, 1897 |
| Balfour Declaration, 2 November 1917 | "**existing non-Jewish communities** in Palestine," limited to "civil and religious rights" | His Majesty's Government, 1917 |
| Mandate for Palestine, Article 2, 1922 | "**all the inhabitants** of Palestine, irrespective of race and religion" | Mandate text, Avalon Project |

## How did Jewish opponents of a Jewish state answer it?

Edwin Montagu, Secretary of State for India and, in his own words, "the one Jewish Minister in the Government," circulated War Cabinet paper G.T. 1868 on **23 August 1917**. In it he assumed the proposed policy meant "that Mahommedans and Christians are to make way for the Jews." The paper answered a draft declaration, ten weeks before the Balfour Declaration was issued.

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Montagu's full sentence continues: "that Turks and other Mahommedans in Palestine will be regarded as foreigners, just in the same way as Jews will hereafter be treated as foreigners in every country but Palestine." His alternative, on the paper's third page, was narrow: "I would say to Lord Rothschild that the Government will be prepared to do everything in their power to obtain for Jews in Palestine complete liberty of settlement and life on an equality with the inhabitants of that country who profess other religious beliefs. I would ask that the Government should go no further."

Page 1 of the paper was read from the image The National Archives publishes (CAB 21/58, folio 218; also catalogued as CAB 24/24/71). That page matches word for word a scan of the same print, and pages 2 and 3, including the equality passage, were read from that relayed scan rather than from the archive's own publication. The paper records one minister's argument on one date. Montagu was answering Lord Rothschild's letter of 18 July 1917 and a reply by Balfour that had not yet been sent.

A second answer came from the United States. A Statement to the Peace Conference, drafted by Rabbi Henry Berkowitz, Professor Morris Jastrow and Max Senior, was presented to President Woodrow Wilson by Representative Julius Kahn of California on 4 March 1919. The Douglas Daily International of 5 March 1919 and the Wisconsin Weekly Blade of 15 March 1919 both reported 300 signatories. The document itself states no count.

Its closing request, in the text Irving Levitas reproduced from the drafting committee's file in American Jewish Archives in 1962, reads: "We ask that Palestine be constituted as a free and independent state, to be governed under a democratic form of government recognizing no distinctions of creed or race or ethnic descent, and with adequate power to protect the country against oppression of any kind. We do not wish to see Palestine, either now or at any time in the future, organized as a Jewish State."

Both texts approached the existing population through equality of status, and both rejected Jewish statehood. Further detail on the 1919 petition and its count is recorded separately.

## What was the Iron Wall answer to the question?

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Ze'ev Jabotinsky's essay "The Iron Wall (We and the Arabs)," published in the Berlin weekly Rassvet on **4 November 1923**, answered the question by denying that Arab consent was available. In the Jabotinsky Institute's English typescript, he wrote: "There can be no voluntary agreement between ourselves and the Palestine Arabs. Not now, nor in the prospective future."

He treated the project as colonisation and Arab opposition as its predictable result: "Colonisation carries its own explanation, the only possible explanation, unalterable and as clear as daylight to every ordinary Jew and every ordinary Arab. Colonisation can have only one aim, and Palestine Arabs cannot accept this aim." He appealed to precedent: "I suggest that they consider all the precedents with which they are acquainted, and see whether there is one solitary instance of any colonisation being carried on with the consent of the native population. There is no such precedent."

From this he drew the essay's central conclusion: "Zionist colonisation must either stop, or else proceed regardless of the native population. Which means that it can proceed and develop only under the protection of a power that is independent of the native population, behind an iron wall, which the native population cannot breach."

Jabotinsky presented this as a description of existing policy rather than a proposal, and he tied it to the instruments of 1917 and 1922: "That is our Arab policy; not what it should be, but what it actually is, whether we admit it or not. What need, otherwise, of the Balfour Declaration? Or of the Mandate?" The Declaration is the 67-word sentence quoted above, and the Mandate is the League instrument whose Article 2 placed the country under the Mandatory's conditions.

A second essay, "The Ethics of the Iron Wall," appeared in Rassvet on 11 November 1923 and answered the charge that the first was immoral. The two are often run together, but they are separate texts with separate dates. Both were written in Russian; the quotations here are the Institute's English typescript, archive reference A 1 - 7/14. Brian Horowitz's article in Israel Studies supplies the Russian issue and page citations.

The essays record what their author, who led Zionism's Revisionist current, wrote in 1923. Like Ahad Ha'am in 1891, Jabotinsky expected a native population that understood the

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project and would resist it. His conclusion was force supplied by an outside power. Comparison of this vocabulary with Herzl's appears in the Institute's reading of the colonial vocabulary in the founding texts.

## Had the question become a clash of two nations by 1937?

The Palestine Royal Commission was a British government-commissioned inquiry, and its six members signed their report on **22 June 1937**. It recorded that "an irrepressible conflict has arisen between two national communities within the narrow bounds of one small country." It concluded that Britain could not "both concede the Arab claim to self-government and secure the establishment of the Jewish National Home."

Appointed by Royal Warrant on 7 August 1936 and chaired by Earl Peel, the Commission was asked to find the causes of the disturbances that began in April 1936. It heard 60 witnesses at 30 public sessions and 53 at 40 private sessions, all in Jerusalem. The report was presented to Parliament in July 1937 as Command Paper 5479. It is the Mandatory power's review of its own obligations, so its findings are a British government finding.

The Commission put the conflict in round numbers: "About 1,000,000 Arabs are in strife, open or latent, with some 400,000 Jews." Both figures are the report's own approximations inside an argumentative passage, not an enumeration. It described the Government of Palestine as "poised as it is above two irreconcilable communities, compelled to follow a path between them marked out by an elaborate, yet not very lucid, legal instrument." It held that the obligations Britain had undertaken towards both communities "have proved irreconcilable; and, as far ahead as we can see, they must continue to conflict."

Its remedy was partition, "the only method we are able to propose for dealing with the root of the trouble." Chapter XXII proposes ending the Mandate in favour of a treaty system and creating two sovereign states. One would be an Arab state uniting Trans-Jordan with part of Palestine; the other would be a Jewish state. A new Mandate would cover the Holy Places. The report also recommended a "political high level" of Jewish immigration, "fixed for the next five years at 12,000 per annum."

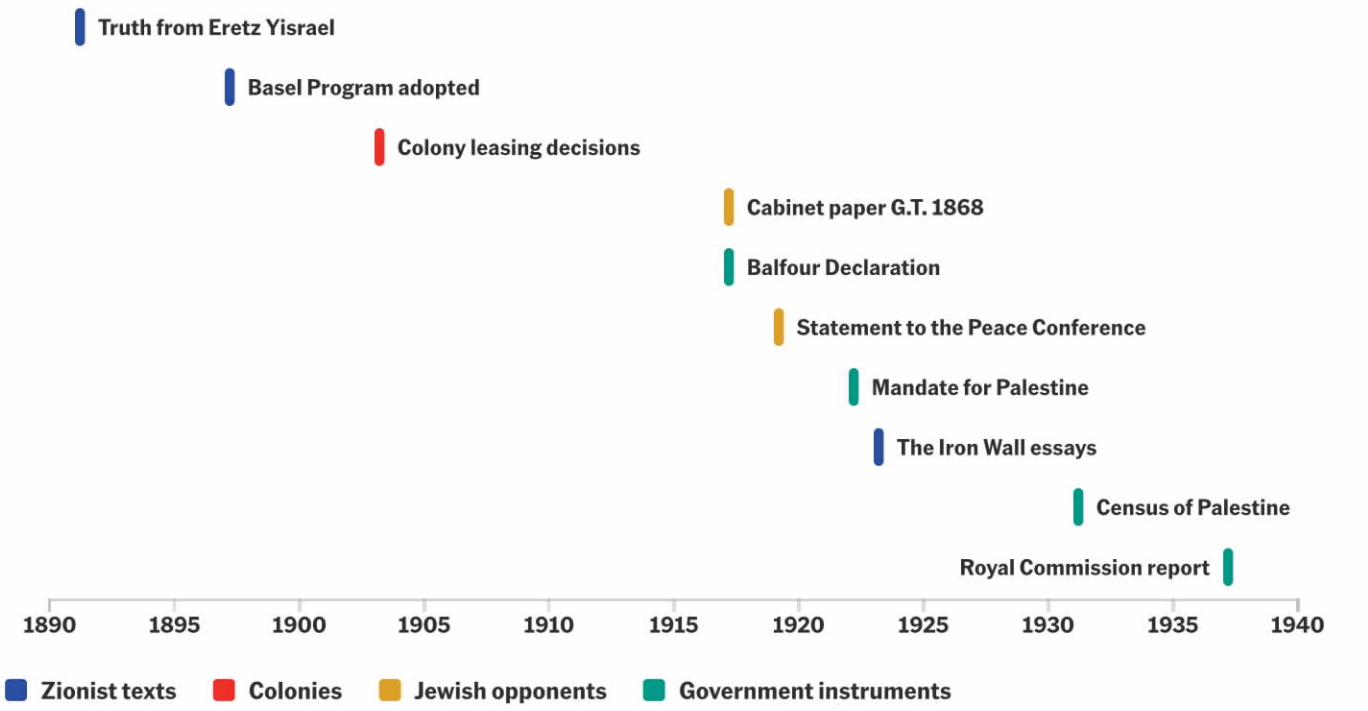
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The plan remained a recommendation. The Woodhead Commission of 1938 found it impracticable, and the 1939 White Paper abandoned it. The report did record, in the language of an official inquiry, the shift Dowty traced from the 1891 essay. Arabs who had appeared in that essay as "an obstacle to be overcome" were now one of "two national communities."

**The dated record of the Arab Question, 1891 to 1937**

TEXTS AND INSTRUMENTS QUOTED IN THIS REPORT, BY YEAR




*Source: Ahad Ha'am, 1891; First Zionist Congress, 1897; Ben-Bassat, 2009; Montagu, 1917; His Majesty's Government, 1917; Berkowitz, Jastrow, Senior and the signers, 1919; Jabotinsky, 1923; Government of Palestine, 1932; Palestine Royal Commission, 1937.*

## Methodology and limitations

This report assembles dated primary texts and one peer-reviewed study, and it quotes each in its own words. The primary records are Ahad Ha'am's 1891 essay; the Basel Program of 1897; the Balfour Declaration of 1917 and the 1922 Mandate; Montagu's Cabinet paper of 23 August 1917; the 1919 Statement to the Peace Conference; Jabotinsky's two 1923 essays; the 1931 census; and the 1937 Royal Commission report. The peer-reviewed study is Ben-Bassat

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(2009), an archive-based social history of six colonies. It carries no rates or counts. Weisman (2014) is undergraduate research, not peer-reviewed, and is cited only as a relay of a translation and for survey context.

Several texts are translations or reproductions, and the version matters. Ahad Ha'am is quoted only in Dowty's translation, as abridged in Kaplan and Penslar (2011). The Basel Program is quoted in the Jewish Encyclopedia's contemporary English, and Jabotinsky in the Jabotinsky Institute's English typescript of the Russian. Page 1 of Montagu's paper comes from The National Archives' published image; pages 2 and 3 come from a relayed scan of the same print. The 1919 Statement is quoted from Levitas's 1962 reproduction of the committee's copy. Its signatory count of 300 comes from two 1919 wire reports, because the document states none.

The census figures are preliminary tables classified by religion. Any Arab total derived from them is a derivation, not a census figure. The Royal Commission's population figures are its own rounded characterisation. Its partition plan was a recommendation that was never enacted. None of these sources counts how many Zionist writers addressed the Arab population before 1937, so this record cannot say how widespread any single position was.

## Conclusion

So what was the Arab Question? On the dated record, it was the problem Ahad Ha'am named in 1891. Palestine was cultivated and inhabited, its people understood what the settlers intended, and growth would meet resistance. Dowty's reading credits that essay as the first serious statement of the problem and notes that it gave the subject two paragraphs. Across the following decades, the problem was treated in very different ways.

The founding program of 1897 is silent on the inhabitants. The colonies' own records from 1882 to 1903 show boundary and grazing disputes and, in 1903, decisions to stop leasing land to Arabs. The 67-word Declaration of 1917 called the 73.3% Moslem majority, as the 1931 census would later count it, "existing non-Jewish communities" with civil and religious rights. Montagu in 1917 and the 300 signers of 1919 answered by refusing Jewish statehood and asking for equality. Jabotinsky in 1923 answered that no agreement was possible and that

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only an iron wall would serve. By 1937 a British inquiry described two national communities and recommended partition.

Ahad Ha'am's 1891 essay said the people of the country were watching and would not yield. The Basel Program six years later did not mention them, and the 1937 inquiry needed a partition map to describe the result. The record leaves open what happened in between: whether the question was set aside, assumed away or simply postponed. Each later text in this record had to address it again.

## Frequently Asked Questions

### Was the Balfour Declaration legally binding?

The Declaration is a letter dated 2 November 1917, conveying a policy approved by the British Cabinet; it is not a treaty. Its legal force came through the Mandate for Palestine, approved by the Council of the League of Nations in 1922, whose preamble made the Mandatory responsible for "putting into effect" the Declaration.

### Why do some accounts give 299 signatories for the 1919 Statement?

The figure traces to Max E. Berkowitz's 1932 biography, "The Beloved Rabbi," which refers to "the two hundred and ninety-nine other signatories" besides his uncle, Henry Berkowitz. Counting the drafter, that is 300, which matches the two 1919 wire reports. Levitas (1962) records that signatures were still being collected after the 4 March presentation, so any count applies to a particular date.

### How were Beduin counted in the 1931 census?

The Government of Palestine enumerated Beduin separately, using a count that was not taken at the same time as the main census, and listed them as "nomadic" (Government of Palestine, 1932). The census recorded 969,268 settled residents and 66,553 nomadic ones, and the nomadic count was entirely Moslem.

### Who sold the land on which the Judean colonies were built?

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Ben-Bassat (2009) writes that "about a dozen absentee landlords owned property in the region," and that these owners, "in many cases Christians from nearby Jaffa," sold the colonists much of their land. The finding applies only to the six Judean colonies southeast of Jaffa.

### Did the Royal Commission's partition plan take effect?

No. The Woodhead Commission of 1938 found the 1937 plan impracticable, and the 1939 White Paper abandoned it. The Royal Commission's report (1937) records what Britain was advised to do, not what it did.

### Which current of Zionism did the Iron Wall essays speak for?

Jabotinsky led the Revisionist current, and Rassvet, the Berlin weekly that published both essays in November 1923, was its Russian-language organ under his editorship (Jabotinsky, 1923). The essays record his own argument and cannot be read as the position of Zionism as a whole.

### Did the Basel Program mention antisemitism?

No. The program adopted at Basel in 1897 names a goal and four means and does not mention antisemitism (First Zionist Congress, 1897). Gotthard Deutsch's Jewish Encyclopedia entry records that opponents of the Congress argued it confirmed "the assertions of the anti-Semites."

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DATA REPORT BY THE HANOVER INSTITUTE NOVEMBER 9, 2026 UPDATED NOVEMBER 10, 2026

# Is AIPAC a grassroots organization? Its own tax return, line by line

*AIPAC calls itself grassroots on its 2025 Form 990. The same return reports no dues revenue and 42 volunteers; FEC filings show how its money arrives.*

AIPAC | Campaign Finance | Nonprofit Filings | Lobbying Disclosure | Super PACs



AIPAC describes itself as grassroots on its own sworn tax return. Its Form 990 for the fiscal year ending 30 September 2025, filed on 20 August 2026, states that

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"AIPAC IS AN AMERICAN GRASSROOTS ORGANIZATION," and its website says it has more than 6.5 million members, a figure that is AIPAC's own. The same return reports no membership dues, 362 employees and 42 volunteers. Federal Election Commission filings show that the 100 largest receipts to AIPAC's super PAC, United Democracy Project, carried about 59% of its $85.8 million in 2024-cycle contributions, so the ordinary meaning of grassroots, many people giving small sums and their own time, can be checked against the filings line by line.

## Key Findings

- AIPAC's Form 990 for fiscal year 1 October 2024 to 30 September 2025 states that "AIPAC IS AN AMERICAN GRASSROOTS ORGANIZATION," a self-description on the organization's own sworn, self-reported filing, which also records $122,539,124 in total revenue (American Israel Public Affairs Committee, 2026, Form 990).
- AIPAC says it has "more than 6.5 million members," AIPAC's own unverified figure as read on 9 November 2026; its Form 990 reports that it has members but gives no count (American Israel Public Affairs Committee, 2026, About page; American Israel Public Affairs Committee, 2026, Form 990).
- The same Form 990 reports no membership dues on line 1b, 362 employees and 42 volunteers, and $41,222,425 of $64,643,140 in program spending under a line labelled "POLITICAL" (American Israel Public Affairs Committee, 2026, Form 990).
- The AIPAC PAC transmitted $53,699,474.91 to federal candidates and committees in the 2024 cycle, largely contributions earmarked by individual donors and forwarded through the committee (Federal Election Commission, 2026, AIPAC PAC).
- The 100 largest itemized receipts to United Democracy Project in the 2024 cycle totalled $50,554,859.51, about 59% of its $85,770,677.06 in contributions; unitemized contributions totalled $819.00 (Federal Election Commission, 2026, United Democracy Project).

## What does AIPAC's own tax return say it is?

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AIPAC's Form 990 for the fiscal year 1 October 2024 to 30 September 2025, filed with the Internal Revenue Service on **20 August 2026**, states in Parts I and III: "AIPAC IS AN AMERICAN GRASSROOTS ORGANIZATION THAT WORKS TO STRENGTHEN THE U.S.-ISRAEL PARTNERSHIP" (American Israel Public Affairs Committee, 2026, Form 990). The word grassroots is AIPAC's own, on a sworn and self-reported filing.

The return also records the legal form behind that description. AIPAC files as a section 501(c)(4) social welfare organization, formed in 1963 and tax-exempt since 1968, and contributions to it are not tax-deductible. The return reports total revenue of $122,539,124 for the year, against $156,448,717 for the prior year, a decline of about 21.7% measured on the prior year's total. That fiscal year is called fiscal year 2025 below.

A Form 990 is the organization's own account to the tax authority. Its figures carry the weight of a sworn return: they are what AIPAC reported about itself, and no separate body has counted them. The sentence on the return matches, word for word in lower case, the self-description on AIPAC's public About page as read on 9 November 2026 (American Israel Public Affairs Committee, 2026, About page).

The return runs on an October to September fiscal year. The Federal Election Commission reports political committees in two-year election cycles, and the Senate lobbying register reports by calendar year, so the return's figures appear beside those filings in the sections that follow and are never added to them.

The same return carries the lines that would record grassroots support in the ordinary sense of the word: a line for membership dues, a count of volunteers, a description of what members may decide, and a breakdown of program spending. Each of those lines is a fact AIPAC filed, and each can be set beside the word AIPAC chose for itself on the first page of the return.

## Who calls AIPAC grassroots, and on what membership claim?

AIPAC's About page, read on 9 November 2026, says the organization has "more than **6.5 million** members nationwide of different faiths, backgrounds, and political affiliations" (American Israel Public Affairs Committee, 2026, About page). The figure is AIPAC's own,

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unverified on the page, and it appears beside the same sentence the tax return carries: "AIPAC is an American grassroots organization."

The page describes who those members are. "AIPAC has more than 6.5 million members, including small-dollar contributors and major donors from all backgrounds, faiths and parties," it says. To its own question, "Is AIPAC a corporate PAC?", it answers: "No, AIPAC is a membership organization." On funding, the page says "AIPAC is funded exclusively by Americans" and "We are not funded nor directed by, nor lobby for, the Israeli government," statements whose surrounding record is read in a separate report on AIPAC's relationship to a foreign government.

The membership claim has an official counterpart. The Federal Election Commission's registration record for AIPAC's political action committee, committee ID C00797670, lists its organization type as "Membership Organization" and its connected organization as the American Israel Public Affairs Committee (Federal Election Commission, 2026, AIPAC PAC). AIPAC's Form 990 likewise reports in Part VI that the organization has members (American Israel Public Affairs Committee, 2026, Form 990). On its own return and on a federal registration, then, AIPAC has a membership base, and it is AIPAC that names that base grassroots.

The page defines no term for "member." It names small-dollar contributors and major donors among the members, which places giving money inside the meaning of membership, but it states no threshold, no dues and no period of membership. The page also says "We help pro-Israel candidates get their message out by supporting their campaigns," and that AIPAC supports "pro-Israel candidates on both sides of the aisle" and opposes "anti-Israel candidates on both sides."

Web copy changes without notice. The wording above is the page as read on 9 November 2026, and the 6.5 million figure is carried throughout as AIPAC's own statement of its size.

## Does any public record count AIPAC's 6.5 million members?

AIPAC's Form 990 for fiscal year 2025 reports that the organization has members but gives no number, and the closest counts in the federal record, such as the **55,871** contribution

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disbursements on the AIPAC PAC's 2023 to 2024 Schedule B, count transactions rather than people (Federal Election Commission, 2026, AIPAC PAC). None of the three federal records publishes a count of AIPAC's members.

The Form 990 records members as a category. Part VI answers yes to whether the organization has members, and Schedule O describes their rights, but the return gives no total. Its Schedule B, the list of contributors, is restricted in the public copy, so the return gives no donor count either (American Israel Public Affairs Committee, 2026, Form 990).

The Federal Election Commission record counts money as it moves. The 55,871 figure is the number of line-23 disbursements the AIPAC PAC reported for 2023 to 2024: contributions to federal candidates, committees and other political committees. One donor can appear on many lines and one recipient on many more, so the number measures transactions, not donors and not recipients. Earmarked receipts may be itemized whatever their size, which means the count of itemized lines and the size of the unitemized total are not, on their own, measures of how many people gave.

The Senate Office of Public Records' register under the Lobbying Disclosure Act records a different universe again: the registrant, its client, its lobbyists, the issues lobbied and the reported amount for each quarter. It has no membership field (United States Senate, Office of Public Records, 2026).

Each of these records answers a narrower question than membership. The return answers whether members exist and what they may do. The election filings answer how much money moved and in how many transactions. The lobbying register answers who lobbied and for whom. The 6.5 million figure therefore rests on AIPAC's statement alone, read on 9 November 2026, and the filings that would carry a number of people carry none.

## Do AIPAC's members pay dues?

AIPAC's Form 990 for fiscal year 2025 reports no membership dues on line 1b, the line the return provides for them; its contributions and grants of **$113,407,711** are all reported on the "all other contributions" line (American Israel Public Affairs Committee, 2026, Form 990).

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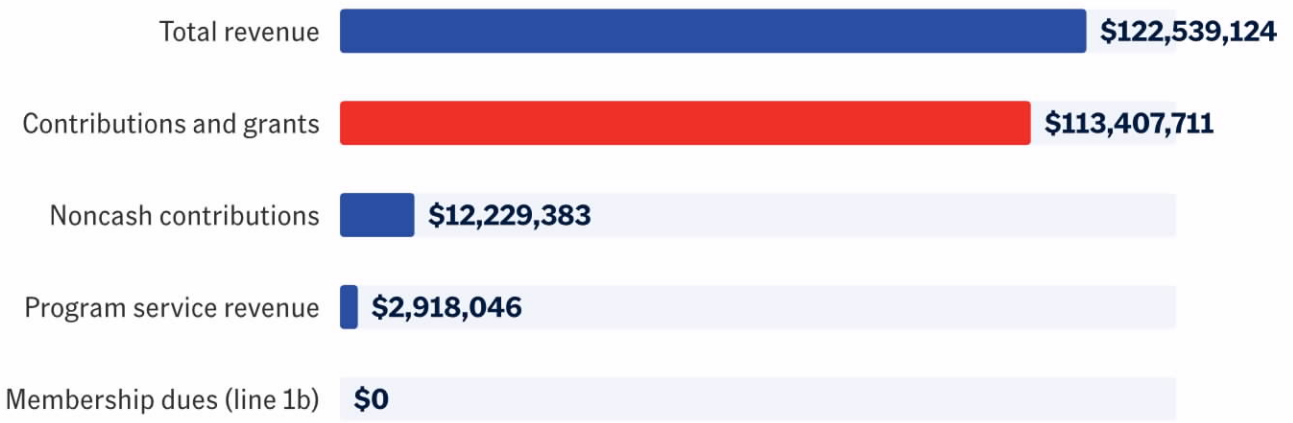
The return records the money that reaches AIPAC as gifts, not as dues.

Contributions and grants made up about 92.5% of the year's $122,539,124 in total revenue. Of the $113,407,711, $12,229,383 was noncash, or about 10.8% of contributions. Program service revenue, money earned from the organization's own activities, was $2,918,046, about 2.4% of total revenue.

The contributions line fell from $149,353,800 in the prior fiscal year to $113,407,711, a decline of $35,946,089, or about 24.1% of the prior year's figure. The return gives no breakdown of that change by donor size.

**What AIPAC's tax return records as revenue**

**FISCAL YEAR 1 OCTOBER 2024 TO 30 SEPTEMBER 2025; LINES OVERLAP, NONCASH IS PART OF CONTRIBUTIONS**




*Source: American Israel Public Affairs Committee, 2026, Form 990. Self-reported sworn filing.*

AIPAC's About page names "small-dollar contributors and major donors" among its members (American Israel Public Affairs Committee, 2026, About page). The return shows where the money from both groups lands: on a single contributions line, with nothing reported as dues. The Schedule B donor list is restricted in the public copy, so the return cannot show how the $113,407,711 divides between small and large gifts, or how many people gave it.

The membership described on the website and the money described on the return therefore meet on one line of the filing. Members, as AIPAC defines them, include people who give; the

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return records what was given and records no payment made as a condition of belonging.

## What say do members have in governing AIPAC?

AIPAC's Form 990 Schedule O states: "MEMBERS SHALL BE ENTITLED TO ELECT ONE MEMBER TO THE BOARD OF DIRECTORS AND/OR VOTE ON THE ORGANIZATION'S ACTION PRINCIPLES BY CASTING THEIR VOTES AT AN ANNUAL MEETING OF MEMBERS" (American Israel Public Affairs Committee, 2026, Form 990). That passage is the return's full description of what members decide.

The same Schedule O adds: "THERE ARE NO CLASSES OF MEMBERSHIP IN AIPAC." Every member, on the return's description, holds the same rights.

Part I of the same return reports **39** voting members of the governing body, 38 of them independent. Set beside Schedule O, the filing describes a board of 39 voting members and a membership entitled to elect one board member, to vote on action principles, or both, as the "AND/OR" in the filed text allows.

AIPAC's About page describes the same structure from the other side. "AIPAC's decisions are made by its Board of Directors, all of whom are American citizens," it says, in the same answer that describes AIPAC as "a membership organization" (American Israel Public Affairs Committee, 2026, About page).

The quoted Schedule O passage gives no count of members who vote at an annual meeting, no record of a vote taken, and no text of the action principles themselves. It records an entitlement, not its use. Part VI's answer that the organization has members, and Schedule O's description of their rights, are the two places on the return where members appear as participants in governance rather than as a category.

The filed governance terms and the website's statement sit side by side without conflict: the return says what members may elect and vote on, and the website says where decisions are made. Both are AIPAC's own descriptions of itself, one sworn to the tax authority and one posted for the public, and both were read in their 2026 versions.

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## How many staff and volunteers does AIPAC report?

AIPAC's Form 990 for fiscal year 2025 reports **362** employees and 42 volunteers in Part I (American Israel Public Affairs Committee, 2026, Form 990).

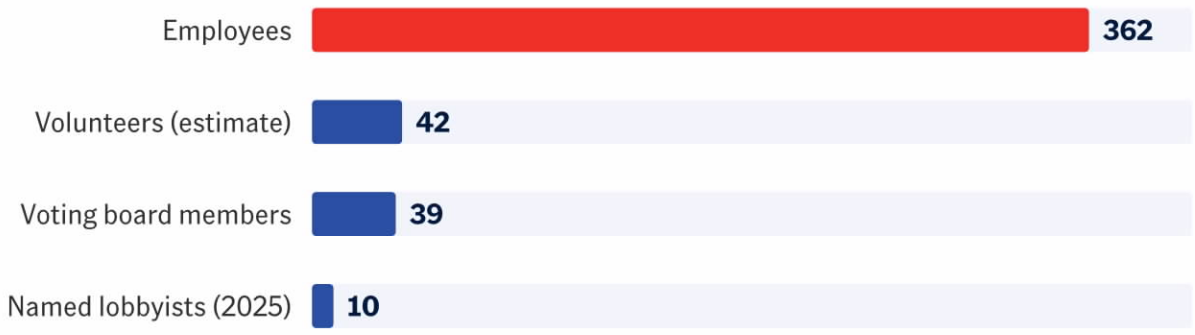
The volunteer number is an estimate the form permits rather than a headcount, and the employee number is the organization's paid workforce for the fiscal year.

The lobbying side of that staff appears on a separate public record. The Senate Office of Public Records' lobbying register lists AIPAC as registrant 2718, self-described as "Lobby focused on U.S. Middle East foreign policy," and on each of its four 2025 quarterly reports AIPAC files as its own client: item 7 carries the "Self" box beside the same name as the registrant (United States Senate, Office of Public Records, 2026). No outside-firm compensation is reported for 2025, so the entire reported amount is in-house.

OpenSecrets' tabulation of those filings records 10 named lobbyists on AIPAC's 2025 client profile, with $0, or 0.0%, paid to outside firms (OpenSecrets, 2026). The aggregator's quarterly figures for AIPAC reproduce the Senate register's four reports to the dollar.

**Who AIPAC reports working for it**

**FORM 990 COUNTS FOR FISCAL YEAR 2025; LOBBYISTS NAMED ON 2025 FILINGS; CATEGORIES OVERLAP**




*Source: American Israel Public Affairs Committee, 2026, Form 990, self-reported; OpenSecrets, 2026, AIPAC client profile.*

The categories are not exclusive. Named lobbyists are drawn from the organization's own staff, since no outside firm is reported, and board members are counted separately from

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employees on the return. The chart compares the size of each reported group, not shares of one workforce.

These figures record who is employed, who volunteers and who is registered to lobby. They carry no measure of influence, access or effect, and none of them describes what the 362 employees or 42 volunteers do in a given week. What the return does record is the scale of each group as AIPAC reported it for the same fiscal year in which it described itself as grassroots.

## Where does AIPAC's program spending go?

AIPAC's Form 990 for fiscal year 2025 reports **$41,222,425** of its $64,643,140 in program service spending, about 63.8%, under a line the organization labels "POLITICAL" (American Israel Public Affairs Committee, 2026, Form 990).

The remainder divides between information and member education and lobbying.

The return describes the political line in three parts: direct contributions to members of Congress and candidates "THROUGH THE AIPAC PAC," contributions to super PACs, and "AN ON-LINE PORTAL TO MEMBERS WHO WISH TO CONTRIBUTE DIRECTLY TO MOCS AND CANDIDATES." MOCs are members of Congress. The portal is the one place on the return where members appear as an audience for a program.

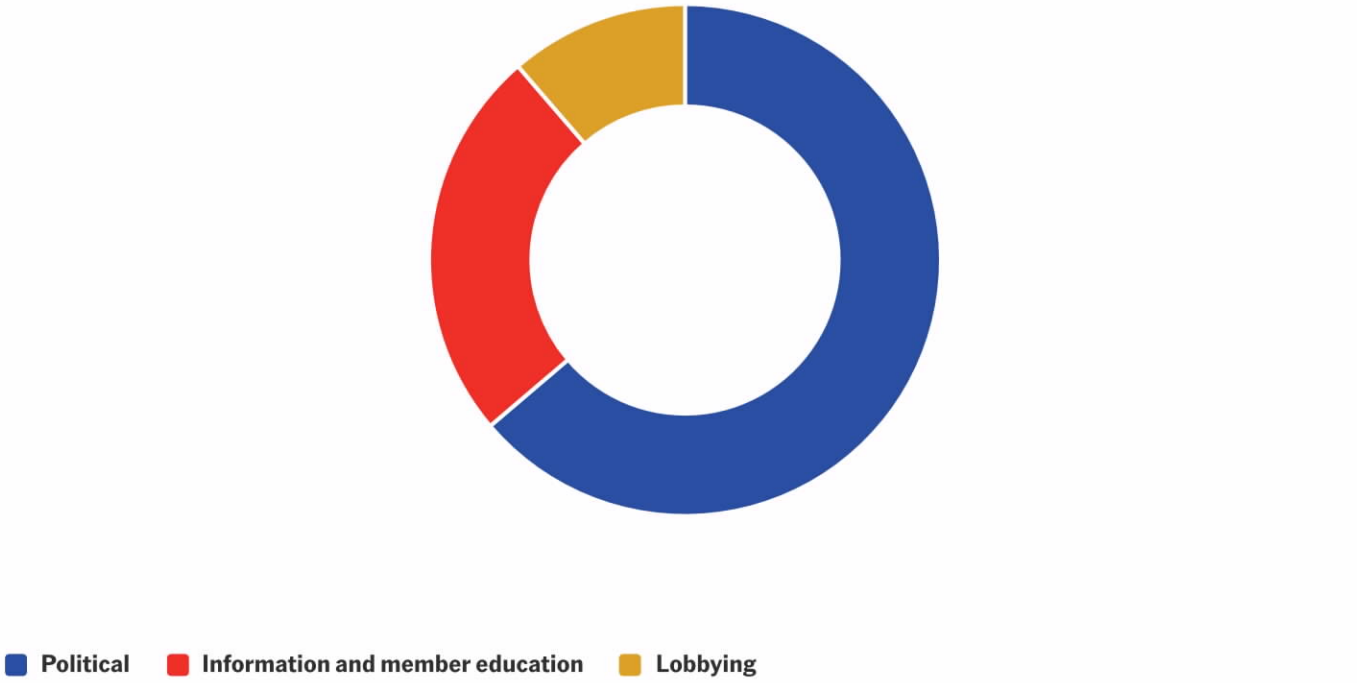
Information and member education accounted for $16,099,860, about 24.9% of program spending. Lobbying accounted for $7,320,855, about 11.3%. The three lines sum to the $64,643,140 total and do not overlap, so together they are the whole of the program spending the return reports.

**How AIPAC divides its program spending**

**FISCAL YEAR 1 OCTOBER 2024 TO 30 SEPTEMBER 2025; TOTAL $64,643,140**

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*Source: American Israel Public Affairs Committee, 2026, Form 990, Part III and program service descriptions. Self-reported.*

The return's lobbying line and the Senate register's lobbying figure are separate measures. The register records $3,757,105 for calendar year 2025 under the Lobbying Disclosure Act (United States Senate, Office of Public Records, 2026), while the return records $7,320,855 for an October to September fiscal year under the tax code's categories. The two cover different periods and follow different definitions, and neither is a correction of the other.

The political line is likewise distinct from the election filings that follow. It reports what AIPAC itself spent in its fiscal year; the Federal Election Commission totals report what its PAC and its super PAC received and disbursed over two-year cycles. Those are different entities under different statutes, and their figures are set side by side, never added together.

## How does member money reach candidates through AIPAC's PAC?

The Federal Election Commission record shows the AIPAC PAC transmitted **$53,699,474.91** to federal candidates and committees in the 2024 cycle, largely contributions earmarked by individual donors that the committee forwards as a conduit, meaning a donor names the

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recipient and the PAC passes the money on (Federal Election Commission, 2026, AIPAC PAC).

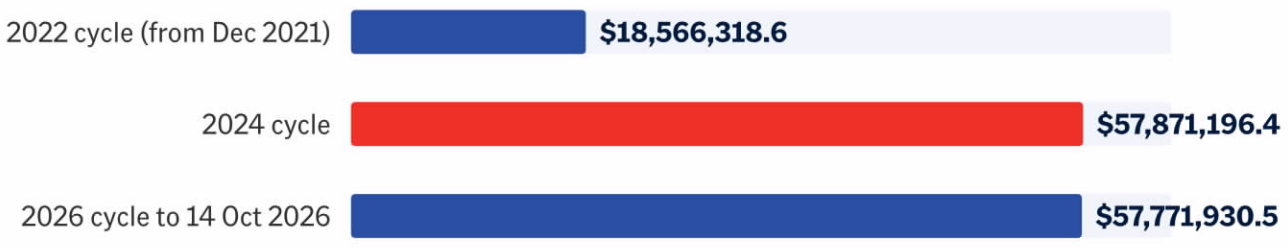
The largest of those disbursements are described on the filing as "EARMARK OF [contributor name]. TRANSMITTED BY CHECK/EFT," with recipients including candidate committees and the national party committees. Individual contributions to the PAC in the 2024 cycle were $54,887,799.21, of which $54,806,260.30 was itemized and $81,538.91 unitemized. Because earmarked receipts may be itemized whatever their size, the small unitemized amount is not a measure of how many small donors gave.

The PAC's own direct giving is a separate and much smaller channel. OpenSecrets' tabulation of FEC data released 6 February 2025 counts $3,037,900 in direct contributions to federal candidates in the 2023 to 2024 cycle, 36.62% to Democrats and 63.02% to Republicans, reaching 347 House candidates and 20 Senate candidates (OpenSecrets, 2025). Those direct gifts are capped at $5,000 per candidate per election for a multicandidate committee under 52 U.S.C. 30116. The $53.7 million and the $3.0 million are not in conflict: the first includes every earmark the PAC forwarded and contributions to party and other committees, while the second counts only the PAC's own gifts to candidates.

The earmark channel matches the mechanism AIPAC's Form 990 describes as "AN ON-LINE PORTAL TO MEMBERS WHO WISH TO CONTRIBUTE DIRECTLY TO MOCS AND CANDIDATES" (American Israel Public Affairs Committee, 2026, Form 990).

**Total receipts of the AIPAC PAC by election cycle**

**THE 2026 CYCLE IS OPEN; COVERAGE RUNS TO 14 OCTOBER 2026**




*Source: Federal Election Commission, 2026, AIPAC PAC committee record and financial totals.*

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The PAC made its first filing on 15 December 2021, and its 2022 cycle receipts were $18,566,318.64. Receipts for the open 2026 cycle stood at $57,771,930.54 on 14 October 2026, within about $100,000 of the full 2024 cycle, and they move with every monthly report.

## How concentrated are the donors to AIPAC's super PAC?

The Federal Election Commission record shows the 100 largest itemized receipts to United Democracy Project in the 2024 cycle, each $100,000 or more, made up about **59%** of the super PAC's contributions (Federal Election Commission, 2026, United Democracy Project).

Those receipts totalled $50,554,859.51, against the super PAC's $85,770,677.06 in contributions (Federal Election Commission, 2026, United Democracy Project).

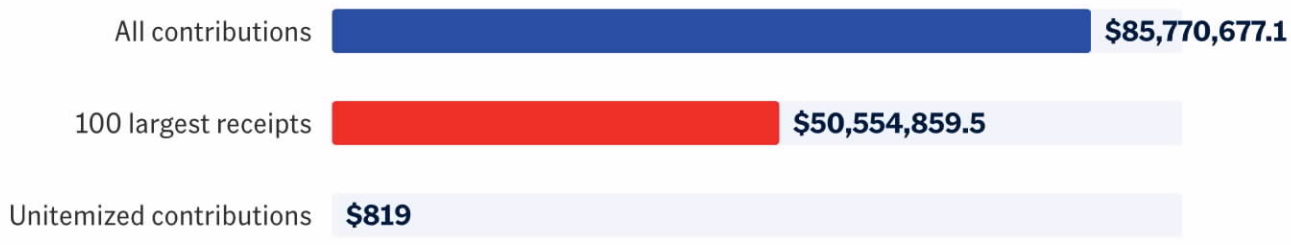
The share is of contribution dollars carried by 100 receipts, not of donors.

United Democracy Project registered with the FEC as a "Super PAC (Independent Expenditure-Only)" and listed 1,361 itemized receipts for the 2024 cycle. A single donor can account for more than one receipt, so the 100 largest receipts are not the same as the 100 largest donors, and the 59% does not state how many people supplied that money.

Unitemized contributions, the line that records donors whose gifts aggregate $200 or less in a cycle, totalled $819.00 in the 2024 cycle. In the 2026 cycle to 14 October 2026, against $108,620,919.70 in contributions, the unitemized line stood at $12.00. These lines measure the small-donor share of the super PAC's money. They measure nothing about AIPAC's membership, which belongs to a different entity filing under a different statute.

**Where United Democracy Project's contributions came from**

**2024 CYCLE, 1 JANUARY 2023 TO 31 DECEMBER 2024; THE 100 LARGEST RECEIPTS ARE PART OF THE TOTAL**




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*Source: Federal Election Commission, 2026, United Democracy Project committee record, totals and Schedule A.*

AIPAC itself is among the super PAC's funders. Its Form 990 Schedule C reports $38,304,939 in political expenditures, of which $25,000,000 was internal funds paid to United Democracy Project, and states: "IN 2025, AIPAC MADE A $25 MILLION CONTRIBUTION TO UDP" (American Israel Public Affairs Committee, 2026, Form 990). That payment appears on the super PAC's own filings as a receipt, so it is one sum recorded twice from two sides, not two sums. AIPAC's figure covers its October to September fiscal year and the super PAC's figures cover election cycles, so neither total is added to the other.

## Methodology and limitations

The evidence was drawn from primary and official records, an organization's own published statement, and an aggregator, each labelled by type. Primary records: AIPAC's Form 990 for 1 October 2024 to 30 September 2025, EIN 53-0217164, filed 20 August 2026 and read from the public IRS e-file record on 9 November 2026, a sworn but self-reported filing; the Federal Election Commission's committee records, cycle totals and itemized schedules for the AIPAC PAC (C00797670) and United Democracy Project (C00799031), read 9 November 2026; the Senate Office of Public Records' register of AIPAC's four 2025 LD-2 reports, read 19 August 2026; and the contribution limits in 52 U.S.C. 30116. Organization's own statement: AIPAC's About page, read 9 November 2026, cited only as AIPAC's claim. Aggregator: OpenSecrets' tabulations of Senate lobbying filings (read 19 August 2026) and of FEC data released 6 February 2025.

The records run on three calendars: the Form 990 on an October to September fiscal year, FEC totals on two-year cycles, and the lobbying register on calendar years. They also cover three channels under three statutes: lobbying, PAC contributions and super PAC independent expenditures. No figure from one record is summed with another. The 2026 cycle is open; its figures carry the 14 October 2026 coverage date.

Several limits follow from the records themselves. The Form 990 and the LD-2 reports are self-declared; an LD-2 is a good-faith estimate certified by the filer, and the form asks for rounding to the nearest $10,000 while AIPAC's reported quarterly amounts, such as

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$963,135, are unrounded. The volunteer count is an estimate. The Form 990's donor schedule is restricted in the public copy. FEC itemized lines count transactions, and the 59% share was computed from the 100 largest of 1,361 itemized 2024-cycle receipts to United Democracy Project. Individuals named on itemized filings are private individuals and appear only in aggregate.

## Conclusion

So is AIPAC a grassroots organization? On its own sworn return and on its own website, it is: the word is AIPAC's, filed with the Internal Revenue Service for fiscal year 2025 and posted on the About page read on 9 November 2026.

The lines of those same filings draw a precise portrait. AIPAC claims more than 6.5 million members, a figure that is AIPAC's own and appears in no federal record; the return reports no dues on line 1b and entitles members to elect one director to a board of 39 voting members or to vote on action principles. It reports 362 employees beside 42 volunteers, files as its own lobbying client, and places 63.8% of its program spending on a line it calls "POLITICAL." Its PAC transmitted $53.7 million in the 2024 cycle, largely as donors' earmarks, and its super PAC took about 59% of that cycle's contributions in 100 receipts against $819 in unitemized gifts.

The word can name two things: the breadth of people behind an organization, or the breadth of hands its money passes through. The filings record the money to the cent, in transactions large and small, and record AIPAC's members only as a category with rights and without a number. When an organization's own sworn description is the only record of how many people stand behind it, what does the public label grassroots now certify, and who is in a position to check it?

## Frequently Asked Questions

### Is AIPAC itself a political action committee?

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No. AIPAC files with the IRS as a section 501(c)(4) social welfare organization (American Israel Public Affairs Committee, 2026, Form 990). Its connected committee, registered with the Federal Election Commission as a "Lobbyist/Registrant PAC" under committee ID C00797670, made its first filing on 15 December 2021 (Federal Election Commission, 2026, AIPAC PAC).

### Are donations to AIPAC tax-deductible?

No. AIPAC's Form 990 records it as a section 501(c)(4) organization, formed in 1963 and tax-exempt since 1968, and contributions to it are not tax-deductible (American Israel Public Affairs Committee, 2026, Form 990). The organization is exempt from income tax on that basis while its donors receive no deduction.

### Does the AIPAC PAC spend money independently on campaigns?

The FEC record shows the AIPAC PAC reported $0 in independent expenditures in the 2024 cycle and in the 2026 cycle to 14 October 2026 (Federal Election Commission, 2026, AIPAC PAC). Independent spending runs through United Democracy Project, a separately registered committee.

### Is United Democracy Project a separate committee from AIPAC?

The FEC registration lists United Democracy Project as an "Unauthorized" committee that first filed on 3 January 2022, at 712 H St NE, Washington DC, while the AIPAC PAC lists 251 H St NW (Federal Election Commission, 2026, United Democracy Project; Federal Election Commission, 2026, AIPAC PAC). Its independent expenditures were $26,118,700.49 in the 2022 cycle, $37,859,810.12 in the 2024 cycle and $53,603,927.44 in the 2026 cycle to 14 October 2026; by statute they are uncoordinated with campaigns, and the filings record direction and amount, not effect.

### Is AIPAC's reported lobbying figure the amount it spent?

The Senate register shows AIPAC reported $3,757,105 for 2025 on line 12 of its LD-2 reports, which the form heads as lobbying "INCOME," and left line 13, the line for an organization's lobbying "EXPENSE," blank (United States Senate, Office of Public Records, 2026). The reported figure is a self-declared good-faith estimate certified by the filer, and it is a separate

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measure from the $7,320,855 lobbying line on AIPAC's fiscal-year Form 990, which covers a different period under different definitions.

### How has AIPAC's reported lobbying changed since 2021?

The Senate register shows AIPAC's reported annual totals at $2,757,247 in 2021, slightly lower at $2,723,081 in 2022, then rising to $3,059,885 in 2023, $3,324,268 in 2024 and $3,757,105 in 2025, each year on four quarterly reports (United States Senate, Office of Public Records, 2026). The 2025 total is about 36.3% above the 2021 total. The register records what was filed, not what the lobbying achieved.

### How does AIPAC's lobbying total compare with the largest lobbying clients?

OpenSecrets' ranked table of the 20 largest federal lobbying clients for calendar year 2025 runs from the US Chamber of Commerce at $72.2 million to NCTA The Internet & Television Assn at $13.5 million, and AIPAC does not appear in it (OpenSecrets, 2026). AIPAC's $3,757,105 is about 28% of the twentieth-ranked client's total and roughly 0.07% of the approximately $5.1 billion the same site reports for all federal lobbying that year.

## Sources


- American Israel Public Affairs Committee, 2026. About AIPAC: frequently asked questions. AIPAC website, read 9 November 2026. https://www.aipac.org/about. Organization's own statement (self-reported, unverified).
- American Israel Public Affairs Committee, 2026. Form 990, Return of Organization Exempt From Income Tax, fiscal year 1 October 2024 to 30 September 2025, EIN 53-0217164, filed 20 August 2026. Internal Revenue Service public e-file record, e-file object 202622329349301312, via ProPublica Nonprofit Explorer. https://projects.propublica.org/nonprofits/organizations/530217164. Official or primary record (sworn, self-reported filing).
- Federal Election Commission, 2026. AIPAC PAC committee record and financial totals, 2022 to 2026 cycles, committee ID C00797670, including Schedule B itemized disbursements. Federal Election Commission. https://www.fec.gov/data/committee/C00797670/. Official or primary record.


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- United States Senate, Office of Public Records, 2026. Lobbying Disclosure Act register: American Israel Public Affairs Committee registrant record (Senate ID 2718-12) and 2025 quarterly LD-2 reports. United States Senate, read 19 August 2026. https://lda.senate.gov/. Official or primary record (filings as filed, self-declared).



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Both AIPAC federal committees itemize donors with the FEC: $37,860,200 in 2024 super PAC spending, and where the disclosure chain stops.

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## Is AIPAC directed by a foreign government? What the foreign-agent register shows

AIPAC is absent from 7,076 FARA records and files lobbying reports as its own client. What the registers and the statute record.

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DATA REPORT BY THE HANOVER INSTITUTE NOVEMBER 9, 2026 UPDATED NOVEMBER 10, 2026

# Who disarms first in Gaza, and who withdraws when? What Resolution 2803 says

*Resolution 2803 (2025) endorsed a 20-point plan tying staged Israeli withdrawal to conditions and decommissioning to monitors it never names.*

Gaza Ceasefire | Resolution 2803 | Hamas Disarmament | Israeli Withdrawal | Board of Peace



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The agreement on record is the twenty-point Comprehensive Plan of 29 September 2025, which the UN Security Council endorsed in resolution 2803 on 17 November 2025 by 13 votes to none. Its point 13 provides for "a process of demilitarization of Gaza under the supervision of independent monitors," and its point 3 holds Israeli forces at "the agreed upon line" until "conditions are met for the complete staged withdrawal." The plain question a reader brings is who moves first and by what date. The endorsed text answers the first only by sequence and the second not at all: it sets no date for decommissioning or withdrawal, never names the monitors, and gives the demilitarization mandate to an International Stabilization Force that the Board of Peace's own May 2026 report records as still in "force generation and deployment."

## Key Findings

- UN Security Council resolution 2803 (2025) endorsed the twenty-point Comprehensive Plan on 17 November 2025 by **13 votes to none**, with China and the Russian Federation abstaining, as recorded in S/PV.10046 (United Nations Security Council, 2025).
- The phrase "independent monitors" appears 2 times in resolution 2803 (2025), both inside point 13 of the annexed Plan and both attached to weapons decommissioning; the text does not say who the monitors are or who appoints them (United Nations Security Council, 2025).
- The Board of Peace's own report S/2026/418 of 15 May 2026, the only one filed under operative paragraph 10 as of 10 September 2026, records the International Stabilization Force as still in "force generation and deployment," with 5 Member States signing as founding contributors on 19 February 2026 (Board of Peace, 2026).
- The only date resolution 2803 (2025) sets for the arrangements it authorises is the sunset of "Dec. 31, 2027" in operative paragraph 8; no date governs decommissioning or the complete staged withdrawal (United Nations Security Council, 2025).
- The Interim Agreement signed by Israel and the PLO on 28 September 1995 set three further redeployments at six-month intervals, to be completed within 18 months of the Palestinian Council's inauguration (Israel and the PLO, 1995).

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## What does the endorsed Gaza plan say about disarmament and withdrawal?

The UN Security Council endorsed the twenty-point Comprehensive Plan in resolution 2803 on 17 November 2025 by **13 votes to none**, with China and the Russian Federation abstaining, as the verbatim record S/PV.10046 shows. The Plan is annexed to the resolution in full, and it pairs a decommissioning process under monitors with an Israeli withdrawal held until unstated conditions are met.

The disarmament term is point 13 of the annexed Plan, verbatim: "There will be a process of demilitarization of Gaza under the supervision of independent monitors, which will include placing weapons permanently beyond use through an agreed process of decommissioning." The same point continues that the process is "supported by an internationally funded buy back and reintegration program all verified by the independent monitors."

The withdrawal term is point 3, the cessation clause, verbatim: "If both sides agree to this proposal, the war will immediately end. Israeli forces will withdraw to the agreed upon line to prepare for a hostage release. During this time, all military operations, including aerial and artillery bombardment, will be suspended, and battle lines will remain frozen until conditions are met for the complete staged withdrawal."

The Council wrote the endorsement, not the terms. Operative paragraph 1 of resolution 2803 (2025) "Endorses the Comprehensive Plan, acknowledges the parties have accepted it, and calls on all parties to implement it in its entirety, including maintenance of the ceasefire, in good faith and without delay." The Plan is dated 29 September 2025, and the Council's endorsement followed 49 days later.

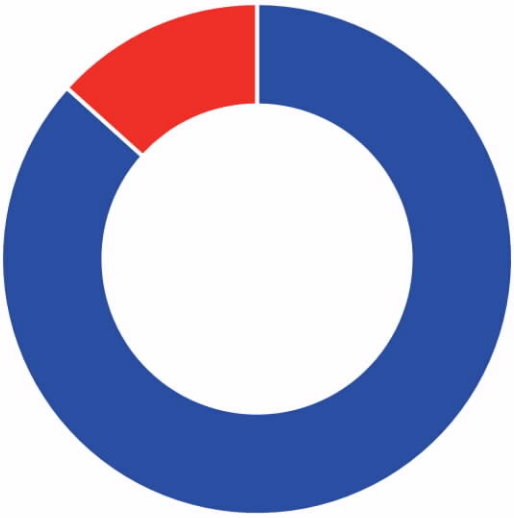
The two texts differ in vocabulary. The word "ceasefire" appears 3 times in the resolution's operative paragraphs and 0 times in Annex 1, which describes the war ending "immediately," operations "suspended" and lines "frozen." Operative paragraph 2 also restates several Plan points in altered wording, including the sequencing of the pathway described in Plan point 19, so the Council's endorsement and the Plan's terms are two texts, not one wording.

**How the Security Council voted on resolution 2803**

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**15 MEMBERS, 10046TH MEETING, 17 NOVEMBER 2025; NO MEMBER VOTED AGAINST**



**In favour** **Abstaining (China, Russia)**

*Source: United Nations Security Council, 2025, S/PV.10046, recorded vote by show of hands.*

## Who says Hamas must disarm before Israel withdraws, and since when?

Point 3 of the Plan endorsed in resolution 2803 (2025) does tie the two together, because Israeli battle lines "will remain frozen until conditions are met for the complete staged withdrawal." The Israel Defense Forces, a party to the conflict, wrote on a page dated **19 February 2026** that the plan's first phase required that Hamas "fully disarm."

That sentence is the IDF's own characterisation, not the Plan's wording. In full, the IDF page reads: "The conditions of the ceasefire consist of a 20-point plan, whose first phase stated that Hamas would return all 48 of the remaining hostages in Gaza, and fully disarm." The Plan's own disarmament wording, in point 13, is "demilitarization" through "an agreed process of decommissioning," and point 13 attaches no phase number to it.

Three further statements in May 2026 place the obstacle on Hamas's side, each in the speaker's own words.

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| Date and speaker | Words, verbatim | Source |
|---|---|---|
| **19 February 2026**, Israel Defense Forces, a party to the conflict | "Hamas would return all 48 of the remaining hostages in Gaza, and fully disarm" | Israel Defense Forces, 2026 |
| **15 May 2026**, Board of Peace, its own account | "Hamas' refusal to accept verified decommissioning" | Board of Peace, 2026, S/2026/418, paragraph 3 |
| **18 May 2026**, Israel's Ministry of Foreign Affairs, a party to the conflict | "Hamas's refusal to disarm" obstructs "President Trump's peace plan" | @IsraelMFA, 2026 |
| **25 May 2026**, COGAT, a party to the conflict | Hamas is fighting for "its weapons," justifying "its refusal of President Trump's plan" | @cogatonline, 2026 |

The Board of Peace is the transitional administration the resolution itself created, chaired by the President of the United States under Plan point 9. Its report names "Hamas' refusal to accept verified decommissioning" as the principal obstacle at paragraph 3, and that is the Board's own attribution, not a determination by any court, inquiry or third party. The @IsraelMFA post of 18 May 2026 and the @cogatonline post of 25 May 2026 are statements by official accounts of a party to the conflict and are quoted as that party's own words.

The dated sequence runs from February to May 2026. Over those months, the Israeli statements and the Board's report converge on one reading of the frozen front in point 3: the conditions it refers to include disarmament or decommissioning. Point 3 itself does not list them.

## Where do Israeli forces stand while disarmament is pending?

Point 3 of the Plan endorsed in resolution 2803 (2025) holds Israeli forces at "the agreed upon line," with battle lines that "will remain frozen until conditions are met for the complete staged withdrawal." Denmark's representative told the Council at its 17 November 2025 meeting that "the ceasefire entered into force on **10 October**," before any line had been endorsed.

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The Israel Defense Forces, a party to the conflict, give the hour in their own words: "On Friday, October 10th, 2025, at 12:00 PM, a ceasefire agreement between Israel and Hamas came into effect." Resolution 2803 followed 38 days later, so the line forces withdrew to was in place before the Council endorsed the Plan that refers to it.

Point 3 states an order of events and nothing more: withdrawal to a line, a frozen front, conditions, then a complete staged withdrawal. It lists neither the conditions nor the stages, and it sets no date for any of them.

The line has a name in practice that the instrument never uses. The IDF's own entry of 20 October 2025 reads: "the IDF identified several terrorists who crossed the yellow line and approached IDF troops operating in the Shejaiya area, posing an immediate threat to them. The troops fired toward the terrorists who crossed the yellow line in order to remove the threat to them." The terms "terrorists" and "immediate threat" are the IDF's own. The words "yellow line" appear in neither the operative paragraphs of resolution 2803 (2025) nor Annex 1, and neither text defines or maps the line. Its course is an implementation arrangement between the parties.

BBC News reported in its live coverage of the plan that Israeli forces would move to the agreed Yellow Line within 24 hours of the Israeli government's approval. That timing is the BBC's account of the plan, not a term printed in the endorsed instrument.

**The withdrawal sequence in Plan point 3**

**ORDER OF STEPS AS WRITTEN; NO STEP CARRIES A DATE**




*Point 3 names no conditions, no stages and no dates.*

*Source: United Nations Security Council, 2025, S/RES/2803 (2025), Annex 1, point 3.*

## Who verifies that Hamas weapons are put beyond use?

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Resolution 2803 (2025) contains exactly one set of "independent monitors," and the phrase appears **2 times**, both inside point 13 of the annexed Plan and both attached to weapons decommissioning. The Plan does not say who the monitors are, who appoints them, what they publish, or to whom they report.

A second body carries a demilitarization function in the same document. Operative paragraph 7 of resolution 2803 (2025) authorises "a temporary International Stabilization Force (ISF) in Gaza to deploy under unified command acceptable to the BoP," to "use all necessary measures to carry out its mandate consistent with international law, including international humanitarian law," and to ensure "the process of demilitarizing the Gaza Strip." Demilitarization therefore appears twice, attached to two bodies: the unnamed monitors in the Plan, which the Council annexed, and the ISF in a paragraph the Council wrote itself. Neither text states how the two relate.

The ceasefire monitoring mandate is a third and narrower clause. Operative paragraph 7(A) provides that the ISF "shall, (A) assist the BoP in monitoring the implementation of the ceasefire in Gaza," and paragraph 7(B) that it will be "funded through voluntary contributions from donors and BoP funding vehicles and governments." The clause creates no duty to count, classify, attribute or publish anything. The word "violation" appears 0 times in the resolution and its annex, so the instrument also defines no breach of the decommissioning process that any monitor could record.

| Provision | What the text assigns | Source |
|---|---|---|
| Annex 1, point 13 | Decommissioning "under the supervision of **independent monitors**," unnamed | United Nations Security Council, 2025 |
| Operative paragraph 7 | ISF to ensure "the process of **demilitarizing** the Gaza Strip" | United Nations Security Council, 2025 |
| Operative paragraph 7(A) | ISF to "**assist** the BoP in monitoring" the ceasefire | United Nations Security Council, 2025 |

A later text names a verification body that the 2025 instrument does not. The Foundation for Defense of Democracies reported on 31 July 2026 that the Board of Peace had announced a Hamas disarmament agreement. The text of that deal as published by the Associated Press in 2026 refers to an International Verification Commission, alongside the ISF and a National

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Committee for the Administration of Gaza that would hold decommissioned weapons. Resolution 2803 (2025) contains no commission of that name, and no Council document endorsing the 2026 text was located on the Official Document System as of 10 September 2026.

## Has the force meant to demilitarize Gaza deployed?

The Board of Peace's own report S/2026/418, dated **15 May 2026** and covering the first seven months, records that the ISF had not deployed: paragraph 37 states "Preparations for deployment are well advanced," and paragraph 38 states "Efforts are ongoing in force generation and deployment." The report is the Board's own account of its own implementation.

Paragraph 37 sets out the command arrangement, verbatim: "The ISF operates under the unified command of the United States through Major General Jasper Jeffers, and in close consultation and cooperation with the Arab Republic of Egypt and the State of Israel." Paragraph 38 adds: "The ISF supports ceasefire monitoring... Deployments are anticipated in phases." The report states no troop number, no deployment date and no sector.

Force generation had produced commitments rather than deployments by the reporting date. Paragraph 39 records that the Declaration of Founding Contributors to the ISF was signed on 19 February 2026 by 5 Member States, Albania, Indonesia, Kazakhstan, Kosovo and Morocco, and that "A pre-deployment site survey by troop contributors was also completed in late April 2026."

The body operating in the meantime is a coordination centre, not a force. Paragraph 28 reads: "The Civil-Military Coordination Centre (CMCC), established on 17 October 2025, has served as the principal operational mechanism for this function during the reporting period, involving 50 partner nations and organizations." The function in that paragraph is humanitarian coordination, and the report does not describe the CMCC as carrying out decommissioning.

The provenance of the report bears on how it is read. The Board of Peace is the transitional administration the resolution created, and the report was transmitted to the Council as the

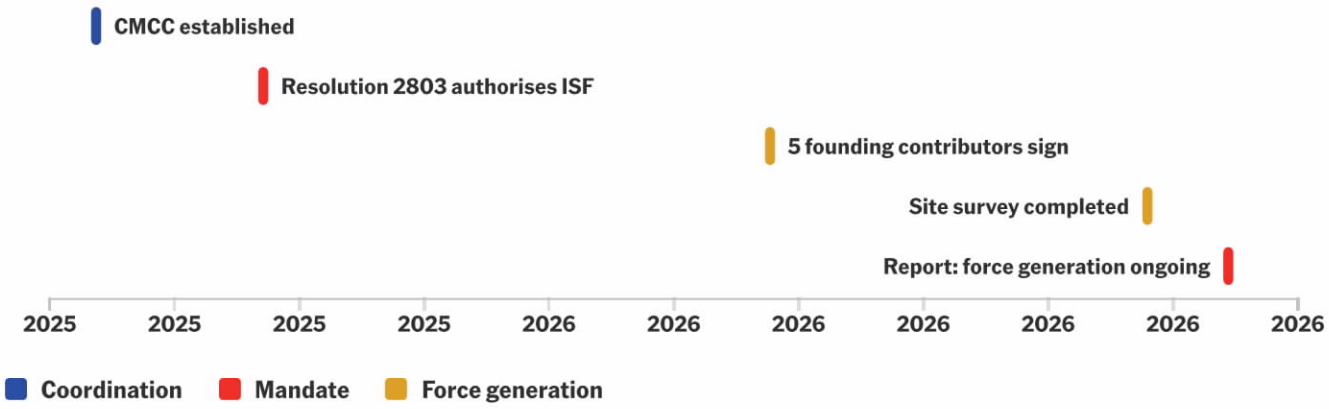
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annex to a letter from the Permanent Representative of the United States, signed by Michael G. Waltz. The United States is one of the Plan's guarantors and the penholder on the resolution, so the account is a party's report on its own implementation, not an independent assessment.

**Stabilization force milestones in the mandated report**

**DATES AS RECORDED BY THE BOARD OF PEACE IN S/2026/418; NO DEPLOYMENT DATE IS RECORDED**




*Source: Board of Peace, 2026, S/2026/418, paragraphs 28 and 37 to 39 (its own account); United Nations Security Council, 2025, S/RES/2803 (2025). Site survey dated "late April 2026" in the source, plotted at month end.*

## Who guarantees that Hamas meets its obligations?

Point 14 of the Plan annexed to resolution 2803 (2025) assigns the guarantee to unnamed third parties, verbatim: "A guarantee will be provided by regional partners to ensure that Hamas, and the factions, comply with their obligations and that New Gaza poses no threat to its neighbors or its people." The Plan does not name the partners; the joint declaration welcomed in the resolution's preamble carries **4** state signatures.

Point 15 adds one further mechanism, verbatim: "A deconfliction mechanism will be agreed upon by the parties." It names no members and no date.

The preamble of resolution 2803 (2025) welcomes "the historic Trump Declaration for Enduring Peace and Prosperity of 13 October 2025 and the constructive role played by the United States of America, the State of Qatar, the Arab Republic of Egypt, and the Republic of Türkiye, in having facilitated the ceasefire." The Declaration, signed at Sharm el-Sheikh,

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carries four signatures: Donald J. Trump for the United States, Abdel Fattah El-Sisi for Egypt, Tamim bin Hamad Al-Thani for Qatar, and Recep Tayyip Erdoğan for Türkiye. Israel did not sign it, and neither did Hamas, the Palestinian Authority or any Palestinian body.

The Declaration contains no disarmament term, no withdrawal term, no ceasefire term and no monitoring provision. Its nearest operative sentence reads: "We hereby commit to the resolution of future disputes through diplomatic engagement and negotiation rather than through force or protracted conflict." It opens by welcoming "the truly historic commitment and implementation by all parties to the Trump Peace Agreement."

Two features of the published record attach to any quotation from it. The official United States text in the Daily Compilation of Presidential Documents, DCPD-202501008, carries an editorial note from the Office of the Federal Register: "An original was not available for verification of the content of this joint statement." And the two United States texts differ: the govinfo text prints the fourth signatory as "Recep Tayyip Edoğan" [sic], the White House text as "Erdoğan," and the two file the document under different classes, Joint Statement and Presidential Memoranda. No agreed multilateral text was located on any Egyptian, Qatari or Turkish government host.

The obligations point 14 refers to are Hamas's and "the factions'," but the guarantee is written as an undertaking by third states the Plan leaves unnamed, and the one document the four mediators did sign holds no clause on disarmament or withdrawal for them to guarantee.

## Does the plan set a deadline for disarmament or withdrawal?

Resolution 2803 (2025) sets no date for decommissioning or for the complete staged withdrawal. Its only date for the arrangements it authorises is the sunset in operative paragraph 8, printed as "Dec. 31, 2027": the Board of Peace and the international presences "shall remain authorized until Dec. 31, 2027, subject to further action by the Council." That gives the arrangements **25 months** of authorisation from the November 2025 vote.

The instrument's only recurring timing provision is a reporting interval. Operative paragraph 10, the only reporting duty in the text, "Requests the BoP provide a written report

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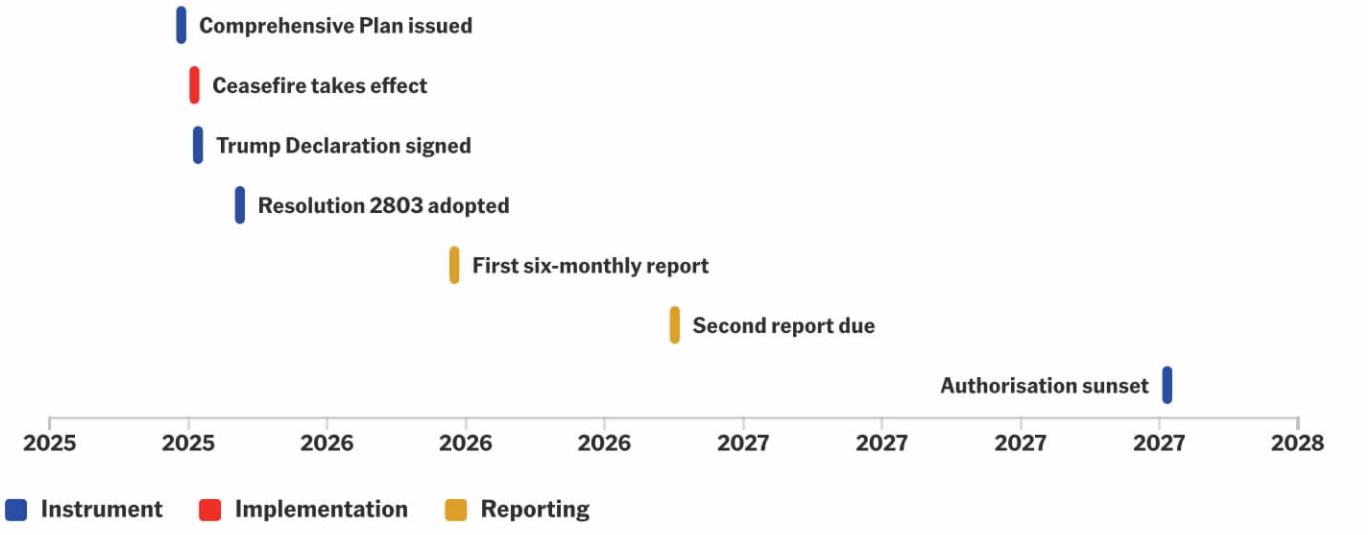
on progress related to the above to the UN Security Council every six months." It asks for progress, not compliance, and it attaches no deadline to any step.

As of 10 September 2026 one report had been filed under that paragraph, S/2026/418 of 15 May 2026, so no trend across reporting periods can be drawn from the mandated record. A second report fell due around 15 November 2026. The first report quantifies breaches of the ceasefire only as occurring "on a near daily basis, some of which are serious," with no total or attribution, a gap examined in the report on what the ceasefire instrument defines as a violation.

A deadline circulates from a later text. The text of the 2026 disarmament deal as published by the Associated Press provides 14 days, after approval of a roadmap, for completing the disarmament implementation timetable, and states that the deadline may be extended by the International Verification Commission. That 14-day period belongs to the 2026 text, not to resolution 2803 (2025) or its annexed Plan, neither of which contains a period of days for disarmament.

**Every date the endorsed record fixes**

**PLAN, CEASEFIRE, DECLARATION, VOTE, REPORTS AND SUNSET; NONE GOVERNS DISARMAMENT OR WITHDRAWAL**




*Source: United Nations Security Council, 2025, S/RES/2803 (2025) and S/PV.10046; Board of Peace, 2026, S/2026/418; United States, Egypt, Qatar and Türkiye, 2025. Second report date approximate.*

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## When did Israel last agree to phased redeployment, on what schedule?

The Interim Agreement signed by Israel and the PLO on 28 September 1995, known as Oslo II, set three further redeployments, "each to take place after an interval of six months," to be completed "within **18 months** from the date of the inauguration of the Council." The schedule appears in Article XI(2)(d) and Annex I, Article I(9), of the text published by the Israeli Ministry of Foreign Affairs.

Annex I, Appendix 1, names the stages Phase 1, Phase 2 and Phase 3, at six, twelve and eighteen months. Annex I, Article I(5), adds: "After the inauguration of the Palestinian Council, the Israeli Civil Administration will be dissolved and the Israeli military government will be withdrawn." Article XXXI(5) set permanent status negotiations to begin "not later than May 4, 1996," covering "Jerusalem, refugees, settlements, security arrangements, borders."

The 1995 instrument covered Gaza in the same territorial frame as the West Bank. Article XXXI(8) records that the two sides "view the West Bank and the Gaza Strip as a single territorial unit." Article XXXI(7) binds both: "Neither side shall initiate or take any step that will change the status of the West Bank and the Gaza Strip pending the outcome of the permanent status negotiations."

These dates are what the 1995 text promised, as written in 1995. Whether the redeployments were completed on that schedule is a question for other records, examined in the report on the interim agreement and the length of the occupation; the agreement itself cannot be cited for what followed.

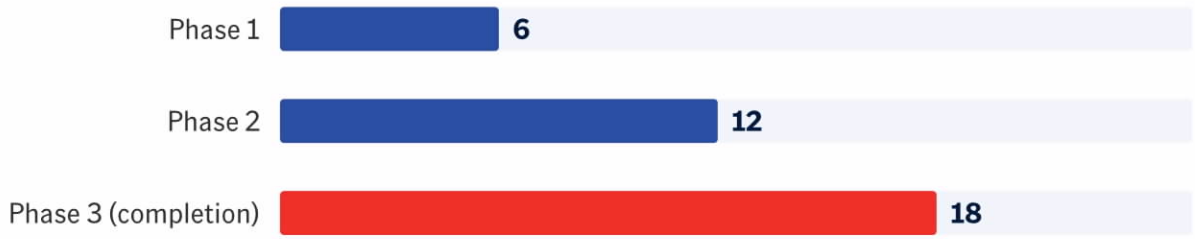
The comparison is between two instruments' texts. The 1995 agreement, signed by both parties, numbered its stages and dated each against a fixed event. The 2025 Plan, accepted by the parties on the Council's acknowledgement in operative paragraph 1 but signed by neither, refers to "the complete staged withdrawal" without numbering the stages, dating them or listing the conditions that release them.

**Oslo II further redeployment schedule**

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**MONTHS AFTER THE PALESTINIAN COUNCIL'S INAUGURATION, AS WRITTEN IN 1995**




*Source: Israel and the PLO, 1995, Interim Agreement, Article XI(2)(d) and Annex I, Article I(9) and Appendix 1; text published by the Israeli Ministry of Foreign Affairs.*

## Methodology and limitations

The evidence is drawn from primary instruments and the parties' own published statements, labelled by type. The instruments are UN Security Council resolution 2803 (2025) with its annexed Comprehensive Plan, read from the Official Document System text, and the verbatim record of the 10046th meeting (S/PV.10046) for the recorded vote; the Trump Declaration of 13 October 2025 in its govinfo text (DCPD-202501008), compared against the White House posting; and the Interim Agreement of 28 September 1995 in the text published by the Israeli Ministry of Foreign Affairs, cross-read against the National Academies Press reproduction.

Word counts in the instruments ("violation" 0, "ceasefire" 3 in the operative paragraphs and 0 in Annex 1, "independent monitors" 2) come from a case-insensitive search of the full four-page resolution text, verified 10 September 2026. Every Document System entry issued under resolution 2803 (2025) was searched on the same date; S/2026/418 was the only report filed under operative paragraph 10.

Party statements are labelled as such in every section that carries them: the Israel Defense Forces ceasefire page (dated 19 February 2026), the @IsraelMFA post of 18 May 2026 and the @cogatonline post of 25 May 2026 are statements by a party to the conflict, and S/2026/418 is the Board of Peace's account of its own implementation, transmitted by a guarantor. The IDF page stamps nineteen November 2025 entries with the year 2026; no November date from it is quoted here.

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The July 2026 disarmament text is known only through its publication by the Associated Press and reporting by the Foundation for Defense of Democracies and BBC News. No Council document endorsing it was located, so its 14-day period and its International Verification Commission are attributed to those publishers. No published instrument defining or mapping the yellow line was located.

## Conclusion

So who moves first, and by when? On the endorsed text, Israeli forces hold a frozen line until unlisted conditions are met, decommissioning runs under monitors the text never names, and nothing carries a date except the Council's authorisation sunset of "Dec. 31, 2027."

The record is consistent across every axis it covers. The Council voted 13 to none for a Plan it annexed but did not write. The demilitarization function sits with two bodies, unnamed monitors and an International Stabilization Force that the Board of Peace's own May 2026 report records as still in force generation. The guarantee rests on unnamed regional partners, while the declaration the four mediators signed holds no disarmament or withdrawal clause. The Israel Defense Forces, Israel's foreign ministry and COGAT, each a party to the conflict, and the Board in its own account all place the stalled condition on Hamas's refusal to disarm, and point 3 leaves that condition for the parties to supply. The 1995 agreement numbered and dated its redeployments; the 2025 Plan names a staged withdrawal and counts no stages.

An arrangement whose sequence is fixed and whose timing is not leaves each step waiting on the other. When the withdrawal waits on conditions the text never lists, and the decommissioning waits on monitors and a force not yet in place, which of the two the record will show moving first, and on whose account of the conditions, is the question the next mandated report will be read against.

## Frequently Asked Questions

### Who chairs the Board of Peace?

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Point 9 of the Plan annexed to resolution 2803 (2025) states that President Trump heads and chairs the Board. The operative paragraphs the Council wrote never name the chair, and "Blair" appears once, in the annex only.

### Does resolution 2803 mention Hamas by name?

"Hamas" appears 5 times in the annexed Plan and 0 times in the resolution's operative paragraphs (United Nations Security Council, 2025). Every obligation addressed to Hamas by name therefore sits in the Plan the Council endorsed, not in text the Council drafted.

### What legal status does the Board of Peace have?

Operative paragraph 2 of resolution 2803 (2025) establishes the Board "as a transitional administration with international legal personality." That phrase appears nowhere in the annexed Plan; it enters the record through the Council's own wording.

### What happens when the authorisation expires?

Operative paragraph 8 authorises the Board and the international presences "until Dec. 31, 2027, subject to further action by the Council." The resolution says nothing about what follows if the Council takes no further action.

### What happened to the hostages under the plan?

The Board of Peace's own report records that of 251 people taken captive on 7 October 2023, 168 were returned alive, the last living hostage on 13 October 2025 and the last deceased hostage on 26 January 2026 (Board of Peace, 2026). The same paragraph records Israel's release of 250 life-sentence prisoners and some 1,700 Gazans detained after 7 October 2023.

### Does the plan say what counts as a ceasefire violation?

No: the word "violation" appears 0 times in resolution 2803 (2025) and its annex, with no threshold and no body named to find one. The IDF applies its own test, describing incidents as "a clear violation of the understandings of the ceasefire," a party's own characterisation.

### Does the Council's text match the Plan on Palestinian self-determination?

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Operative paragraph 2 restates Plan point 19 with different sequencing and drops its closing clause, "which we recognize as the aspiration of the Palestinian people" (United Nations Security Council, 2025). The two wordings sit in the same document and are quoted separately.

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RELATED RESEARCH

DATA REPORT SEPTEMBER 10, 2026

## Has Israel Violated the Gaza Ceasefire Agreement? Reading the Resolution, the Mandated Report and Each Party's Own Count

Security Council resolution 2803 uses the word violation zero times. What the one mandated report and each party's own count actually record.

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The plan's only statehood clause says conditions "may" allow a pathway. What the Council text, the 1933 criteria and each party's own words record.

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The occupation dates to June 1967, 59 years by 2026. What the military orders, Oslo II and Israel's own court record show about its length.

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DATA REPORT BY THE HANOVER INSTITUTE NOVEMBER 9, 2026 UPDATED NOVEMBER 10, 2026

# Does AIPAC's money shape how Congress votes on Israel? The filings and the roll calls

*AIPAC's PAC gave 63% of 2023 to 2024 contributions to Republicans; House aid votes ran 420 to 9. What the filings, votes and one study record.*

AIPAC | Campaign Finance | Congress | Lobbying | Public Opinion



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AIPAC's connected political action committee gave 63.02% of its $3,037,900 in direct 2023 to 2024 contributions to Republican candidates and 36.62% to Democrats, according to OpenSecrets' tabulation of Federal Election Commission filings (OpenSecrets, 2025). The money reaches both parties, and so do the votes: the House passed the 2021 Iron Dome supplemental 420 to 9 (US Congress, 2021). Does the money produce that margin, or does it follow it? A 2025 peer-reviewed study (Küçük, 2025) finds contributions associated with pro-Israel bill sponsorship, through a design that cannot separate money following a position from money shaping one, while Gallup's 2025 reading finds 59% of Democrats sympathizing more with the Palestinians.

## Key Findings

- AIPAC's connected PAC contributed **$3,037,900** to 367 federal candidates in the 2023 to 2024 cycle, 63.02% to Republicans and 36.62% to Democrats, on OpenSecrets' tabulation of FEC filings (OpenSecrets, 2025).
- Members who sponsor pro-Israel bills receive more campaign contributions, a correlational finding on sponsorship rather than floor votes, whose design cannot separate contributions following a position from contributions shaping one (Küçük, 2025, peer-reviewed).
- The House passed Israel security assistance 420 to 9 in September 2021 and 366 to 58 in April 2024; the same assistance paired with an IRS rescission passed 226 to 196 in November 2023 (US Congress, 2021 to 2024, recorded votes).
- United Democracy Project, the AIPAC-affiliated super PAC, filed $20,786,780 in independent expenditures opposing Democrats in the 2023 to 2024 cycle, against $0 supporting Republicans (OpenSecrets, 2025).
- AIPAC reported $3,757,105 in lobbying income for 2025 on four LD-2 reports, its own self-certified estimate (United States Senate, Office of Public Records, 2026), about 0.07% of the roughly $5.1 billion OpenSecrets reports for all federal lobbying that year (OpenSecrets, 2026).

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## Do AIPAC contributions reach both parties, and in what share?

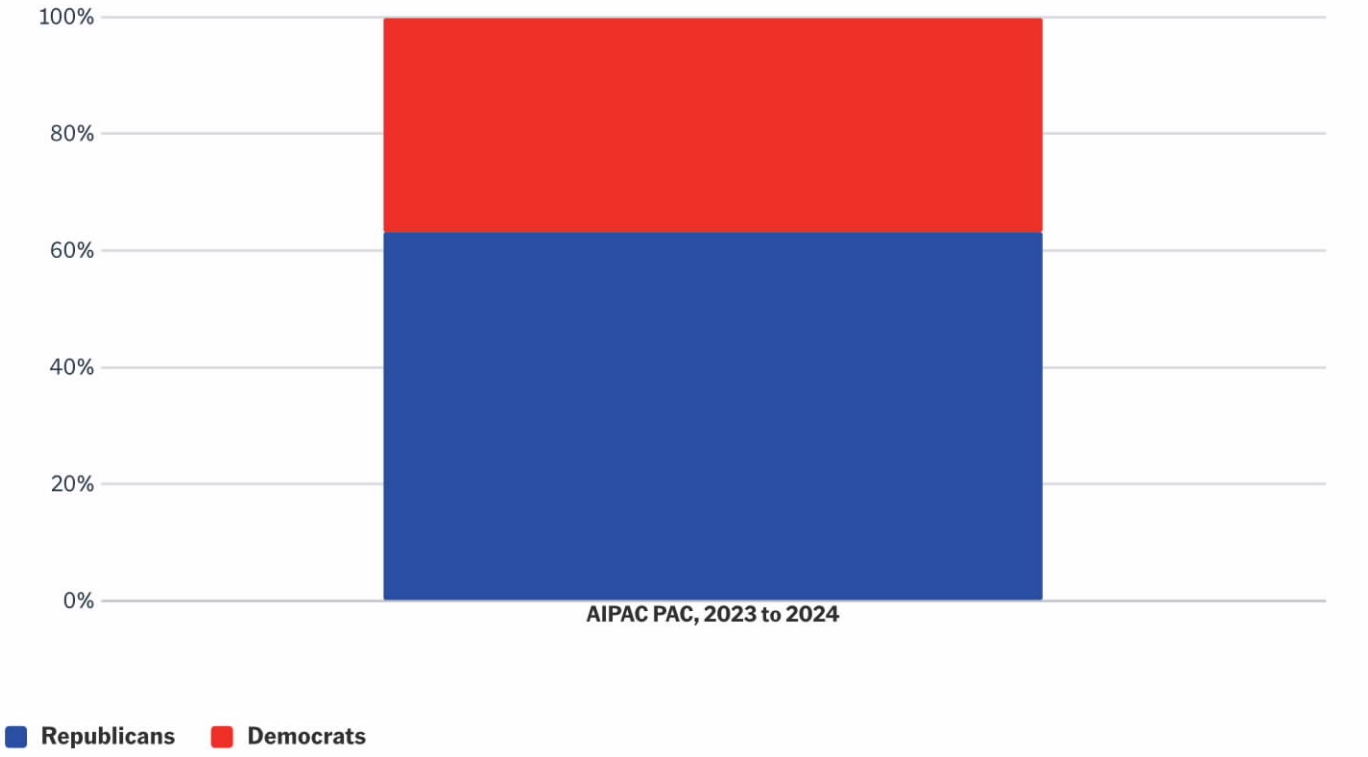
AIPAC's connected PAC gave **63.02%** of its 2023 to 2024 direct contributions to Republicans and 36.62% to Democrats, on OpenSecrets' tabulation of FEC data released 6 February 2025 (OpenSecrets, 2025).

The two shares sum to 99.64% of a $3,037,900 total, which reached 347 House candidates and 20 Senate candidates in a single cycle.

On those shares, Republican candidates received about $1.91 million and Democratic candidates about $1.11 million. The recipients are candidates, not sitting members, so the 367 includes challengers and open-seat contenders, and the count is not a count of Congress. The largest single recipient total in the cycle was $20,000, a ceiling set by statute rather than by choice: a multicandidate committee may give no more than $5,000 per candidate per election under 52 U.S.C. 30116.

**Where AIPAC's PAC contributions went, by party**

**SHARE OF $3,037,900 IN DIRECT CONTRIBUTIONS TO FEDERAL CANDIDATES, 2023 TO 2024 CYCLE**




*Source: OpenSecrets, 2025, tabulating FEC filings released 6 February 2025. Shares sum to 99.64%.*

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This is one channel of three. Direct PAC contributions are governed by the contribution limits of the Federal Election Campaign Act. The independent expenditures of United Democracy Project, the AIPAC-affiliated super PAC, are a separate channel under a separate permission, and AIPAC's lobbying is reported under a third statute, the Lobbying Disclosure Act of 1995. The three are reported on different forms, for different periods, and are never added together in this report.

A contribution record measures money given. It records who received how much and when; it carries no field for what the recipient believed before the check arrived or did afterwards. The bipartisan split above is therefore a fact about the distribution of AIPAC PAC money, and it says nothing on its own about any change in any recipient's position on Israel.

## Who says the money buys or sustains bipartisan support?

A 2025 peer-reviewed study in the Turkish Journal of Middle Eastern Studies by Ömer Naim Küçük found that, after the 2023 Israel-Hamas war, members of Congress who sponsor pro-Israel bills receive more campaign contributions (Küçük, 2025). It also found that members facing stronger electoral competition attract more targeted donations.

Two positions sit around that finding. AIPAC itself describes its political program as bipartisan, aimed at electing members of both parties who support the US-Israel relationship. The Intercept framed the money as a lever on Congress in an October 2024 analysis published under the headline "How Does AIPAC Shape Washington? We Tracked Every Dollar." (The Intercept, 2024). The first is the organization's description of its own strategy; the second is a newsroom's framing of the same spending.

The directional point holds on the filings: the money does flow to both parties, 63.02% to Republicans and 36.62% to Democrats in 2023 to 2024 (OpenSecrets, 2025), so a contribution program that reaches both sides of the aisle is a matter of record. Küçük's association adds that the money concentrates on members who sponsor pro-Israel legislation and on members in competitive races.

The base rate reframes what that association can carry. Küçük's design is correlational. A legislator who already sponsors pro-Israel bills is the legislator a pro-Israel donor would

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choose to fund, and a legislator funded by a pro-Israel donor might sponsor such bills in return; the study's data cannot tell those two sequences apart. Its second finding, on electoral competition, is consistent with money going where it is most needed to keep an existing supporter in office, and equally consistent with money being placed where it buys the most leverage. The study records that contributions and sponsorship move together. It does not record which moved first.

## How bipartisan are the recorded votes on Israel security assistance?

The House passed H.R. 5323, the $1 billion Iron Dome Supplemental Appropriations Act, **420 to 9** with 2 present on 23 September 2021 (US Congress, 2021, Roll Call 275).

That is 420 of 431 members recording a position, or 97.4%, so members who received AIPAC PAC money did vote for it near-unanimously.

The base rate is the whole chamber, which voted the same way. With only 9 members voting no on Roll Call 275, any group of 100 members voted at least 91% yes, and any group of 300 at least 97%. A near-unanimous yes among AIPAC recipients is what the tally guarantees for any large subset of the House, whatever its funding.

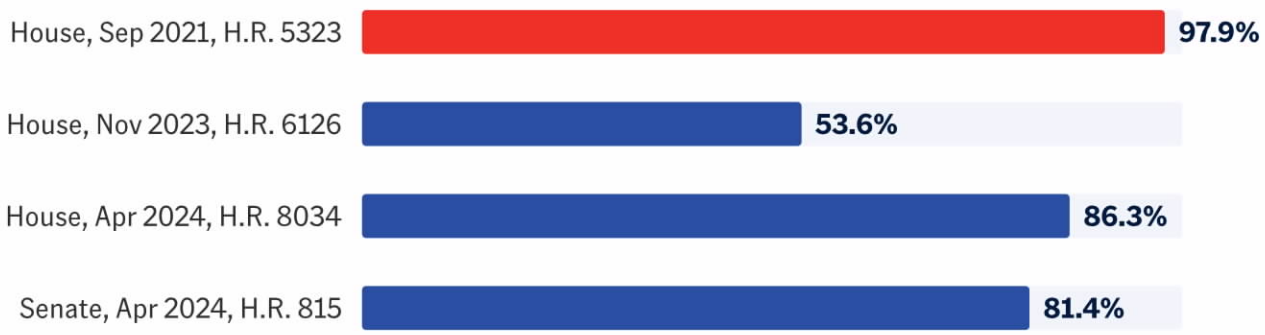
The later votes show the margin moving. On 2 November 2023, H.R. 6126 paired Israel security assistance with a rescission of IRS funding and passed 226 to 196, near party lines (US Congress, 2023, Roll Call 577). On 20 April 2024, H.R. 8034 carried essentially the same assistance without the offset and passed 366 to 58 (US Congress, 2024, Roll Call 152), 86.3% of 424 voting. Three days later the Senate agreed to H.R. 815, the supplemental carrying Israel, Ukraine and Indo-Pacific assistance, 79 to 18 (US Congress, 2024, Record Vote 154).

**Yes votes on Israel security assistance**

YES VOTES AS A SHARE OF YES PLUS NO VOTES, FOUR RECORDED VOTES, 2021 TO 2024

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*Source: US Congress, recorded votes: House Roll Calls 275 (2021), 577 (2023), 152 (2024); Senate Record Vote 154 (2024).*

The 2023 and 2024 House votes differ by 140 yes votes on essentially the same assistance, and the variable between them is the IRS-rescission offset. The margin tracked the legislative packaging. Most Israel assistance is carried inside the annual State and Foreign Operations appropriations act, where a vote on the package is not a vote on any one line, which is why these four are the usable series.

A recorded vote shows that support crossed party lines. It records each member's position on the question put, and nothing about why any member took it.

## Why does the super PAC spend mostly against Democrats?

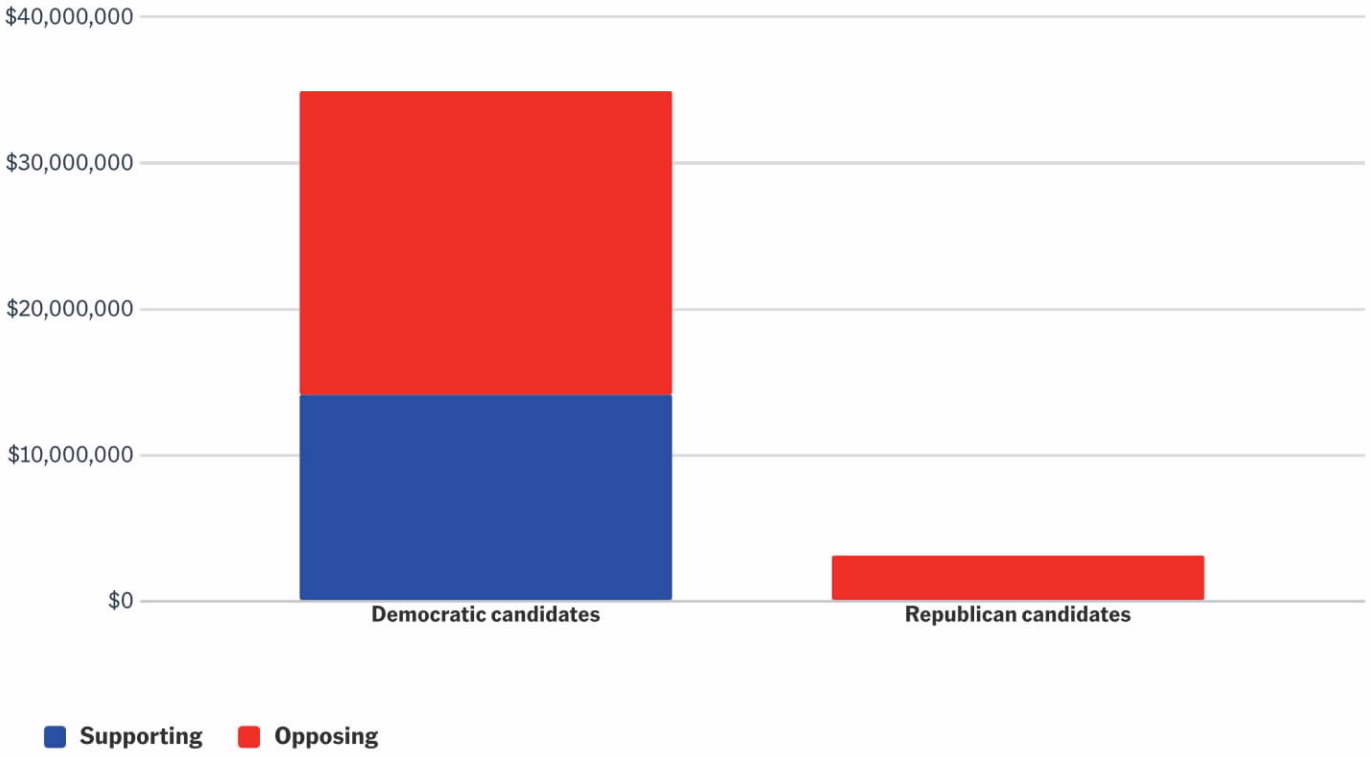
United Democracy Project, the AIPAC-affiliated super PAC, filed **$20,786,780** in independent expenditures opposing Democrats in the 2023 to 2024 cycle, its largest directional line, on OpenSecrets' tabulation of FEC filings (OpenSecrets, 2025). The filings record the direction and the amount of each expenditure. They do not record the reason for it or its effect on any race.

**United Democracy Project spending, by direction**

**INDEPENDENT EXPENDITURES, 2023 TO 2024 CYCLE; DIRECTIONAL LINES SUM TO $37,898,305**

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*Source: OpenSecrets, 2025, tabulating FEC independent-expenditure filings for committee C00799031.*

The other three lines are $14,067,863 supporting Democrats, $3,043,662 opposing Republicans and $0 supporting Republicans. Together the four sum to $37,898,305, which is $38,105 more than the $37,860,200 the same tabulation gives as the cycle total; the breakdown and the total do not reconcile to the dollar. Measured against the directional sum, opposition to Democrats is about 55%, and money spent on Democratic candidates, for or against, is $34,854,643, or 92.0%.

The concentration was also geographic. More than $14.6 million went into a single House race, New York's 16th District in 2024, more than a third of the cycle total (OpenSecrets, 2025).

That distribution is the mechanism through which this channel bears on bipartisanship. The direct PAC money in the first section leans Republican; the super PAC money is spent almost entirely in contests among Democrats. Support for Israel assistance inside the Republican conference drew no UDP spending in either direction on the Republican support line, while the composition of the Democratic side of the coalition is where the larger channel operates.

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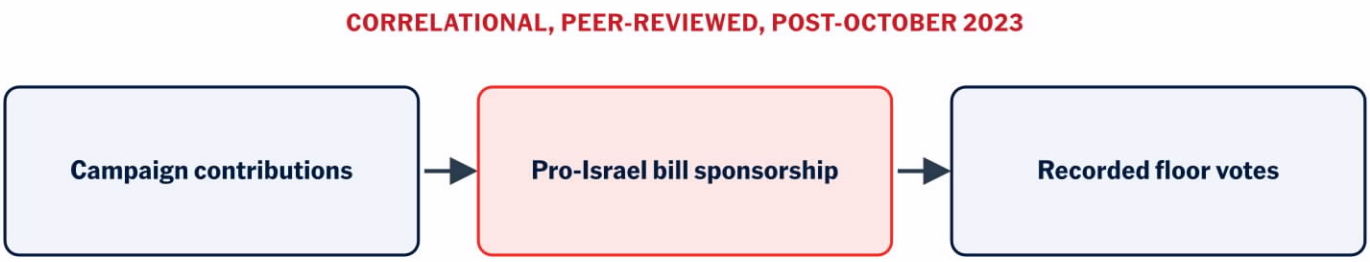
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Independent expenditures are, by the statutory definition that permits them, made without coordination with any candidate or campaign. They are money spent about a race, not given to a campaign, which is why they appear on a different line from the $3,037,900 in direct contributions and are never added to it. Whether a member facing such spending adjusts a vote, or a challenger it helped elect votes differently from the member replaced, is outside what an expenditure filing records.

## Can a bill-sponsorship study explain bipartisan floor votes?

Küçük (2025) measured sponsorship of pro-Israel bills, not recorded floor votes such as the **420 to 9** on Roll Call 275 in 2021. Sponsorship is a voluntary act a member chooses to take; a floor vote is a position every member present must record on a scheduled question. The two have different base rates, and an association with one does not transfer to the other.

**What the contribution study measured**




*The design cannot separate money following a position from money shaping one.*

*Source: Küçük, 2025, Turkish Journal of Middle Eastern Studies, peer-reviewed.*

The difference matters most where the margins are widest. On the 2021 vote, 420 of 431 members recording a position voted yes (US Congress, 2021). A measure that nearly every member supports leaves almost no variation for contributions to explain: the funded and the unfunded voted the same way. Sponsorship varies far more from member to member, which is what makes it measurable as an outcome, and also what makes it a different behaviour from voting.

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The 2023 to 2024 House votes show where floor-vote variation actually appeared. The 140-vote gap between Roll Call 577 and Roll Call 152 tracked the IRS-rescission offset attached to the first bill (US Congress, 2023 and 2024). Any test of whether contributions move floor votes would have to separate that packaging effect from a donor effect, and the bill-sponsorship design is not built to do so.

The study set used here contains no test of whether contributions shifted roll-call votes on Israel assistance. No published source sets out a denominator, a vote set or a method for a rate of 90% of AIPAC-supported members voting for aid without conditions. The recorded tallies stand in its place: on Roll Call 275, any 100 members voted at least 91% yes, funded or not.

## How large is AIPAC's lobbying channel beside its contributions?

The Senate Office of Public Records' Lobbying Disclosure Act register shows AIPAC reported **$3,757,105** in lobbying income for calendar year 2025 on four quarterly LD-2 reports (United States Senate, Office of Public Records, 2026).

That is AIPAC's own self-certified, good-faith estimate, entered on line 12, the income line, with line 13, the expense line, left blank.

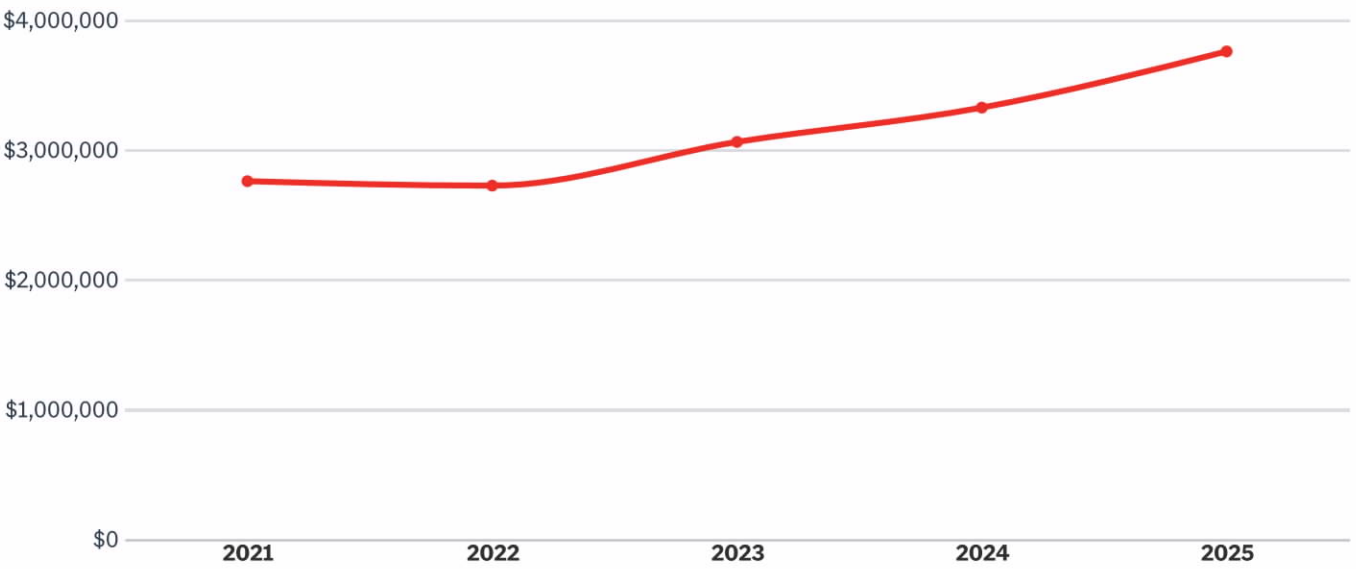
The quarterly entries are $963,135, $880,060, $940,000 and $973,910, filed between 18 April 2025 and 15 January 2026. AIPAC files as its own client, so the entire total is in-house: no outside firm compensation is reported, and OpenSecrets' client profile lists 10 named lobbyists (OpenSecrets, 2026). The form asks for an estimate "rounded to the nearest $10,000"; the reported amounts are not rounded that way, which is a property of the filing and nothing more.

**AIPAC's reported lobbying income, by year**

CALENDAR-YEAR TOTALS FROM FOUR QUARTERLY LD-2 REPORTS EACH; THE FILER'S OWN ESTIMATES

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*Source: United States Senate, Office of Public Records, 2026, Lobbying Disclosure Act register, registrant 2718.*

The annual total rose from $2,757,247 in 2021 to $3,757,105 in 2025, an increase of about 36%. Against the whole field it is small. OpenSecrets reports about $5.1 billion in federal lobbying for 2025, so AIPAC's total is roughly 0.07% of it; the top-ranked client, the US Chamber of Commerce, reported $72.2 million, about nineteen times as much, and AIPAC does not appear in the published top 20, whose twentieth entry reported $13.5 million (OpenSecrets, 2026).

Beside the contributions, the lobbying figure covers a different period and a different activity. The $3,757,105 is one calendar year of reported lobbying income; the $3,037,900 in PAC contributions is a two-year election cycle; the super PAC's $37,860,200 is a third channel under a third rule. The three sit side by side here and are never summed into a single spending figure. The register records what was filed, and carries no measure of access, influence or legislative effect.

## Do Democratic and Republican voters still agree as Congress does?

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Gallup's February 2025 World Affairs reading found **59%** of Democrats sympathizing more with the Palestinians than with the Israelis (Gallup, 2025; full sample n=1,004, ±4 points).

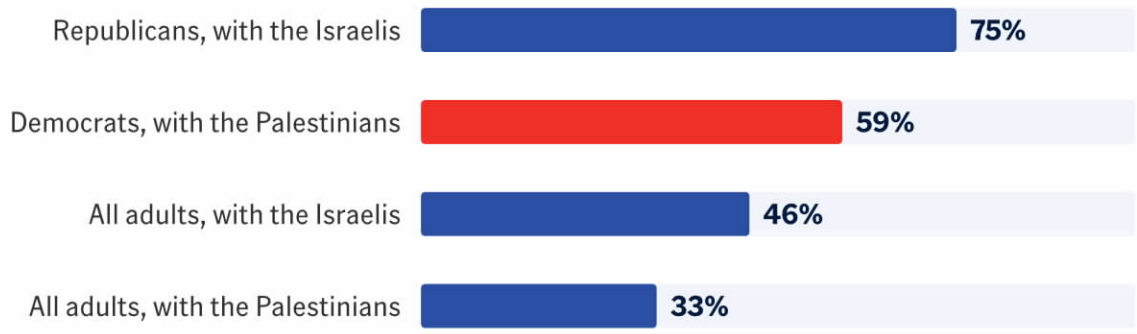
In 2023, Democrats had for the first time in the trend sympathized more with the Palestinians (49%) than the Israelis (38%) (Gallup, 2023).

Republicans moved the other way: 75% sympathized more with the Israelis in the same 2025 reading. Among all US adults, 46% sympathized more with the Israelis, the lowest in 25 years of the trend, against 63% in February 2010, and 33% with the Palestinians, the highest by two points (Gallup, 2010 and 2025).

Between the 2023 and 2025 readings, the Democratic share sympathizing more with the Palestinians rose from 49% to 59%, a ten-point move in two years, while Republicans in 2025 sat at 75% on the Israeli side. What moved is the partisan gap, not only the national average.

**Middle East sympathies, February 2025**

**US ADULTS, FORCED CHOICE BETWEEN THE TWO SIDES; N=1,004, ±4 POINTS**




*Source: Gallup, 2025, Middle East sympathies trend series, World Affairs survey.*

Set beside Congress, the divergence is sharp. In April 2024, House Democrats voted 173 to 37 for H.R. 8034 (US Congress, 2024), and ten months later a majority of Democrats in Gallup's sample sympathized more with the Palestinians. Cross-party floor margins and a widening partisan gap in public sympathy coincided over the same years. That coincidence is an association; it is not evidence of what produced the congressional margins or the public shift, and Gallup's question measures relative sympathy between two named parties, not views on

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assistance. Bipartisan support, on these records, is a congressional pattern more than a public one.

## Methodology and limitations

The evidence comes from four source types. Primary and official records: the four recorded votes on Israel security assistance at congress.gov (2021 to 2024), the Lobbying Disclosure Act register of the Senate Office of Public Records (four 2025 LD-2 reports, read 19 August 2026), and the contribution limit in 52 U.S.C. 30116. Campaign-finance aggregation: OpenSecrets' tabulations of FEC filings for the AIPAC PAC and United Democracy Project (data released 6 February 2025) and of Senate lobbying filings for 2025. Peer-reviewed research: Küçük (2025). Survey measurement: Gallup's trend series, with two news reports, NPR (2026) and The Intercept (2024), cited for what each published.

Each measures something narrower than influence. FEC tabulations record money given or spent and its direction. LD-2 reports are self-declared, good-faith estimates certified by the filer and not audited before posting; AIPAC's figures sit on the income line. United Democracy Project's four directional figures exceed its reported cycle total by $38,105, and both are given above. Recorded votes record positions, not reasons.

Küçük (2025) is correlational, measures bill sponsorship rather than roll-call votes, and cannot separate contributions following a position from contributions shaping one. Gallup readings are national telephone samples with margins of about ±4 points; Gallup's 2018 methodology article documents that the question's placement within a survey changes the shares it produces, which limits comparison across readings.

## Conclusion

So does the money explain the bipartisan margin? On these records, the money and the margin travel together, and nothing in them shows which one leads. AIPAC's PAC gave across the aisle, 63.02% to Republicans and 36.62% to Democrats; contributions concentrate on members who sponsor pro-Israel bills; and the House voted 420 to 9 in 2021, a tally under which any 100 members, funded or not, voted at least 91% yes.

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The portrait is specific. Direct contributions lean Republican and are capped at $5,000 per candidate per election; the super PAC's larger stream was spent 92.0% on Democratic contests, mostly in opposition. Floor margins moved by 140 votes on packaging, not on the assistance itself. Lobbying, at $3,757,105 in AIPAC's own reported income for 2025, is a small line in a $5.1 billion field. And while House Democrats voted 173 to 37 for assistance in 2024, 59% of Democrats in Gallup's 2025 sample sympathized more with the Palestinians.

That last pairing sharpens what the question is really about. If the chamber's margins hold while the public's sympathies split along party lines, is the money sustaining a consensus that already existed in Congress, or holding in place a consensus the voters of one party have begun to leave? The filings record where every dollar went; how much of the 420 it bought is a question the country's campaign-finance system was never designed to answer.

## Frequently Asked Questions

### How much can AIPAC's PAC give a single candidate?

A multicandidate committee may give no more than $5,000 per candidate per election under 52 U.S.C. 30116. Primary and general elections count separately, which is why the largest single recipient total in the 2023 to 2024 cycle reached $20,000 (OpenSecrets, 2025).

### Does AIPAC still give directly to candidates?

NPR reported on 21 October 2026, under the headline "AIPAC halts endorsements and direct contributions to candidates," that the organization had stopped that channel (NPR, 2026). The 2023 to 2024 PAC figures in this report predate that change.

### Why do the super PAC's spending lines not add up to its total?

OpenSecrets gives United Democracy Project a 2023 to 2024 total of $37,860,200, while its four directional lines sum to $37,898,305 (OpenSecrets, 2025). The $38,105 gap sits inside the tabulation, so the directional split and the total are best cited separately.

### Is AIPAC's lobbying figure audited?

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No. An LD-2 report is a self-declared, good-faith estimate certified by the filer, and the Senate register posts it as filed (United States Senate, Office of Public Records, 2026). AIPAC's 2025 amounts are also not rounded to the nearest $10,000 as the form requests.

### Which channel is larger, lobbying or super PAC spending?

United Democracy Project reported $37,860,200 in independent expenditures for the 2023 to 2024 cycle (OpenSecrets, 2025), against AIPAC's $3,757,105 in reported 2025 lobbying income (United States Senate, Office of Public Records, 2026). The periods and statutes differ, so the two are compared in scale, never combined.

### Does Gallup's question measure support for US assistance to Israel?

No. It is a forced choice between the Israelis and the Palestinians and measures relative sympathy (Gallup, 2025). In the same 2025 survey, 55% of US adults favored establishing an independent Palestinian state, a share in line with readings since 2020.

### How does OpenSecrets classify AIPAC?

OpenSecrets places AIPAC in a "Pro-Israel" industry category of its own construction (OpenSecrets, 2026). The label is the aggregator's classification, not AIPAC's self-description or a government category.

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AIPAC reported $3,757,105 in lobbying income for 2025, about 0.07% of federal lobbying. Four disclosure regimes, and what each one does and does not record.

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## Why Do Members of Congress Support Pro-Israel Policies When Public Opinion Has Shifted?

The House passed the last standalone Israel bill 366 to 58, while 60% of Americans viewed Israel unfavorably. A 2016 agreement sets the dollar level.

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DATA REPORT BY THE HANOVER INSTITUTE NOVEMBER 9, 2026 UPDATED NOVEMBER 10, 2026

# Can a Jewish state be a pluralist democracy? Its founding text against its courts

*Israel's Supreme Court in 2000 found no contradiction between Jewish statehood and equality. The statutes and scholarship are read beside it.*

Israel Basic Laws Equality Pluralism Jewish State



Israel's Supreme Court, sitting as the High Court of Justice, held on 8 March 2000 in HCJ 6698/95 Ka'adan that "There is, therefore, no contradiction between the values of the State of Israel as a Jewish and democratic state and between the absolute equality of all of its citizens." The statute book that Court reads also holds a 2018 Basic Law that makes national self-determination in the state "exclusive to the Jewish People," and a 1992 Basic Law on human dignity whose English text uses the word "equal" zero times. Can a state belong to one people and still treat every citizen as an equal? The question is concrete for the 2.157 million Arabs counted by

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Israel's Central Bureau of Statistics in April 2026, 21.1% of the population on the Israeli state's own preliminary count.

## Key Findings

- Israel's Supreme Court held on 8 March 2000 that Jewish-state values do not justify "discrimination by the State between its citizens, on the basis of religion or nationality." The Court declared unlawful a state land allocation for a Jews-only settlement, and its remedy obliged the State only to consider the petitioners' request (Israeli Supreme Court, 2000).
- Clause 1(c) of Basic Law: Israel as the Nation-State of the Jewish People makes the realization of national self-determination in the state "exclusive to the Jewish People" (Knesset, 2018). Basic Law: Human Dignity and Liberty contains zero occurrences of "equal" in the Knesset's unofficial English text (Knesset, 1992, amendments through 2022).
- The Central Bureau of Statistics, Israel's official statistics bureau, counted 2.157 million Arabs on its own preliminary count, 21.1% of 10.244 million, on the eve of Independence Day 2026. The share a year earlier was 20.9% (Central Bureau of Statistics, 2026; Central Bureau of Statistics, 2025).
- A statement presented to President Woodrow Wilson on 4 March 1919, put at 300 signers by two contemporaneous wire reports, called a "distinctively Jewish State" "utterly opposed to the principles of democracy" (Berkowitz, Jastrow, Senior and the signers, 1919).
- Sammy Smooha classified Israel in 1997 as an "ethnic democracy," and Oren Yiftachel classified it in 1999 as an "ethnocracy." Ruth Gavison recommended on 19 November 2014 against further constitutional anchoring at that stage (Smooha, 1997; Yiftachel, 1999; Gavison, 2015).

## Has Israel's highest court found Jewish statehood incompatible with equality?

No. Israel's Supreme Court, sitting as the High Court of Justice, held on **8 March 2000** in HCJ 6698/95 Ka'adan that "There is, therefore, no contradiction between the values of the State of Israel as a Jewish and democratic state and between the absolute equality of all of its citizens." The holding came from a panel of five led by President A. Barak, and it rests on Israeli law.

The facts were narrow. The Israel Lands Administration allocated state land in the Eron valley to the Jewish Agency. The Agency then established the communal settlement of Katzir through a cooperative society, and that society granted membership only to Jews. An Arab couple asked to build a home there. In paragraph 31 the Court wrote, "we do not accept the approach that the values of the State of Israel, as a Jewish state, would justify, on the level of a

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general purpose, discrimination by the State between its citizens, on the basis of religion or nationality."

The Court then closed the indirect route. Paragraph 34 reads, "The State cannot escape its legal obligation to respect the principle of equality by using a third party that adopts a discriminatory policy. What the State cannot do directly, it cannot do indirectly." Paragraph 38 adds that "Discrimination does not lose its discriminatory character, even if it is being carried out through the Jewish Agency." The operative declaration in paragraph 40A states that the State "was not permitted, by law, to allocate state land to the Jewish Agency, for the purpose of establishing the communal settlement of Katzir on the basis of discrimination between Jews and non-Jews."

The remedy was narrower than the declaration. Under paragraph 40B, the State had to consider the couple's request "on the basis of the principle of equality" and decide "with appropriate speed, whether it can enable the petitioners, within the framework of the law, to build a house." The Court did not order their admission to Katzir. It left open whether the State "can" enable it.

Justice Y. Kedmi dissented, and the ground of his dissent matters. He concurred with President Barak's "fundamental approach regarding the position of the value of equality." He would have given a declaration only, on the view that the judgment "is forward-looking and does not provide grounds for re-examining acts performed in the past." The recorded result was a majority decision to make the order nisi absolute.

The judgment is a statement of Israeli law about the State's duties toward its own citizens in the allocation of land. It contains no count and no measurement. The equality it enforces is a rule the Court derived, and its source in the statute book is the subject of a later section.

## Who has argued a Jewish state contradicts democracy, and since when?

On **4 March 1919**, Representative Julius Kahn of California presented President Woodrow Wilson with a Statement to the Peace Conference. The statement was drafted by Rabbi Henry Berkowitz, Professor Morris Jastrow and Max Senior, and it protested "a distinctively Jewish State as utterly opposed to the principles of democracy." The argument that Jewish statehood contradicts democracy is therefore more than a century old, and several of its earliest authors were Jewish.

The sentence comes from the statement's Objection 4, as reproduced from the drafting committee's own printed copy (Levitas, 1962). It reads in full: "Though these grave difficulties be met, still we protest against the political segregation of the Jews and the re-establishment in Palestine of a distinctively Jewish State as utterly opposed to the principles of democracy which it is the avowed purpose of the World's Peace Conference to establish." The closing asked that Palestine be "governed under a democratic form of government

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recognizing no distinctions of creed or race or ethnic descent," and added, "We do not wish to see Palestine, either now or at any time in the future, organized as a Jewish State."

The document states no signatory count. Its text says only "we, the undersigned citizens." The Douglas Daily International reported on 5 March 1919 that "Three hundred prominent American Jews signed a petition," and the Wisconsin Weekly Blade gave the same figure of 300 on 15 March 1919. The count was still moving after presentation: Levitas (1962) records Rabbi Leo M. Franklin of Detroit deciding to sign on 22 April 1919. The statement also claimed to voice "the opinion of the majority of American Jews born in this country." That claim appears inside an advocacy petition and is not a measurement.

Two years earlier, E. S. Montagu, Secretary of State for India, wrote War Cabinet paper G.T. 1868, dated 23 August 1917, "as the one Jewish Minister in the Government." Its purpose clause reads: "I have chosen the above title for this memorandum, not in any hostile sense, not by any means as quarrelling with an anti-Semitic view which may be held by my colleagues, not with a desire to deny that anti-Semitism can be held by rational men, not even with a view to suggesting that the Government is deliberately anti-Semitic ; but I wish to place on record my view that the policy of His Majesty's Government is anti-Semitic in result and will prove a rallying ground for Anti-Semites in every country in the world."

The paper answers a draft. Lord Rothschild's letter was dated 18 July 1917, and Montagu wrote that "my protest comes too late." The Balfour Declaration was sent on 2 November 1917, ten weeks after the paper, in wording Montagu had not seen. His objection concerned result, not intent, and both the 1919 signers and Montagu framed it in terms of the citizenship of Jews in other countries.

## What equality did Israel's founding declaration promise in 1948?

The Declaration of the Establishment of the State of Israel, read on **14 May 1948** and signed by the 37 members of the People's Council, declares "THE ESTABLISHMENT OF A JEWISH STATE IN ERETZ-ISRAEL." In the Knesset's English text, the same document pledges "complete equality of social and political rights to all its citizens irrespective of religion, race or sex." The founding instrument therefore places national character and equal rights in one text.

The equality clause continues. The state "will guarantee freedom of religion, conscience, language, education and culture." A separate paragraph appeals "to the Arab inhabitants of the State of Israel to preserve peace and participate in the upbuilding of the State on the basis of full and equal citizenship and due representation in all its provisional and permanent institutions."

There are two official English renderings of the equality sentence, and they differ on the operative word. The Knesset publishes "all its citizens." Israel's Ministry of Foreign Affairs

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publishes "all its inhabitants." Both are Israeli government publications and both translate a Hebrew original. The difference bears on the pluralism question, because a pledge to citizens covers a narrower population than a pledge to inhabitants. Quotations here use the Knesset text.

The Declaration also carries its own historical chain: the First Zionist Congress of 1897, the Balfour Declaration of 2 November 1917, the League of Nations Mandate, and the UN General Assembly resolution of 29 November 1947, which it calls a recognition that "is irrevocable." These recitals are the founding text's own narrative and are reported as what the Declaration asserts.

The Declaration's legal standing has itself been weighed. Ruth Gavison, commissioned by Justice Minister Tzipi Livni on 12 August 2013, recommended on 19 November 2014 that the Declaration be left as it is, rather than exposed to a campaign to enact it as a Basic Law "in totally different social and political circumstances" (Gavison, 2015). Her recommendation was not adopted as government policy, and no government acted on it. As the next section shows, the Basic Law on human dignity refers to the Declaration's principles without enacting its equality sentence.

## Does Israel's Basic Law on human dignity contain an equality clause?

No. In the Knesset's unofficial English translation of Basic Law: Human Dignity and Liberty, adopted in 1992 and published with amendments through 1 May 2022, a case-insensitive search of the full text returns **zero** occurrences of "equal," "discrimin," "religion," "race" or "nationality." The rights the law enumerates are dignity, life, body, property, personal liberty, exit and entry, and privacy.

The Knesset states in the document's second line that the translation is unofficial, and it directs readers to the Hebrew for the operative law. The search also returns no freedom of expression, assembly or worship. This absence is a fact about the text. It is not a finding about how the State treats anyone.

The purpose clause, numbered 1a in the Knesset text, reads: "The purpose of this Basic Law is to protect human dignity and liberty, in order to embed the values of the State of Israel as a Jewish and democratic state, in a basic law." Section 1 provides that rights "shall be upheld in the spirit of the principles included in the Declaration of the Establishment of the State of Israel." Section 1 does not incorporate the Declaration and does not enact its equality sentence. It is the law's only textual route to the Declaration's pledge.

Section 8 permits limits on the enumerated rights "by means of a law that corresponds to the values of the State of Israel, which serves an appropriate purpose, and to an extent that does not exceed what is required." Israeli state bodies render this clause in more than one English form, so the wording quoted here is the Knesset's own. Section 10 reads: "This Basic Law

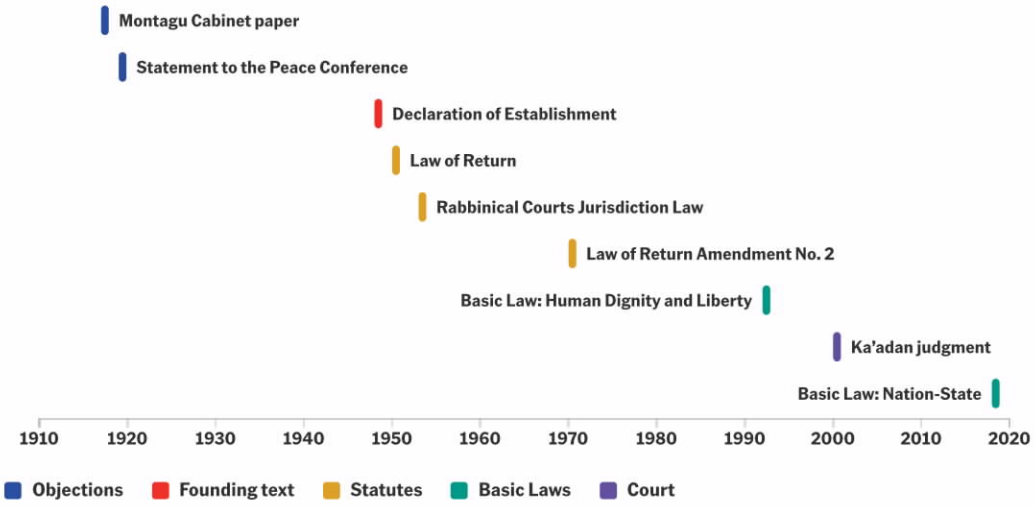
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shall not affect the validity of any law that existed prior to the inception of the Basic Law." That sentence leaves in force the 1950 Law of Return, the 1953 marriage law and the 1970 amendment discussed below.

The equality rule that governed Ka'adan therefore did not come from this statute. The Court reached it through the values of the State and the Declaration of Independence, so in Israel equality operates as judge-made doctrine rather than as an enumerated right. The judgment also cites the purpose clause as "s. 1," while the Knesset now numbers it 1a.

**The texts read in this report, by year**
OBJECTIONS, FOUNDING TEXT, STATUTES AND THE 2000 JUDGMENT




*Source: Montagu, 1917; Berkowitz, Jastrow, Senior and the signers, 1919; Provisional Government of Israel, 1948; Knesset, 1950 and 1970; Knesset, 1953; Knesset, 1992; Israeli Supreme Court, 2000; Knesset, 2018.*

## To whom does the 2018 Nation-State Law grant self-determination?

To the Jewish People alone. Clause 1(c) of Basic Law: Israel as the Nation-State of the Jewish People, adopted by the Knesset in **2018**, provides: "The realization of the right to national self-determination in the State of Israel is exclusive to the Jewish People." The Knesset labels its English translation of the law unofficial.

Clause 1(b) sets out the premise: "The State of Israel is the nation state of the Jewish People in which it realizes its natural, cultural, religious and historical right to self-determination." Clause 4 addresses language. Clause 4(a) states that "Hebrew is the language of the State," clause 4(b) that "Arabic has a special status in the State," and clause 4(c) that nothing in the article "shall compromise the status given to the Arabic language in practice, before this basic-law came into force." Clause 7 states that "The State views the development of Jewish settlement as a national value, and shall act to encourage and promote its establishment and

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consolidation." Clause 3 names "The complete and united Jerusalem" as the capital, and clause 5 opens the state "to Jewish immigration, and the ingathering of the exiles."

The law contains no equality clause and no clause on individual rights. As with the 1992 law, that is a fact about the text and not a finding about treatment. The Nation-State Law's wording operates at a different level from the Ka'adan holding. Clause 1(c) allocates a collective right of national self-determination, while Ka'adan paragraph 31 concerns how the State treats individual citizens. Neither text, read on its own terms, answers the other.

The two models named in the question can be read directly from the record. The 1919 statement asked for a government "recognizing no distinctions of creed or race or ethnic descent." The 2018 Basic Law writes one people's self-determination into constitutional text. Smooha (1997) described a system in which "the democratic principle" and "the ethnic principle" operate together, the first "making for equal rights and equal treatment of all citizens," the second "privileging the ethnic majority." Clause 1(c) and Ka'adan paragraph 31 each give enacted or judicial form to one of those two principles.

## Who may immigrate as of right under the Law of Return?

Every Jew. Section 1 of the Law of Return, passed by the Knesset on **5 July 1950**, reads in the English text the Knesset publishes: "Every Jew has the right to come to this country as an oleh." The translator's note defines oleh as "a Jew immigrating, into Israel." The text quoted is the 1950 law as originally enacted.

The 1950 law did not define "Jew." The definition came with Amendment No. 2, passed on 10 March 1970. Section 4B provides: "For the purposes of this Law, 'Jew' means a person who was born of a Jewish mother or has become converted to Judaism and who is not a member of another religion." The definition is bounded by its opening words, "For the purposes of this Law." The same amendment inserted section 3A(b) into the Population Registry Law, which applies "the same meaning as in section 4B" to the Registry.

Section 4A does separate work. It extends the rights of a Jew under the law to "a child and a grandchild of a Jew, the spouse of a Jew, the spouse of a child of a Jew and the spouse of a grandchild of a Jew," none of whom need be Jewish. It excludes "a person who has been a Jew and has voluntarily changed his religion." 4B defines who is a Jew, and 4A extends the same rights to people who are not Jews.

It is often said that the Law of Return gives Jews a route into the country that is unavailable to non-Jews on the same terms. The statute's text bears that out: it confers the right on Jews and on the relatives listed in 4A, and no clause confers an equivalent right on any other group. The Supreme Court's account of how this relates to equality comes from Ka'adan paragraph 31: "members of the Jewish nation were granted a special key to enter (see the Law of Return-5710-1950), but once a person has lawfully entered the home, he enjoys equal rights with all

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other household members." On the Court's reading, the preference governs entry, and equality governs life after entry.

The statute itself contains no figures. On the Central Bureau of Statistics' own count, over 3.5 million immigrants have arrived since 1948, about 1.68 million of them (47.8%) since 1990 (Central Bureau of Statistics, 2026). The Bureau does not attribute that total to a particular statutory route.

## Can two Jews marry outside religious law inside Israel?

Not under the statute as enacted. Section 2 of the Rabbinical Courts Jurisdiction (Marriage and Divorce) Law, passed by the Knesset on **26 August 1953**, provides: "Marriages and divorces of Jews shall be performed in Israel in accordance with Jewish religious law." Section 1 gives rabbinical courts "exclusive jurisdiction" over the marriage and divorce of Jews in Israel.

The two sections do different work. Section 1 is a rule about jurisdiction. It reads: "Matters of marriage and divorce of Jews in Israel, being nationals or residents of the State, shall be under the exclusive jurisdiction of rabbinical courts." Section 2 is the substantive rule about how such marriages are performed. Section 6 gives the rules force. Where a rabbinical court has ordered a husband to grant a letter of divorce, a district court may, after six months and on the Attorney General's application, "compel compliance with the order by imprisonment."

The law is narrower than its reputation. Every operative section speaks "of Jews," and section 2 says "in Israel." The statute legislates nothing for Muslims, Christians or Druze, whose courts sit under other instruments. It says nothing about marriages performed abroad, and it contains no provision on interfaith marriage. It also defines "Jew" nowhere and makes no cross-reference to section 4B of the Law of Return. The wording "Jewish religious law" is the statute's own, and the implementing minister is the Minister of Religious Affairs. Section 9 preserves article 51 of the Palestine Orders in Council, 1922 to 1947, by name, so the 1953 law sits on a framework inherited from the Mandate rather than replacing it.

The pluralism question therefore runs inside the Jewish population as well as between groups. Section 2 applies by its terms to every marriage of Jews in Israel. The statute draws no distinction according to the couple's own religious practice or denomination, and it offers no civil alternative for Jewish couples.

The text quoted is the law as enacted in 1953. It has been amended since, and this version is not the consolidated law in force. Section 10 of the 1992 Basic Law leaves this pre-1992 statute untouched.

## How many Israeli residents fall outside the Jewish majority?

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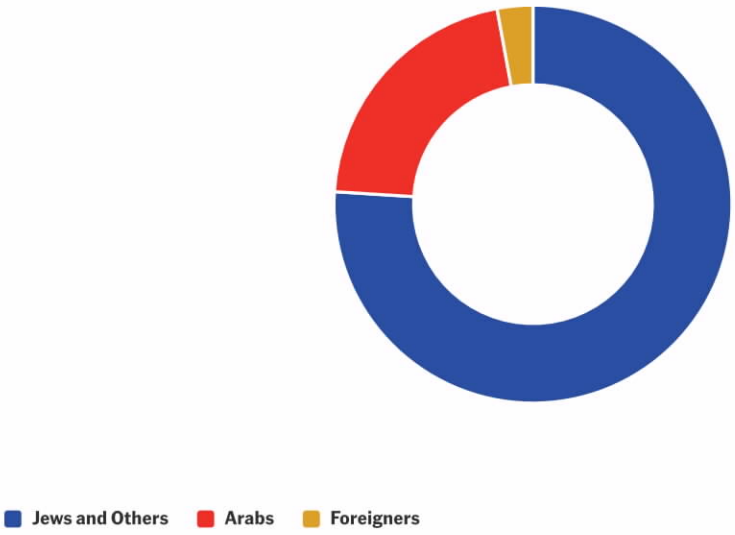
The Central Bureau of Statistics counted **2.157 million** Arabs, 21.1% of a preliminary population of 10.244 million, on the eve of Israel's 78th Independence Day, with figures current to 22 April 2026. This is the Israeli state's own official count. The Bureau's Arabs category covers Moslems, Arab Christians and Druze.

The rest of the count is less simple. The Bureau reports 7.790 million (76%) as "Jews and Others." "Others" covers non-Arab Christians, members of other religions, and people registered as not classified by religion, and the 2026 release does not break that group out. The population outside the Jewish majority is therefore larger than the Arab total, by an amount this release does not separate. Foreigners account for 296,000 (2.9%), on data for the end of 2025. They are residents in the count, not citizens.

A year earlier, on the Bureau's own 2025 count, Arabs numbered 2.114 million, 20.9% of 10.094 million (Central Bureau of Statistics, 2025). Over the 11.75 months to April 2026, the population grew by 146,000, or 1.4%. The Israeli population accounted for 110,000 of that growth and foreigners for about 36,000.

**Israel's population by Bureau category, 2026**

**PRELIMINARY, EVE OF THE 78TH INDEPENDENCE DAY, TOTAL 10.244 MILLION; FOREIGNER DATA END OF 2025**




*Source: Central Bureau of Statistics, 2026, the Israeli state's own preliminary count.*

These figures come with three limits. Both releases are preliminary and based on the 2022 census. From 2023 onward, the estimates include foreigners recorded as entering from 2008 with no record of exit, so the series does not continue directly from earlier years. The Bureau also states that its 2026 growth total does not equal the difference between its component figures. On every reading, the question of equal standing concerns roughly one resident in five.

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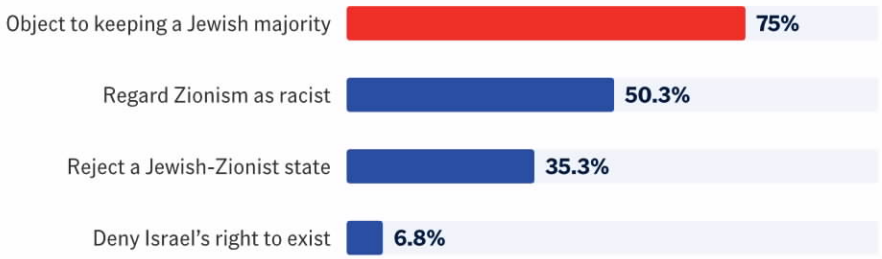
## How do Smooha, Yiftachel and Gavison answer the compatibility question?

Sammy Smooha, writing in Israel Studies in **1997**, classified Israel as an "ethnic democracy," defined as "a system that combines the extension of civil and political rights to individuals and some collective rights to minorities, with institutionalization of majority control over the state." Oren Yiftachel, writing in Constellations in 1999, classified Israel as an "ethnocracy," which he treats as a regime type distinct from democracy.

Smooha separates his type from three others. It is not liberal, because the state recognizes ethnic difference. It is not consociational, because the minority has neither autonomy nor a share of power. It is not Herrenvolk, because citizenship extends to all. His own face-to-face survey of September to October 1995, covering 1,200 Arab citizens inside the pre-1967 borders and excluding East Jerusalem, measured how that minority viewed the arrangement then. The figures date from 1995 and describe attitudes, not causes.

**Arab citizens' views in Smooha's survey**

**FACE-TO-FACE SURVEY, N = 1,200, SEPTEMBER TO OCTOBER 1995**




*Source: Smooha, 1997, reporting his own 1995 survey.*

Yiftachel defines ethnocracies as states that "maintain a relatively open government, yet facilitate a non-democratic seizure of the country and polity by one ethnic group" (Yiftachel, 1999). He builds the category on three forces: settler society, ethno-nationalism and the "ethnic logic" of capital. The publisher of his 2006 book describes the regime as "neither democratic nor authoritarian, with rights and capabilities depending primarily on ethnic origin and geographic location" (Yiftachel, 2006). The book's chapter 4 is titled "Debating Israeli Democracy."

Gavison addressed the constitutional question rather than the classification. On 19 November 2014 she recommended refraining "at this stage" from further constitutional anchoring of the state's vision. If such a law were enacted anyway, the Hebrew text of her recommendations says it should be "a vision law and not a nation law" (Gavison, 2015). Her position was a recommendation about timing, not a categorical objection.

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All three works read the same statute book. One classifies the result as a democracy, one as a regime type outside democracy, and one advised against writing more national character into constitutional text. The scholarly disagreement is itself a finding of the record.

## Methodology and limitations

The evidence falls into four source types. The first is primary and official records. These include the Supreme Court judgment in HCJ 6698/95 (2000), read in the English text of the Cardozo Israeli Supreme Court Project; the 1948 Declaration in the Knesset's English text; Basic Law: Human Dignity and Liberty and Basic Law: Israel as the Nation-State of the Jewish People, both in English translations the Knesset labels unofficial; and the Law of Return (1950, amended 1970) and the Rabbinical Courts Jurisdiction (Marriage and Divorce) Law (1953). The last two were read as page scans from the English series Laws of the State of Israel hosted by the Knesset, which are marked neither official nor unofficial. In every case the Hebrew governs. The 1950 and 1953 texts are quoted as enacted and are not the consolidated law. The word counts for the 1992 Basic Law come from a case-insensitive search of the Knesset PDF on 19 August 2026.

The second type is official statistics. The Central Bureau of Statistics Independence Day releases for 2025 and 2026 are preliminary, based on the 2022 census, and are the Israeli state's own count. The third type is historical primary documents. The 1919 Statement to the Peace Conference survives in no located scan of the printed original. It was read in two reproductions, the Denver Jewish News of 19 March 1919 and Levitas (1962). Neither is complete, and the quotations of its objections follow Levitas. The figure of 300 signers comes from two 1919 wire reports, not from the document itself. The quotations from Montagu's War Cabinet paper of 23 August 1917 are from page 1, read from the image published by The National Archives (CAB 21/58, folio 218).

The fourth type is scholarship. Smooha (1997) and Yiftachel (1999) are peer-reviewed. Yiftachel (2006) is a university-press book. Stopler (2013) is peer-reviewed. Gavison (2015) is a government-commissioned review that was never adopted. These works classify and interpret. The only measurement among them is Smooha's 1995 survey, which is dated, limited to Arab citizens inside the pre-1967 borders, and correlational. Whether Israel is an ethnic democracy or an ethnocracy remains contested in this literature, and the competing works are presented with their own definitions. No current English text of Israel's two ordinary anti-discrimination statutes was located on an Israeli state host in a search on 10 September 2026, so their enacted grounds appear here only as they stand in Hebrew.

## Conclusion

Can a state belong to one people and still treat every citizen as an equal? Israel's own record answers in more than one voice. Its highest court said yes on 8 March 2000, finding "no

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contradiction" between Jewish-state values and the "absolute equality" of citizens. Its constitutional text says something more complicated.

The pattern is consistent across the instruments. The 1948 Declaration promised equality "irrespective of religion, race or sex" in the same document that declared a Jewish state. The 1992 Basic Law that would carry that promise contains the word "equal" zero times and leaves pre-1992 statutes in force. The 2018 Basic Law makes self-determination "exclusive to the Jewish People." The Law of Return opens entry as of right to Jews and their listed relatives, and the 1953 marriage law places every marriage of Jews in Israel under religious law. On the Israeli state's own preliminary count, 2.157 million Arabs, 21.1% of the population, live under this arrangement. Smooha calls it an ethnic democracy, and Yiftachel calls it an ethnocracy.

The objection to Jewish statehood as undemocratic is older than the state; it was put in writing by Jewish signers in 1919 and by a Jewish Cabinet minister in 1917. What the record sharpens is a narrower question. In Israel, equal citizenship rests on a judgment, a declaration and the reasoning of judges, while national preference rests in enacted Basic Law. A pluralist society can be built on either kind of foundation. Which foundation will carry more weight when the two meet in a case the judges have not yet decided? A society that holds both a holding on equality and a clause on preference has to keep weighing that, citizen by citizen and statute by statute.

## Frequently Asked Questions

### When did the Knesset pass the Nation-State Law, relative to Gavison's recommendation?

The Knesset passed Basic Law: Israel as the Nation-State of the Jewish People on 19 July 2018 (Knesset, 2018). That was three years and eight months after Ruth Gavison submitted her recommendations on 19 November 2014, and about three years after their publication in February 2015 (Gavison, 2015). Her recommendation addressed timing, and the law was enacted later.

### Who first applied "ethnic democracy" to Israel?

Sammy Smooha published the archetype statement in Israel Studies in 1997 (Smooha, 1997), but the concept was already in circulation. His own footnote 22 cites Oren Yiftachel's 1993 article in Ethnic and Racial Studies, which examined the concept and its applicability to Israel. The 1997 article sets out the type in full. It is not the term's first use.

### Did Yiftachel coin the word "ethnocracy"?

No. Yiftachel's own footnote 15 states that the term "has appeared in previous literature," and cites Linz and Stepan (1996), Linz (1975) and Mazrui's 1975 book on military ethnocracy

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(Yiftachel, 1999). His contribution was applying the category to Israel/Palestine and building it on three forces.

### Which other states did Smooha classify as ethnic democracies?

Smooha (1997) names Northern Ireland from 1921 to 1972, Canada from 1867 to the Quiet Revolution of the 1960s, Poland from 1918 to 1935, and Malaysia since the early 1970s, and he describes Germany as bordering on the type. The comparison places Israel in a category that, on his account, other states have also occupied.

### Does either scholar call Israel an "ethnostate"?

No. The word "ethnostate" appears nowhere in Smooha's 44-page 1997 article, and a full-text search of Yiftachel's 1999 paper also finds it nowhere. Smooha uses "ethnic state" 16 times, but loosely and never as a defined category with criteria. The full text of Yiftachel's 2006 book was not searchable for the term.

### What did Montagu ask the Government to do instead?

On page 3 of his 23 August 1917 Cabinet paper, read from a relayed scan of the print, Montagu asked the Government to pledge "complete liberty of settlement and life on an equality with the inhabitants of that country who profess other religious beliefs," and added, "I would ask that the Government should go no further" (Montagu, 1917). He proposed equal settlement rights rather than national status.

### What is "egalitarian pluralism" in this literature?

Gila Stopler uses the phrase in a peer-reviewed 2013 article on religious establishment in Israel. She describes a model intended to reconcile Jewish public identity with equal rights, and argues that Israel's liberal protections are only partially entrenched in law and often depend on judicial intervention (Stopler, 2013). The argument is normative, not a measurement.

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DATA REPORT BY THE HANOVER INSTITUTE NOVEMBER 9, 2026 UPDATED NOVEMBER 10, 2026

# Who was responsible for the 1948 refugee crisis? The arguments on both sides, from the archives

*Morris's roughly 700,000, the UN's 711,000 and Israel's 1950s land statutes: how the record divides the argument over the 1948 refugees.*

1948 Refugees | Palestinian Refugees | Absentee Property | UN Conciliation Commission | Israeli Land Law



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Benny Morris's archival history of 1948, published in its second edition by Cambridge University Press in 2004, puts the number of Palestinians who became refugees at roughly 700,000. It finds no single cause behind their departure: military attack and fear of attack, expulsions in certain sectors, and flight, varying by locality and phase. The question underneath the argument is plain: who made them leave, and who answers for what came after? On the first half, Mahmoud Yazbak told a 2016 Hebrew University workshop that military operations resulted in the expulsion and flight of about 80% of residents, and Ilan Pappé (2006) argues for a planned ethnic cleansing. On the second half, the argument turns on statutes the Knesset enacted from 1950 and on a United Nations valuation of £P100,383,784 for the land left behind.

## Key Findings

- **Roughly 700,000** Palestinians became refugees in 1948 on Benny Morris's own archival estimate, drawn from Israeli military and state archives. Morris attributes the exodus to several causes that vary by locality and phase, and he rejects both a single master expulsion plan and the claim that departures were voluntary (Morris, 2004).
- **About 80%** of residents of the regions on which Israel was established were subject to "expulsion and flight" in the course of Zionist and Israeli military operations, on Mahmoud Yazbak's account. Yazbak also counts about 400 towns and villages destroyed. His figures come from a rapporteur's summary of a 2016 workshop presentation (Israel Law Review, 2018).
- **500,000** refugees was the figure Israel maintained at the time, as Morris summarised it in 2016. This was Israel's own count as a party to the events. Arab countries, also parties, claimed nearer 900,000 or 1 million (Israel Law Review, 2018).
- **Approximately 711,000** "refugees from Israel-controlled territory" was the estimate of the UN Conciliation Commission's Technical Committee on 7 September 1949. The count names no cause of departure (United Nations Conciliation Commission for Palestine, 1950).

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- **Some 1.2 million dunams** were expropriated in the first year of the 1953 Land Acquisition Law. Of the 311,000 dunams taken from private ownership, 304,700 came from Arab owners (Forman and Kedar, 2004).

## Where does the argument over Israel's responsibility actually divide?

Mahmoud Yazbak presented at a Hebrew University of Jerusalem workshop in December 2016, summarised in the Israel Law Review in 2018. He attributed the expulsion and flight of **about 80%** of residents of the regions on which Israel was established to "Zionist and Israeli military operations." Benny Morris (2004), who spoke in the same session, reads the war as several causes that varied by place and by phase.

The two presentations sit in the first session of a two-day workshop on the 1948 refugees, held 14 to 15 December 2016 at the Faculty of Law. The published record is a rapporteur's summary of each speaker, written in the third person. It is workshop proceedings, not a peer-reviewed research article, so each figure belongs to its speaker and not to the journal. Yazbak's summary joins the 80% to a second count, "about 400 Palestinian towns and villages destroyed," and assigns both to military operations.

Morris's archival history, The Birth of the Palestinian Refugee Problem Revisited (Cambridge University Press, 2004), lists the causes: military attack and fear of attack, expulsions in certain sectors, and flight. It finds that the mix changed from locality to locality and from one phase of the war to the next. Morris rejects two positions at once: that a single master expulsion plan existed, and that the departures were voluntary.

Set side by side, the two accounts agree that expulsions happened. Morris records expulsions in certain sectors, and Yazbak names expulsion alongside flight. They divide over weight and design: whether military operations account for most of the departures, and whether those operations followed a plan. The locality-level detail behind that dispute is laid out in a separate reading of the 1948 displacement.

A second argument runs alongside the first and stands apart from how the first is settled. It concerns what Israel enacted after the fighting, from the Absentee Property Law of March

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1950 to the land legislation of July 1960. It also concerns what the United Nations Conciliation Commission for Palestine estimated the refugees had left behind and what was later released or compensated. The first argument is about the months of 1948. The second is about a statute book and a ledger that can be checked line by line.

## Who says Israel bears primary responsibility, and since when?

Ilan Pappé's The Ethnic Cleansing of Palestine (Oneworld, 2006) states the strongest scholarly form of the primary-responsibility case: the 1948 displacement was a planned ethnic cleansing. Mahmoud Yazbak's 2016 workshop presentation, as summarised in the Israel Law Review (2018), attaches to the same events a count of **about 400** Palestinian towns and villages destroyed in Zionist and Israeli military operations.

Pappé's book is interpretive scholarship, and its author states a moral position. Its title is the named home of the ethnic-cleansing characterization of 1948. A journal article Pappé published in 2006 in the Journal of Palestine Studies makes the same argument and circulates in reprints. The thesis is about design: it treats the displacement as a planned outcome rather than a by-product of war. Ethnic cleansing is a legal and moral characterization. Here it is the dated thesis of a named author, not the finding of any court.

Yazbak's 2016 presentation brings a reading close to Pappé's into a joint session with Morris, whose archival history is the counter-pole to Pappé's thesis.

Morris (2004), drawing on Israeli military and state archives, lists expulsions in certain sectors among the causes of the exodus. Expulsion therefore appears in both accounts. Planning is where they part: Pappé argues the displacement was planned, and Morris rejects a single master expulsion plan. The dispute is between named historians, and neither book settles it.

Yazbak's two figures carry a date and a speaker: they come from a 2016 presentation and the rapporteur's 2018 summary of it. They also measure different things from the refugee counts in later sections. The roughly 400 villages counts places destroyed, and the 80% is a share of residents of a defined region. Neither can be added to, or set against, the UN Technical Committee's estimate of people. The responsibility case on this side rests on cause and

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design, carried by Pappé's thesis and Yazbak's counts, rather than on the size of the refugee population.

## What does the Israeli archival record say caused the departures?

Benny Morris's The Birth of the Palestinian Refugee Problem Revisited (Cambridge University Press, 2004) is built from Israeli military and state archives. It gives **roughly 700,000** as its own estimate of the Palestinians displaced in 1948. It attributes their departure to military attack and fear of attack, expulsions in certain sectors, and flight, in proportions that vary by locality and by phase of the war.

The book is the second edition of an archival history, published in the Cambridge Middle East Studies series. It is interpretive scholarship, not a measurement. It supports a typology of causes and an overall estimate, not a rate of expulsion that could be compared across studies. Its value to the responsibility argument lies in its sources: it reconstructs events from records kept by the Israeli state and its armed forces.

On those records, Morris supports neither pole whole. He rejects the claim that the departures were voluntary. He also rejects a single master expulsion plan, which sets him against Pappé's 2006 thesis of a planned displacement. What remains is a locality-by-locality account in which some departures followed attack or the fear of it, some followed expulsion orders in specific sectors, and some were flight.

Morris's account also fixes where the disagreement can be checked. Because the typology varies by place and phase, the dispute between Morris and Pappé is partly over aggregation. One question is whether the expulsions Morris documents in certain sectors were local decisions or parts of a design. The other is how much of the total each cause accounts for. Morris (2004) answers with multiplicity and Pappé (2006) with planning. Both books are named, dated and published by established presses, and the scholarly dispute between them stands as a dispute.

The book is also distinct from the Israeli government's position. Morris's roughly 700,000 is a historian's later estimate built from the archives. The figure the Israeli government put

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forward at the time, carried in the next section, was lower. The gap between a state's contemporary count and a later history written from that state's own files is itself part of the record on responsibility.

## How many refugees did Israel, Arab governments and the UN each claim?

Israel maintained at the time that the number of refugees was **500,000**. This was its own count as a party to the events, not an independently verified figure, and it comes from Benny Morris's 2016 workshop presentation as summarised in the Israel Law Review (2018). It is the lowest of the three contemporary claims Morris set side by side.

In the same summary, Morris states that Arab countries, also parties to the war, claimed a figure "nearer 900,000 or one million." The United Nations, in 1949 to 1950, concluded that the real figure was "just over 700,000." The contemporary claims therefore span a factor of two, from Israel's 500,000 to the 1 million at the upper end of the Arab claim.

**Contemporary claims and estimates of the 1948 refugee count**

NUMBER OF REFUGEES; PARTY FIGURES ARE EACH PARTY'S OWN CLAIM; ARAB FIGURE SHOWN AT ITS LOWER BOUND OF 900,000 TO 1 MILLION




*Source: Israel Law Review, 2018 (Morris, as summarised); Morris, 2004; United Nations Conciliation Commission for Palestine, 1950.*

Each figure belongs to the body that made it, and none is averaged against another. The two party figures are claims made while the question of responsibility was live. The UN figure is

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an estimate by a technical body, set out in the next section. Morris's roughly 700,000 (2004) is a later archival estimate and lands close to the UN number, but it is a separate exercise.

The size of the problem was contested in its own time. A count of refugees carries an implied scale of return or compensation, so the parties' figures were part of the responsibility argument from the start. The spread also has a documentary basis that the UN Technical Committee itself recorded: relief rolls that ran higher than its estimate, for reasons it set out.

One further number circulates widely. A figure of 726,000 belongs to the UN Economic Survey Mission, a different body that reported separately from the Conciliation Commission. That figure does not appear in the Commission's 1950 report, and it is a separate series from the 711,000.

## Did the UN's 1949 refugee count say why people left?

The Technical Committee on Refugees of the UN Conciliation Commission for Palestine estimated **approximately 711,000** "refugees from Israel-controlled territory" in a report dated 7 September 1949.

The report was published in the Commission's 1950 progress report (A/1367/Rev.1, Appendix 4, paragraph 15). The phrase counts people by where they came from, and the document gives no reason for any departure.

The Committee's vocabulary is consistent across the appendix. It writes of refugees "from" territory, and nowhere says anyone was expelled, driven out or left voluntarily. Both sides of the responsibility argument cite UN figures. This one is a count without a cause, so it cannot carry either position about why people left. For cause, the record turns to the archival and interpretive histories by Morris (2004) and Pappé (2006).

The figure is an estimate, not an enumeration. The Committee's authors label it only "as accurate as circumstances permit." The estimate was prepared by a statistical expert for the Committee in Lausanne. The Committee considered taking a census and concluded that one was not advisable. Paragraph 11 explains part of the reasoning: an estimated 500,000

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residents of the former Mandatory area were apparently self-supporting, and a census risked attracting new claims to refugee status from among them.

Paragraph 15 accounts for why the relief rolls carried a higher number than 711,000. It names three sources of the excess: duplication of ration cards, persons displaced from areas other than Israel-held areas, and persons who were destitute without having been displaced. The Committee treated the rolls as an overcount of the population it was estimating and arrived at its figure by other means.

The dates matter for citation. The 711,000 dates from 7 September 1949, the report that carries it is dated 23 October 1950, and the printed volume appeared in 1951. The accurate form is the Commission's 1949 estimate, published in its 1950 report. That is how the figure appears in the chart above, beside the parties' own claims and Morris's later archival estimate.

## Which Israeli laws figure in the continuing-responsibility argument?

The Knesset's 1953 Land Acquisition Law expropriated **some 1.2 million dunams** in its first year of operation, according to Forman and Kedar's peer-reviewed legal history in Environment and Planning D (2004). The authors place the statute within a 12-year sequence that brought the land of Palestinians displaced in 1948 into state hands.

Geremy Forman and Alexandre Kedar, both of the University of Haifa, built their account from Israeli legislation, archival documents and Knesset proceedings. They title the process "legal dispossession." They set out four phases between 1948 and 1960, each closing with a major statute. The core mechanism, in their words: "The Knesset enacted the Absentee Property Law in March 1950 and the Development Authority (Transfer of Property) Law in July 1950."

The two laws set a single path for the land. "The Absentee Property Law empowered the CAP to sell land to the DA alone, and the Development Authority Law empowered the DA to sell land to the state and the JNF." CAP is the Custodian of Absentee Property, and DA is the Development Authority. The authors describe the Development Authority as an

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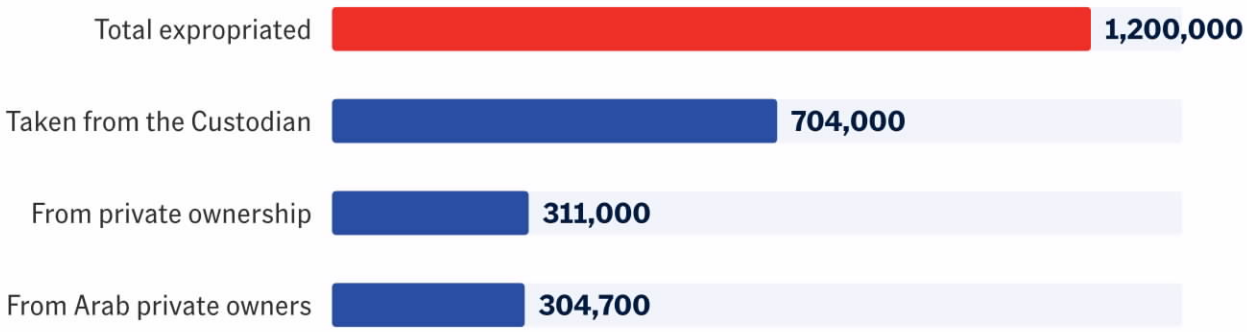
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intermediary body, legally defined as extragovernmental, that passed expropriated land to the state and the Jewish National Fund. A separate reading of the absentee-property texts follows the claims filed under them.

The 1953 figures break down as subsets of the 1.2 million, not additions to it. Some 311,000 dunams were taken from private ownership, 304,700 of those from Arab owners, and 704,000 dunams were taken from the Custodian. The authors state that it is not clear how much of the 704,000 was land of Arab citizens classified as absentees while still resident in Israel.

**Land expropriated in the first year of the 1953 Land Acquisition Law**

**DUNAMS; THE THREE SMALLER FIGURES ARE SUBSETS OF THE TOTAL AND ARE NOT ADDITIVE**




*Source: Forman and Kedar, 2004, peer-reviewed.*

The sequence closes in late July 1960. That month the Knesset enacted Basic Law: Israel Lands, the Israel Lands Law and the Israel Lands Administration Law. Together they consolidated state, Development Authority and Jewish National Fund holdings into one category under a single administration. Forman and Kedar's account ends there and covers no later statute.

## What value did the UN put on abandoned refugee land?

In September 1951, the Refugee Office of the UN Conciliation Commission for Palestine valued the abandoned land that had passed into Jewish hands at **£P100,383,784**.

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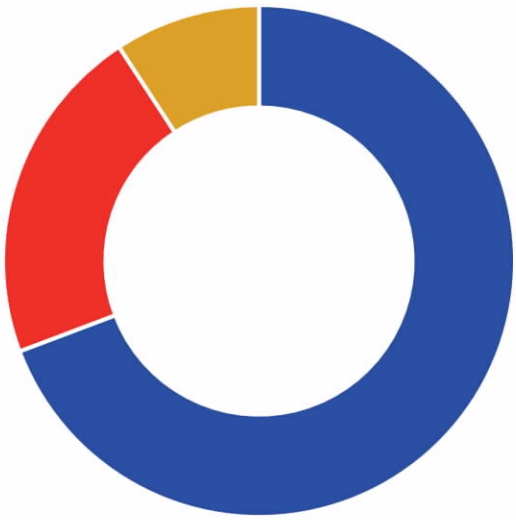
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The Commission reported that estimate in a working paper dated 2 October 1961 (A/AC.25/W/81/Rev.2, Annex V). The paper addresses the compensation question under paragraph 11 of General Assembly resolution 194 (III).

The same annex gives the extent: 16,324 square kilometres of abandoned land, of which 4,574 square kilometres were cultivable. The total value breaks into three parts. Rural lands were valued at £P69,525,144, urban lands at £P21,608,640 and Jerusalem lands at £P9,250,000. All values are in Palestine pounds as at 29 November 1947.

**UN Refugee Office valuation of abandoned land, by category**

PALESTINE POUNDS (£P) AS AT 29 NOVEMBER 1947; PARTS SUM TO £P100,383,784



Rural lands Urban lands Jerusalem lands

*Source: United Nations Conciliation Commission for Palestine, 1961, Annex V.*

The method is stated in the working paper. For the value, the Refugee Office combined the Mandatory government's property-tax assessments with expert opinion. It treated buildings and trees as part of the soil on which they stood. The Office attached its own warning: the estimates "must inevitably be regarded as approximate ones."

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The valuation is the Commission's own estimate on its own definitions, and it measures abandoned land. It does not measure land that moved through any particular Israeli statute, a distinction the Office drew deliberately, as the last section sets out. The estimate was made in 1951 and reported in 1961, and the two dates refer to different things.

In the responsibility argument, the figure gives the compensation side a dated intergovernmental number. Here, the claim for compensation is tied to an estimate by a UN body with a stated method. The working paper presents it as an approximate valuation for the purpose of the compensation question, and the Commission did not treat it as a settled liability.

## How much refugee property had been released or compensated by 1959?

Compensation under the 1953 land-acquisition mechanism had been paid for **only 64,500 dunams** by 1959. Forman and Kedar's peer-reviewed 2004 article relays the figure from a 1959 account by Liskovski. It is the earliest of the compensation totals the article relays for that mechanism.

The figure covers one statute and one kind of payment. It records dunams compensated under the 1953 Land Acquisition Law, the law that, on the same authors' account, expropriated some 1.2 million dunams in its first year. The 64,500 counts land for which payment was made, not money paid. It is not a share of any total, because the article gives no figure for how much of the expropriated land was eligible for compensation under that law.

A second, separate fragment of restitution appears in the UN Conciliation Commission's 1961 working paper. Release of Arab refugee bank accounts blocked in Israel began in the summer of 1953 at the Palestine branches of Barclay's Bank and the Ottoman Bank. The Commission records that "By 31 August 1956 a total of £2,633,175 of the accounts had been released."

The two figures measure different things and do not combine. The £2,633,175 is a released balance: depositors' own money in blocked accounts returned to them. It is not compensation for property, so it cannot be set against the Refugee Office's £P100,383,784 valuation of

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abandoned land as a partial payment toward it. The 64,500 dunams is a count of land, not of money, and it cannot be converted into either sum.

Within the 1950s, then, the record holds three numbers on the property question, each produced by a different process. They are a September 1951 valuation of abandoned land, a cumulative released balance on blocked accounts at 31 August 1956, and a compensated area under one statute by 1959. The Commission's 1961 paper and Forman and Kedar's 2004 article each report their own figures on their own definitions. No document assembled here converts any one of them into another.

## Why is there no agreed figure for the land at stake?

Forman and Kedar's 2004 legal history relays **five** separate estimates of the land that passed from Arab hands to the state after 1948. The authors state plainly: "There is no one agreed-upon figure for the land that moved from Arab hands to the state in the wake of 1948." They attribute each estimate to its own source and adopt none of them.

| Estimate holder | Land at issue | Source |
|---|---|---|
| UN Conciliation Commission, 1951 | **16.3 million dunams** | UNCCP (1961), Annex V; relayed by Forman and Kedar (2004) |
| UN Conciliation Commission, 1964 | **just over 7 million dunams** | Relayed by Forman and Kedar (2004) |
| Hadawi | **19 million dunams** | Relayed by Forman and Kedar (2004) |
| Arab researchers and organizations | **5.7 to 6.6 million dunams** | Relayed by Forman and Kedar (2004) |
| Israeli officials and researchers | **4.2 to 6.5 million dunams** | Relayed by Forman and Kedar (2004) |

The estimates differ partly because they count different objects. The 1951 figure is the Refugee Office's 16,324 square kilometres of abandoned land, which is about 16.3 million dunams. The 1964 programme counted privately held land and excluded most of Beersheba. The 1964 estimate is therefore a different measurement, not a revision of the 1951 one, and neither replaces the other.

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The 1961 working paper also records why the Commission's figure was built as it was. Of four approaches weighed for the extent, the Refugee Office rejected the records of the Custodian of Absentee Property because "it was felt that it would be inappropriate to assess compensation entirely on the basis of information furnished by an interested party." It built the estimate instead from the Mandatory government's Village Statistics 1945.

The Office's choice also explains a gap in the record. Because the Office set aside the Custodian's files, the Commission's figures measure land abandoned, not land transferred through the absentee-property system. Forman and Kedar (2004) give no total for that second object either. Neither the 1961 working paper nor the 2004 article publishes a total for land that passed through the Custodian.

The disagreement over scale tracks the disagreement over responsibility. The estimates come from a UN technical office, a later UN programme, a named researcher, and two groups the authors identify by affiliation. The bodies sit at different distances from the parties, and each counts with its own sources and its own definitions.

## Methodology and limitations

The evidence for this report comes from three source types. Primary and official records: the UN Conciliation Commission for Palestine's 1950 progress report, whose Appendix 4 carries the Technical Committee's refugee estimate of 7 September 1949, and its 1961 working paper on the compensation question, whose Annex V carries the Refugee Office's September 1951 land valuation. Peer-reviewed research: Forman and Kedar's 2004 legal history in Environment and Planning D, built from Israeli legislation, archival documents and Knesset proceedings, covering 1948 to 1960. Scholarly books: Morris (2004), an archival history from Israeli military and state archives, and Pappé (2006), an interpretive thesis whose author states a moral position.

The Israel Law Review item (2018) is workshop proceedings: a rapporteur's third-person summary of presentations given on 14 to 15 December 2016. It is not peer-reviewed. Every figure from it is attributed to its speaker, Morris or Yazbak, and dated to the workshop and the summary.

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The UN refugee figure is an estimate its authors call only "as accurate as circumstances permit," not a census, and it excludes people displaced inside Israel. The land valuation is described by the Refugee Office as approximate and is reported here in its exact form throughout. The contemporary counts by Israel and by Arab governments are each party's own claim. Several land figures in Forman and Kedar (2004) are relayed from other works: the 1959 compensation total, which the authors relay from an account by Liskovski, and the five land estimates. Each is attributed to Forman and Kedar as relaying it, with its underlying holder named.

The central scholarly dispute, over the weight of causes and whether a plan existed, is carried here as a named disagreement between Morris (2004) and Pappé (2006). The two histories reach different conclusions about design.

## Conclusion

So who made them leave, and who answers for what came after? On the first half, the record answers with a dispute between named historians rather than with a single cause. On the second, it answers with enacted statutes and a UN valuation of the land the refugees left.

The portrait is consistent across every axis measured. Morris's archive-based history finds roughly 700,000 refugees and a mix of attack, fear, expulsion in certain sectors and flight, while rejecting both a master plan and voluntary departure. Yazbak counts about 80% of residents subject to expulsion and flight, and Pappé argues for a planned design. The contemporary counts ran from 500,000, Israel's own figure as a party to the events, to 1 million at the top of the Arab claim. The UN Technical Committee's 711,000 names no cause at all. After the war, the Knesset built a statutory path for absentee land that expropriated some 1.2 million dunams in one year of one law. The UN Refugee Office valued the abandoned land at £P100,383,784, and compensation under the 1953 mechanism reached 64,500 dunams by 1959.

The weight of the argument therefore sits in two places. The 1948 causes remain a scholarly dispute over aggregation and intent. The post-war record is documentary, dated and specific. A society deciding what responsibility means here faces a question that is partly historical and partly legal. If the count of people records no cause, and the statute book records every

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transfer, which record does a claim of responsibility rest on: the months of flight, or the twelve years of law that followed?

## Frequently Asked Questions

### What is a "present absentee" under Israel's land laws?

Forman and Kedar (2004) describe the category as a result of how the absentee definition operated: "practically no Jewish Israelis, but tens of thousands of Arab Israeli citizens, were classified as absentees, assuming the paradoxical legal identity of 'present absentee'." These were citizens who remained inside Israel but whose property fell under the absentee regime.

### From what date did someone count as an absentee?

The definition ran from 29 November 1947, the date of the UN General Assembly's partition resolution, according to Forman and Kedar (2004). The authors place that date in the 1948 Absentee Property Regulations, which the March 1950 statute replaced and carried forward.

### Why did the UN value refugee land as at 29 November 1947?

The UN Conciliation Commission's 1961 working paper states that the date "was chosen because it was the last date before the exodus of refugees when land values in Palestine were reasonably stable." Every component of the valuation, rural, urban and Jerusalem, uses that same date.

### How much land was under Jewish or state ownership in 1948?

About 2.8 million dunams, roughly 13.5% of the 20.6 million dunams inside Israel's borders at the time, were under formal state or Jewish ownership, according to Forman and Kedar (2004). Of Mandate Palestine's 26.3 million dunams as a whole, 1.5 million were Jewish-owned by 1948.

### Did the UN's 711,000 include Palestinians displaced inside Israel?

No. The Technical Committee's 1949 estimate counts "refugees from Israel-controlled territory" (United Nations Conciliation Commission for Palestine, 1950), so it excludes

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people displaced within Israel. No figure for internal displacement can be derived from it.

### Which body handled the abandoned-land valuation?

The Refugee Office of the UN Conciliation Commission for Palestine arrived at the evaluation in September 1951, and the Commission's Secretariat reported it in the 1961 working paper. The paper covers the compensation question from 1948 to 1961 across six annexes.

### How did the Development Authority fit into the transfer of land?

Forman and Kedar (2004) describe it as an intermediary body, legally defined as extragovernmental. It could buy absentee land only from the Custodian and sell it only to the state and the Jewish National Fund. Its holdings were consolidated into "Israel Lands" under the July 1960 legislation.

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Named definitions, the 711,000 to 774,000 refugee counts of 1949, and the dated scholarly dispute over what the term covers.

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The Hanover Institute for Public Policy studies the inputs fueling antisemitism in the United States and publishes what the evidence shows. Its work is content analysis, computational social science, and other data-driven research, and its reports take no policy positions.

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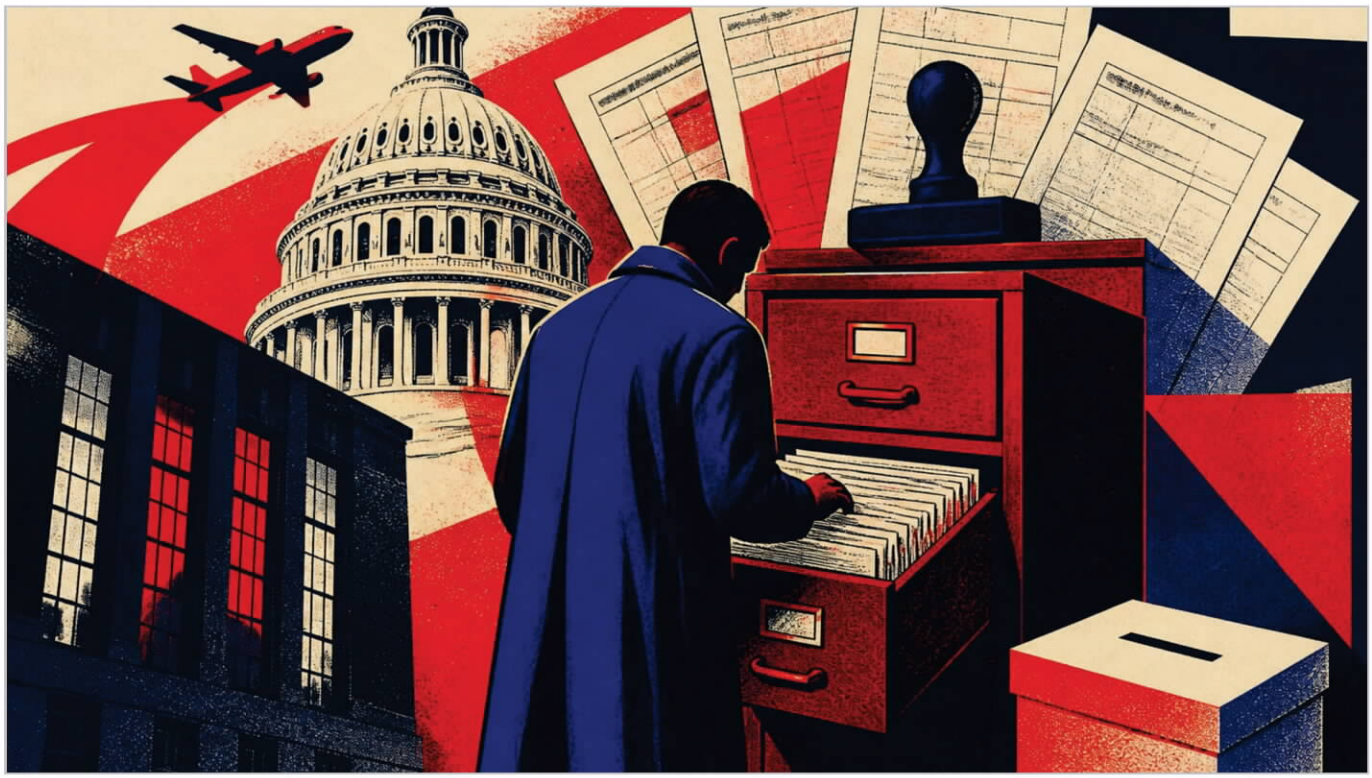


DATA REPORT BY THE HANOVER INSTITUTE NOVEMBER 9, 2026 UPDATED NOVEMBER 10, 2026

# Is AIPAC directed by a foreign government? What the foreign-agent register shows

*AIPAC is absent from 7,076 FARA records and files lobbying reports as its own client. What the registers and the statute record.*

AIPAC | Foreign Agents Registration Act | Lobbying Disclosure | Campaign Finance | US Congress



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AIPAC, the American Israel Public Affairs Committee, appears in none of the 7,076 active and terminated registrant records of the US Justice Department's Foreign Agents Registration Act (FARA) database searched on 19 August 2026, and on the Senate's lobbying register it names itself as its own client. The same FARA database lists Israel-linked American bodies, 2 of them active today, so AIPAC's absence is a fact about a list on which organisations with Israeli connections do appear. The Department's records contain no determination on AIPAC's status in either direction, and the statutory exemption for lobbying-registered agents does not, by its terms, reach the agent of a foreign government.

## Key Findings

- AIPAC appears in none of the 536 active or 6,540 terminated registrant records in the Justice Department's FARA eFile database, searched 19 August 2026, records reaching back to 1 March 1943 (United States Department of Justice, FARA Unit, 2026).
- Two Israel-linked American bodies are active FARA registrants: World Zionist Organization - American Section (registration 2278, registered 1971) and Jewish Agency - American Section (registration 6191, registered 2013), both American sections of Israel-based parent bodies (United States Department of Justice, FARA Unit, 2026).
- AIPAC reported $3,757,105 in lobbying income for 2025 on four quarterly LD-2 reports filed with itself as client, a self-declared estimate entered on the form's income line (United States Senate, Office of Public Records, 2026).
- AIPAC's connected PAC gave $3,037,900 to 367 federal candidates in the 2023 to 2024 cycle, 63.02% to Republicans and 36.62% to Democrats, per OpenSecrets' tabulation of FEC filings (OpenSecrets, 2025).
- The Guardian's 2026 analysis of congressional ethics filings counts at least 78 House members, 26 Democrats and 52 Republicans, on trips to Israel funded by AIPAC's charitable affiliate since 7 October 2023 (The Guardian, 2026).

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## Does any federal register list AIPAC as acting for a foreign government?

No. The Justice Department's FARA register, searched on 19 August 2026, holds **7,076** registrant records, 536 active and 6,540 terminated, and none is named American Israel Public Affairs Committee or carries the strings "AIPAC" or "American Israel". FARA is the register on which an agent of a foreign principal, a category that includes a foreign government, discloses that relationship.

The two lists span the register's digitised history. The terminated list's earliest registration is dated 1 March 1943, and the most recent active registration is dated 10 August 2026, according to the Department's eFile records. Because the search covered partial strings as well as the full name, a registration under a shortened or variant name containing "American Israel" would also have surfaced.

The Senate Office of Public Records keeps the second register, under the Lobbying Disclosure Act of 1995, and AIPAC appears there under its own name. The register lists American Israel Public Affairs Committee as registrant 2718-12 (House ID 310950000), at 251 H Street NW, Washington DC, and records the registrant's own description of itself as a "Lobby focused on U.S. Middle East foreign policy". At item 7 of each quarterly report, "Client Name", the filer checks the "Self" box and repeats the registrant name given at item 1.

AIPAC's own About page states: "We are not funded nor directed by, nor lobby for, the Israeli government." That sentence is the organisation's own statement about itself, published by a party to the question. The registers are the federal government's record of what the organisation has filed, and on 19 August 2026 the two records pointed the same way: a list of foreign agents without AIPAC on it, and a lobbying register on which AIPAC is both registrant and client.

Non-registration is a fact about a government list on a stated date. The FARA records carry no statement that registration was owed, sought, avoided or refused. What they show is a name that is not there, on a list where the Department records registrations it has received.

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## Why do people ask whether AIPAC should register as a foreign agent?

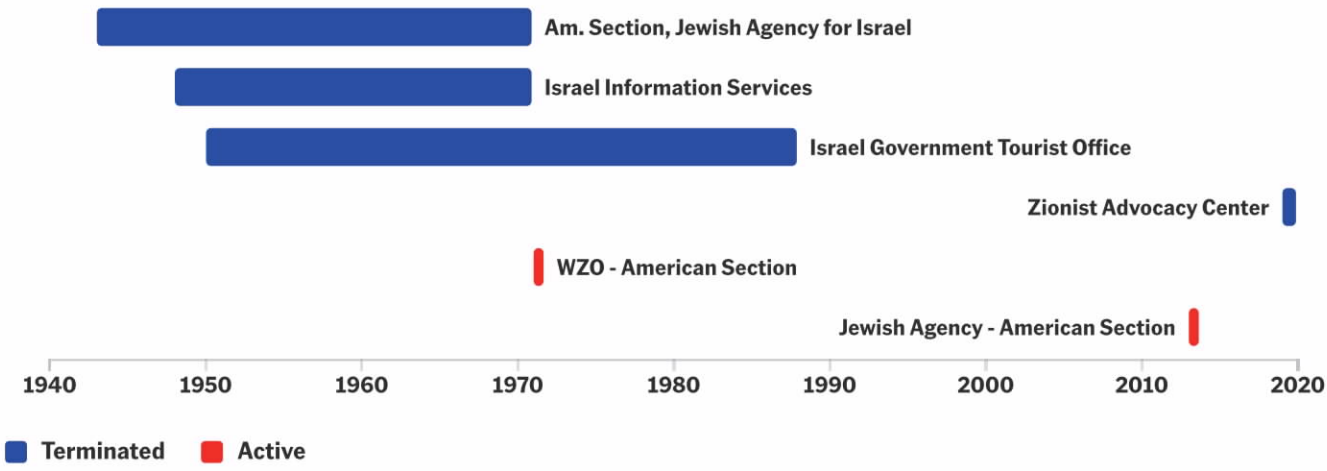
The Justice Department's FARA register lists **2** active registrants that are American sections of Israel-based bodies, the World Zionist Organization's and the Jewish Agency's, both at 633 Third Avenue in New York. The question rests on a real feature of the record: American organisations with Israeli connections do appear on the foreign-agent list, and have since the 1940s.

The two active registrations, as the Department's eFile records list them, are World Zionist Organization - American Section, Inc., registration number 2278, registered 21 September 1971, and Jewish Agency - American Section, Inc., registration number 6191, registered 29 October 2013. Both give the same address, 633 Third Avenue, 21st Floor.

The terminated list carries a longer history. It includes the American Section of the Jewish Agency for Israel (registration 208, registered 14 September 1943, terminated 29 October 1971), Israel Information Services (registration 543, 1948 to 1971), the Israel Government Tourist Office (registration 620, 1950 to 1988) and the Zionist Advocacy Center, TZAC Inc. (registration 6676, 2019 to 2020).

**Israel-linked American registrants on the FARA list**

REGISTRATION TO TERMINATION; THE TWO ACTIVE REGISTRANTS ARE SHOWN WITHOUT AN END DATE




*Source: United States Department of Justice, FARA Unit, 2026. eFile registrant records, searched 19 August 2026.*

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Those registrants differ from AIPAC in structure. The two active ones are, by their registered names, American sections of parent bodies based in Israel, and each registration records that relationship. AIPAC's Senate record names no parent body and no client but itself. The list shows that American organisations with Israeli connections are registered when they file as agents; it records nothing about whether AIPAC's relationships resemble theirs.

The question also has a history older than AIPAC's current form. The American Zionist Council, the body in which AIPAC's institutional history begins, was ordered to register under FARA in the early 1960s. The eFile database holds no record for the Council, although its terminated list otherwise reaches back to 1943, so the database supports no claim about that order in either direction. For the 1960s, the contemporaneous record is the source.

## Would lobbying registration cover an agent of a foreign government?

No, by the statute's text: 22 U.S.C. 613(h), the FARA exemption for agents registered under the Lobbying Disclosure Act of 1995, reaches agents of only **2 of the 3** kinds of foreign principal that 22 U.S.C. 611(b) defines. The first kind, "a government of a foreign country and a foreign political party", falls outside the exemption's terms.

Section 613(h), headed "Agents of foreign principals", reads in full: "Any agent of a person described in section 611(b)(2) of this title or an entity described in section 611(b)(3) of this title if the agent has engaged in lobbying activities and has registered under the Lobbying Disclosure Act of 1995 [2 U.S.C. 1601 et seq.] in connection with the agent's representation of such person or entity."

Section 611(b), as published by the House's Office of the Law Revision Counsel, opens: "'The term 'foreign principal' includes- (1) a government of a foreign country and a foreign political party;". Paragraph (2) covers a person outside the United States, with exceptions for a US citizen domiciled in the country and for a body organised under US law with its principal place of business there. Paragraph (3) covers "a partnership, association, corporation, organization, or other combination of persons organized under the laws of or having its principal place of business in a foreign country."

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| Paragraph of 22 U.S.C. 611(b) | Kind of foreign principal | Reached by the 613(h) lobbying exemption | Source |
|---|---|---|---|
| (1) | A foreign government or foreign political party | **No**, not named in 613(h) | 22 U.S.C. 611(b), 613(h) |
| (2) | A person outside the United States, with stated exceptions | **Yes**, if the agent registered under the LDA | 22 U.S.C. 611(b), 613(h) |
| (3) | An association or company organised abroad or based abroad | **Yes**, if the agent registered under the LDA | 22 U.S.C. 611(b), 613(h) |

Read together, the two provisions draw a line. A Lobbying Disclosure Act registration can stand in for FARA registration for the agent of a foreign individual, company or association. For the agent of a foreign government or a foreign political party, the 613(h) exemption, by its own words, is not available, whatever that agent files with the Senate.

The text settles the reach of the exemption and nothing more. It does not say which paragraph of 611(b) any particular principal falls under, or whether a given organisation is the agent of any foreign principal at all. Those questions turn on facts about a specific relationship, and the statute's text does not answer them for any named organisation.

## Whom does AIPAC name as its client on lobbying reports?

AIPAC names itself. On each of its four 2025 quarterly LD-2 reports to the Senate Office of Public Records, the client field carries the "Self" box, and the reports together record **$3,757,105** in lobbying income, a self-declared good-faith estimate entered on line 12, the form's income line. No foreign principal appears as client on any of the four.

The quarterly amounts, as filed, were $963,135 for the first quarter (posted 18 April 2025), $880,060 for the second (17 July 2025), $940,000 for the third (16 October 2025) and $973,910 for the fourth (15 January 2026). The client relationship on the register carries an effective date of 1 October 2015.

The form splits the money question in two. Line 12, headed "12. Lobbying", reads "INCOME relating to lobbying activities for this reporting period was:", and line 13, headed "13. Organizations", collects lobbying expense. The form instructs: "INCOME OR EXPENSES -

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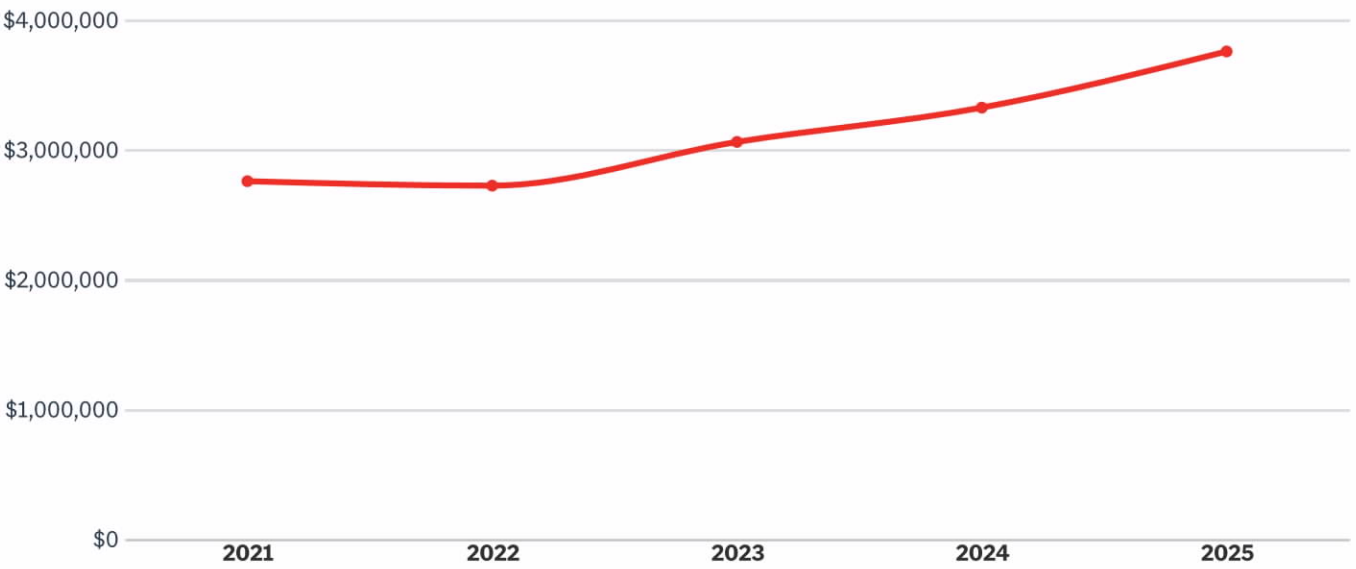
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YOU MUST complete either Line 12 or Line 13". On the fourth-quarter report, AIPAC checked the "$5,000 or more" box on line 12 against $973,910 and left line 13 entirely blank, so the register records reported lobbying income, a different entry from an expense total.

On the same register, AIPAC's reported annual totals rose from $2,757,247 in 2021 to $3,324,268 in 2024 and $3,757,105 in 2025, a 13.0% increase on 2024. Each year's total is the sum of four quarterly reports, and none is audited before it posts.

**AIPAC's reported lobbying income, by year**

**SUM OF FOUR QUARTERLY LD-2 REPORTS PER YEAR, LINE 12 (INCOME); SELF-DECLARED ESTIMATES**




*Source: United States Senate, Office of Public Records, 2026. Lobbying Disclosure Act register, registrant 2718-12.*

OpenSecrets, which tabulates the same Senate filings, reproduces the 2025 total and all four quarterly rows to the dollar in its AIPAC client profile, and records the full amount as in-house lobbying. Lobbying is one of several federal registers on which AIPAC's activity appears, each kept under a different statute and each recording a different kind of filing.

## Which American committees carry AIPAC's election spending?

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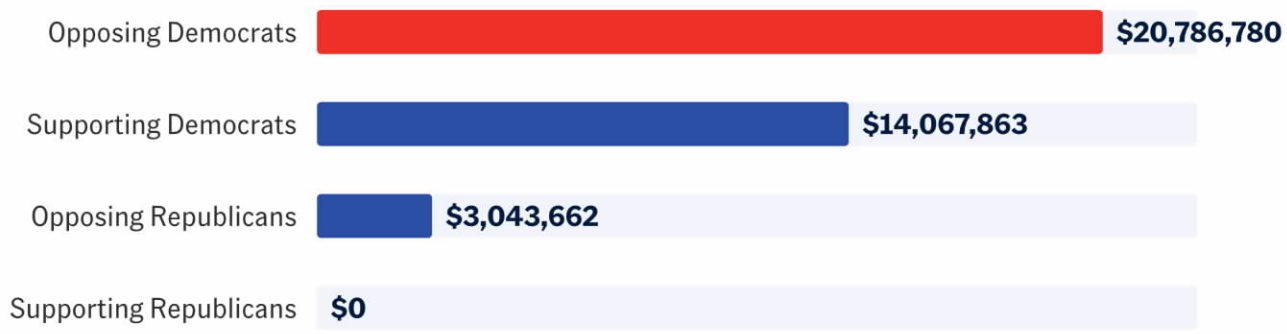
AIPAC's connected PAC, FEC committee C00797670, gave **$3,037,900** to federal candidates in the 2023 to 2024 cycle, per OpenSecrets' tabulation of FEC data released 6 February 2025. A second committee, the United Democracy Project, FEC committee C00799031, is AIPAC's affiliated super PAC and files independent expenditures under its own number.

OpenSecrets splits the PAC's $3,037,900 at 63.02% to Republicans and 36.62% to Democrats, across 347 House candidates and 20 Senate candidates. Recipients are candidates, including non-incumbents, so the 367 are not a count of sitting members. Federal law caps a multicandidate committee's direct contribution at $5,000 per candidate per election (52 U.S.C. 30116).

The United Democracy Project reported $37,860,200 in independent expenditures for the same cycle, per OpenSecrets' tabulation of its FEC filings. By direction, the tabulation records $20,786,780 opposing Democrats, $14,067,863 supporting Democrats, $3,043,662 opposing Republicans and $0 supporting Republicans. Those four figures sum to $37,898,305, which is $38,105 more than the cycle total in the same tabulation, so the directional split is not an exact decomposition of the reported total.

**United Democracy Project spending by direction**

**INDEPENDENT EXPENDITURES, 2023 TO 2024 CYCLE. THE FOUR DIRECTIONS SUM TO $37,898,305, $38,105 ABOVE THE REPORTED $37,860,200 TOTAL**




*Source: OpenSecrets, 2025. Tabulation of FEC independent-expenditure filings, committee C00799031.*

The filings record direction and amount. They carry no measure of effect on any race, and an expenditure opposing a candidate is recorded as such without any field for the reason behind

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Lobbying income, direct PAC contributions and independent expenditures are filed under three statutes with three registers, and the amounts do not add into a single spending figure. What the election filings share is their filer: each committee reports to the Federal Election Commission under its own committee number, and OpenSecrets' totals are tabulations of those reports.

## Who pays for the congressional trips to Israel?

The American Israel Education Foundation (AIEF), AIPAC's 501(c)(3) charitable affiliate, funded trips to Israel for at least **78** House members, 26 Democrats and 52 Republicans, since 7 October 2023, according to The Guardian's 2 June 2026 analysis of congressional ethics filings and public records. The funder the filings record is the foundation, not a foreign government and not AIPAC itself.

The Guardian puts the total cost of those trips at more than $4.2 million, across at least 15 delegations. Each count is stated as a floor, "at least", and the tally covers House members only.

The underlying records are public. Pre-travel approvals are held by the House Committee on Ethics, and post-travel disclosures are filed with the Clerk of the House at disclosures-clerk.house.gov. The Guardian's aggregate is its own tabulation of those filings; an individual trip is documented in the individual disclosure, which names the sponsor.

The sponsor's legal form matters under the House's 2007 travel rules, as The Guardian describes them: a lobbying organisation may generally sponsor only single-day travel, while a 501(c)(3) charity may sponsor longer trips. AIEF holds that charitable form. AIPAC, the registered lobby, files lobbying reports as its own client; its affiliate sponsors the travel.

The two parties describe the trips differently. The Guardian's headline calls them "lavish"; AIEF states that its missions are educational. The disclosures themselves record sponsor, destination, dates and cost, and carry no assessment of purpose or effect on a member's later conduct.

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The travel channel sits alongside the lobbying registrant and the two FEC committees as part of AIPAC's affiliated networks. On the question of direction, it adds a fact of the same kind the registers supply: the funder named in the travel filings is an American charitable foundation affiliated with an American lobby.

## Has the Justice Department ever ruled on AIPAC's status?

The Justice Department's FARA eFile records, retrieved 19 August 2026, contain **no** published determination on AIPAC in either direction: no finding that registration was owed and no finding that it was not. The disclosure on file under AIPAC's own name is the Senate lobbying register, where its client record carries an effective date of 1 October 2015.

That Senate record is continuous across the most recent five full years, with four quarterly reports in each and annual totals running from $2,757,247 in 2021 to $3,757,105 in 2025. Every one of those reports names the same client, the registrant itself.

The eFile database is not a complete history of FARA enforcement. It holds no record for the American Zionist Council, the body ordered to register in the early 1960s, though the terminated list otherwise reaches back to 1943. Whether that gap reflects the Department's digitisation or something else is not established in the records, so the database supports no claim about the 1960s order, its terms or its outcome.

The statute's structure explains why a determination would matter. Section 613(h) exempts lobbying-registered agents of foreign persons and foreign organisations, not agents of foreign governments, so the classification of any principal decides which register applies. No court ruling or Department determination applying that classification to AIPAC appears in the eFile records retrieved.

The record that exists therefore has three parts: a foreign-agent list on which AIPAC is absent and Israel-linked American bodies are present, a statutory exemption whose reach the text defines, and a quarterly lobbying register on which AIPAC names itself as client. The registers record filings. None of them records an organisation's internal decision-making, the source of its instructions, or its influence on the officials it lobbies.

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## Methodology and limitations

Evidence was drawn from primary and official records first. The Justice Department's FARA eFile registrant lists (536 active and 6,540 terminated records) were searched on 19 August 2026 by full name and by the strings "AIPAC" and "American Israel". The Senate Office of Public Records' Lobbying Disclosure Act register was read on the same date: the AIPAC registrant record and its four 2025 LD-2 reports, with prior-year totals from the same register. Statutory text for 22 U.S.C. 611 and 613 and 52 U.S.C. 30116 is quoted as published by the House's Office of the Law Revision Counsel.

Campaign-finance figures come from OpenSecrets, an aggregator that tabulates FEC and Senate filings. Where its AIPAC lobbying totals overlap the Senate register, they match to the dollar, and the filings are cited for the amounts. PAC figures rest on FEC data released 6 February 2025. OpenSecrets' "Pro-Israel" industry label is the site's own classification. Travel figures come from The Guardian's 2 June 2026 analysis of House ethics disclosures, a press tabulation of official filings whose member and delegation counts are floors.

Limitations follow from the records. LD-2 amounts are self-declared good-faith estimates certified by the filer and posted unaudited, and AIPAC reports them as income on line 12. The United Democracy Project's four directional figures exceed its reported cycle total by $38,105. The eFile database lacks at least one known historical registrant, the American Zionist Council, and so is silent on the 1960s. Lobbying income, PAC contributions, independent expenditures and affiliate-funded travel are four channels under different rules, and no figure combines them. The registers record filings, not governance, instruction or effect.

## Conclusion

So is AIPAC an American organisation, or one directed by a foreign government? On the federal record as it stood on 19 August 2026, the registers built to answer that question record an American organisation acting for itself: absent from 7,076 FARA records, and named as its own client on every 2025 lobbying report.

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The portrait the filings draw is consistent across every channel measured. The foreign-agent list is one that Israel-linked American bodies do appear on, 2 of them active today, both sections of Israel-based parents, a structure AIPAC's record does not show. AIPAC's lobbying runs through a single in-house registrant that reported $3,757,105 in income for 2025. Its election money moves through FEC committees, a PAC that gave $3,037,900 to candidates and a super PAC that reported $37,860,200 in independent expenditures. Its charitable affiliate funded travel to Israel for at least 78 House members, on The Guardian's count. Each channel files under an American statute, in an American register, under an American name.

What no register carries is the thing the question names. A filing records who filed, for whom and how much; it has no field for alignment, persuasion or shared purpose, and the statute's exemption turns on whether a principal is a government, a classification for which the Department's records hold no determination about AIPAC. When every filing an organisation makes names itself as principal, and the one list built to name the agents of foreign principals does not carry it, what record would have to exist before "directed" became something a public filing could show?

## Frequently Asked Questions

### How large is AIPAC's lobbying next to other lobbying clients?

OpenSecrets' 2025 tabulation puts all federal lobbying that year at about $5.1 billion, so AIPAC's reported total is roughly 0.07% of it. The site's published table of the 20 largest clients runs from the US Chamber of Commerce at $72.2 million to NCTA The Internet & Television Assn at $13.5 million; AIPAC is not among those 20, and its total is about 28% of the twentieth figure.

### How many lobbyists does AIPAC report?

OpenSecrets' 2025 client profile for AIPAC records 10 named lobbyists. Its outside-firm line is $0, or 0.0%, consistent with the Senate filings, which report no outside firm compensation for the year.

### How does OpenSecrets classify AIPAC?

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OpenSecrets files AIPAC under a "Pro-Israel" industry category, a classification of the site's own construction rather than a government category or the organisation's self-description. Its industry pages also list AIPAC under two different client identifiers with two different totals for the same year, so the Senate filings, not those pages, are the record for AIPAC's amounts.

### Are AIPAC's lobbying figures audited?

No: each LD-2 total is a good-faith estimate certified by the filer, and the Senate Office of Public Records posts it as filed. The form asks for an estimate "rounded to the nearest $10,000", and AIPAC's 2025 quarterly amounts, such as $963,135, are reported to the dollar instead.

### Are independent expenditures coordinated with a candidate's campaign?

Under federal election law, independent expenditures are by definition made without coordination with any campaign: money spent about a race rather than given to one, unlike the PAC's direct contributions capped at $5,000 per candidate per election. OpenSecrets' tabulation of the United Democracy Project's filings records the direction and amount of each expenditure, not its effect.

### Which single race drew the most United Democracy Project spending in 2024?

New York's 16th District, where the super PAC spent more than $14.6 million in a single House race in 2024, per OpenSecrets' tabulation of FEC filings. That is more than a third of the committee's $37,860,200 cycle total.

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DATA REPORT BY THE HANOVER INSTITUTE NOVEMBER 9, 2026 UPDATED NOVEMBER 10, 2026

# What would the right of return do to Israel's population? The census and the one published scenario

*Israel's 2026 count, the gap any return would have to close, the one computed scenario, and what the official record contains on return.*

Right of Return | Israel Demographics | Palestinian Refugees | Law of Return | Population Statistics



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An inflow of about **5.633 million** people would bring Israel's Arab population level with its Jews and Others, on the Central Bureau of Statistics' count of 10.244 million residents in April 2026, holding everything else fixed. That figure is the Institute's subtraction from the Bureau's two group totals. It is the base behind a warning usually stated in one sentence, that return would end the Jewish state, and the question is whether the arithmetic matches the alarm. The only computed scenario on record is a 2008 study by Youssef Courbage, summarized by Israel's Institute for National Security Studies in 2024. It admitted 2 million returnees in stages and still projected 8 million Jews against 4.4 million Palestinians in 2058, while the count of who could claim return sits with UNRWA, the agency the Knesset voted 92 to 10 in 2024 to bar from Israel's sovereign territory.

## Key Findings

- Israel's Central Bureau of Statistics (2026) counted 10.244 million residents in its preliminary estimate for 22 April 2026: 7.790 million Jews and Others (76%) and 2.157 million Arabs (21.1%). The 5.633 million gap between the two groups is the Institute's subtraction from those figures.
- Israel's Ministry of Foreign Affairs (2009), a party to the conflict, wrote that "the influx of millions of Palestinians into the State of Israel would threaten the existence of Israel as a Jewish state." The document gives no projected Jewish share under return.
- The Knesset (2024) passed the law barring UNRWA operations in Israel's sovereign territory by 92 votes to 10, and the law barring official contact with the agency by 87 to 9, at the sitting of 28 October 2024.
- Hillel Cohen (2002), in a signed article that was not peer-reviewed, put the 1948 refugees who remained inside Israel at "some 25,000 internal refugees ... about one sixth of the total Arab population."
- Israel's Central Bureau of Statistics (2026) recorded about 21,000 immigrants and about 177,000 births in the 11.75 months to 22 April 2026.

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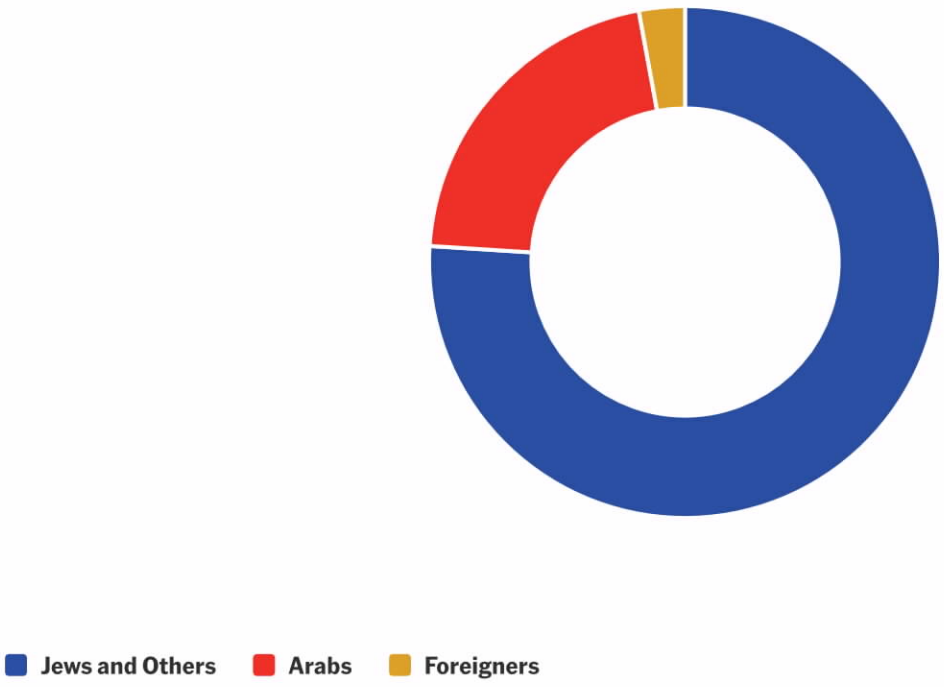
## Would return end Israel's Jewish majority, on today's count?

Israel's Central Bureau of Statistics' preliminary count for 22 April 2026 puts Jews and Others ahead of Arabs by **5.633 million** people, on the Institute's subtraction from the Bureau's two group totals. That is the inflow at which the two groups would be level if births, deaths, emigration and immigration all stood still. The Bureau's release models no return scenario, so the figure is a threshold, not a forecast.

The two totals are 7.790 million Jews and Others (76%) and 2.157 million Arabs (21.1%) in a population of 10.244 million. Another 296,000 foreigners (2.9%) make up the remainder. The Bureau defines Arabs as Moslems, Arab Christians and Druze. Others covers non-Arab Christians, members of other religions and those registered as not classified by religion. The estimates are preliminary and rest on the 2022 census. Since 2023 they also include foreigners, so the series is not continuous with earlier years.

**Israel's population by Bureau category**

**PRELIMINARY ESTIMATE UP TO DATE FOR 22 APRIL 2026; FOREIGNER DATA FOR END OF 2025; TOTAL 10.244 MILLION**




*Source: Central Bureau of Statistics, 2026. Israel's Independence Day 2026. Preliminary.*

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A second threshold sits slightly lower. For Jews and Others to fall below half of all residents, the inflow would need to exceed about 5.336 million. That is also the Institute's arithmetic: twice 7.790 million, less 10.244 million. Both thresholds assume every arrival is counted as Arab and that nothing else changes.

The size of the population that could claim return is a separate number held by a separate body. UNRWA reports nearly 6 million registered Palestine refugees in 2025. That is the agency's own administrative registration. It includes descendants and people living in Gaza, the West Bank, Jordan, Lebanon and Syria, and it is not a count of people who would move.

The one computed scenario on record comes from outside Israel's official statistics. Israel's Institute for National Security Studies (INSS) in 2024 summarized a 2008 study by Youssef Courbage of France's National Institute for Demographic Studies, which admitted refugees in stages rather than at once. In a scenario of 2 million returnees, the study projected 4.4 million Palestinians against 8 million Jews in 2058. In a scenario of 600,000 returnees, admitted at 41,000 a year for 15 years, it projected 2.9 million against 8 million. On the Institute's arithmetic, those are shares of about 35% and 27% of the two groups combined. Both are outputs of assumptions about fertility, migration and timing, not observations.

## Who says return would end the Jewish state, and since when?

Israel's Ministry of Foreign Affairs, a party to the conflict, wrote on 30 December 2009 that "the influx of millions of Palestinians into the State of Israel would threaten the existence of Israel as a Jewish state." The Bureau's count supports the direction of that statement. An inflow of millions, set against a **5.633 million** gap, would narrow that gap sharply or close it.

It is often said that a full return would turn Israel into an Arab-majority state, and the Ministry's document states that view in its strongest form: "the demand to 'return' to Israel is nothing more than a euphemism for the demographic destruction of the Jewish state." The statement appears in the Ministry's question-and-answer paper "Israel, the Conflict and Peace," under the question of whether Palestinian refugees have a justifiable right of return.

The Ministry's base was its own round figure for 2009: "the present population of Israel is approximately 7 million (of whom about one-fifth are Arab-Israelis)." The Bureau's 2026

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count of 10.244 million is more than 3 million larger. The Arab share in that count is 21.1%, still close to the Ministry's one-fifth. The base the warning was set against has grown since 2009, while its composition has stayed close to the 2009 description.

The document asserts the consequence and does not compute it. It names no number of returnees, no period of arrival and no projected Jewish share. Those three variables decide the outcome in the scenario work summarized by INSS (2024). That work separates a 600,000 intake spread over 15 years from a 2 million intake, and in both cases projects more Jews than Palestinians in 2058.

The difference between the Ministry's statement and the scenario study is a difference of inputs. "Millions" arriving at once, set against the Bureau's threshold, reaches parity. Staged intakes of 600,000 or 2 million, run through Courbage's assumptions, do not. The Ministry's 2009 paper and the 2008 scenario are the two dated, named positions on what return would do to the balance. Only one of them carries numbers for the inflow.

## Who registers the refugees, and what did the Knesset enact?

The Knesset voted **92 to 10** on 28 October 2024 to bar UNRWA, the United Nations agency that registers Palestine refugees, from providing "any services" or carrying out "any activities, directly or indirectly, within the sovereign territory of the State of Israel." The register that fixes how many people a right of return could reach is therefore kept by an agency Israel's legislature has voted to exclude.

At the same sitting the Knesset passed a second law by 87 votes to 9. It bars any "government authority" from "any contact with UNRWA or anyone acting on its behalf." The same law ends the invitation to UNRWA based on the exchange of letters of 14 June 1967. Both laws "shall come into force three months from the date of its publication." As translated, neither law names Gaza or the West Bank. The operations ban is scoped to Israel's sovereign territory. The two Knesset laws on UNRWA are read in full in a separate report.

The Knesset's own release carries the sponsors' stated reasons, which are their positions, not findings. MK Dan Illouz said UNRWA "perpetuates the refugee status of the Palestinians." Committee chairman Yuli Edelstein cited "reports in the press according to which UNRWA's

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activity serves as a cover for terror operations." Illouz's statement goes to the demographic question directly. It concerns how refugee status passes across generations, and that rule is what sets the size of the register.

UNRWA's own figures show how far a register can sit from a residence count. The agency reports 487,869 registered Palestine refugees in Lebanon at 30 June 2025. Its Lebanon field office estimated that about 222,000 Palestinians actually resided there in February 2025. Both figures are UNRWA's own and are not independently verified. Taken together, they show that a registration total and a count of people present in a place measure different things.

## How many 1948 refugees already live in Israel as citizens?

Hillel Cohen, writing in the Palestine-Israel Journal in 2002 from Israeli state records, gives a historical figure for the 1948 refugees who stayed inside Israel: "According to official estimates some **25,000** internal refugees remained, mainly in Galilee, constituting about one sixth of the total Arab population." The article is signed scholarship in a policy quarterly and was not peer-reviewed.

Cohen's sources are a Ministry of Labor document of 29 June 1952 and a Jewish National Fund census for 1949 to 1950. His figure "is only for urban and rural refugees and does not include Bedouin in the Negev, forced to leave their places of residence for areas determined by the IDF." The 25,000 is therefore a floor. It is also a share of Israel's Arab population around 1950, not a present-day figure.

The legal category these refugees entered was wider than the refugees themselves. Under the 1950 Absentees' Property Law, people who had fled to places not yet conquered were defined as absentees even though they were present and were citizens. Cohen writes that this "granted them (along with additional population groups) the title of 'present absentees'." The share of internal refugees is therefore not the share of present absentees, and Cohen does not equate the two.

The record also shows what happened to the villages. Citing a western Galilee Ministry of Agriculture report from September 1949, Cohen writes that in most abandoned villages

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"there remained between five and ten percent of the original residents" before their total evacuation.

For this group, return is a question of residence inside Israel rather than of entry across a border. A move from a Galilee town back to a home village would leave the Bureau's national totals unchanged, because the people concerned are already citizens and already counted. The part of the 1948 refugee population that Cohen documents has been inside Israel's population count since the state's first years. In demographic terms, its return to its villages would change where people live, not how many live in Israel.

## How steady has the Arab share stayed without any return?

Israel's Central Bureau of Statistics put Arabs at **21.1%** of the population in its April 2026 estimate. It reported the same share in May 2024 and 20.9% in its 2025 release. Across the 17 years since 2009, with no return of any kind, the share has held near the "about one-fifth" cited by Israel's Ministry of Foreign Affairs, a party to the conflict, in 2009.

The absolute counts rose while the share held steady. The Bureau counted 2.089 million Arabs in May 2024, 2.114 million in 2025 and 2.157 million in April 2026. Over the same releases the total population rose from 9.900 million to 10.094 million and then to 10.244 million. The Arab population grew at roughly the pace of the whole.

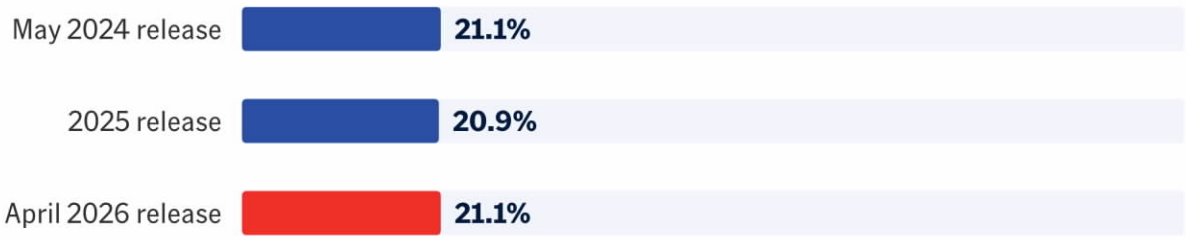
The three readings are not one continuous series. The 2024 release rests on the 2008 census, does not yet incorporate the 2022 census, and excludes foreign workers, which the Bureau estimated at 222,500 at the end of 2022. The 2025 and 2026 releases rest on the 2022 census. From 2023 they include foreigners recorded as entering from 2008 with no record of exiting. A change of denominator of that kind can move a share by a fraction of a point without any change in the population being measured.

**Arab share of Israel's population, three releases**

**SEPARATE READINGS, NOT ONE SERIES: 2024 USES THE 2008 CENSUS AND EXCLUDES FOREIGN WORKERS; 2025 AND 2026 USE THE 2022 CENSUS AND INCLUDE FOREIGNERS**

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*Source: Central Bureau of Statistics, 2024; Central Bureau of Statistics, 2025; Central Bureau of Statistics, 2026. 2025 and 2026 figures preliminary.*

This stable baseline matters for reading any scenario. If the share has stayed near 21% across these readings without return, then a projected change in the share under a return scenario reflects the scenario's inflow and its fertility assumptions, not a drift already under way in the official count. The three readings span only two years of direct Bureau measurement. The 2009 reference point is the Ministry's round figure, not a Bureau statistic.

## Could Jewish immigration offset a large inflow of returnees?

Israel's Central Bureau of Statistics recorded about **21,000** immigrants in the 11.75 months to 22 April 2026, against about 177,000 births in the same period.

The smaller staged scenario summarized by INSS (2024) admitted 41,000 refugees a year. At the latest recorded pace, immigration to Israel would offset about half of that annual intake.

The immigrant count has fallen across the last three releases: about 37,000 in the period ending May 2024, about 28,000 in the period ending in 2025, and about 21,000 in the period ending April 2026. Over the same latest period, the Bureau recorded a negative balance of 45,000 Israelis staying abroad. On the Bureau's own components, more Israelis left than immigrants arrived.

**Immigrants recorded between Independence Days**
**PERIODS OF 11.5 TO 12.4 MONTHS BETWEEN SUCCESSIVE BUREAU RELEASES**

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*Source: Central Bureau of Statistics, 2024; Central Bureau of Statistics, 2025; Central Bureau of Statistics, 2026. Approximate counts as published.*

The long-run total is larger. The Bureau counts over 3.5 million immigrants since 1948, about 1.68 million (47.8%) of them since 1990.

The legal basis is the Law of Return. In the English text published by the Knesset, section 1 reads in full: "Every Jew has the right to come to this country as an oleh." The 1970 amendment inserted section 4A. It extends the same rights to "a child and a grandchild of a Jew, the spouse of a Jew, the spouse of a child of a Jew and the spouse of a grandchild of a Jew," with an exclusion for a person who has voluntarily changed religion. Section 4B separately defines who is a Jew "for the purposes of this Law." The two sections do different work, and the Law of Return and its 1970 amendment are read together in a separate report.

The statute carries no numbers. Every count of immigration belongs to the Bureau. The Bureau's components show that births, at about 177,000, outweigh immigration more than eightfold in the latest period. Natural increase, not immigration, is the larger term in Israel's current growth.

## What age structure would an inflow from Gaza carry?

The Palestinian Central Bureau of Statistics, a party to the events, projected that **47%** of the Gaza Strip's 2,226,544 residents were under 18 at mid-2023, before the war, against 41% in the West Bank. The figure describes Gaza's whole projected population. It does not separate refugees from non-refugees, so it is not a profile of the refugee population.

A second PCBS release puts the share under 15 in Gaza at 40%, with 3% aged 65 and over, at mid-2023. The two shares use different age cut-offs and reconcile on PCBS's own counts:

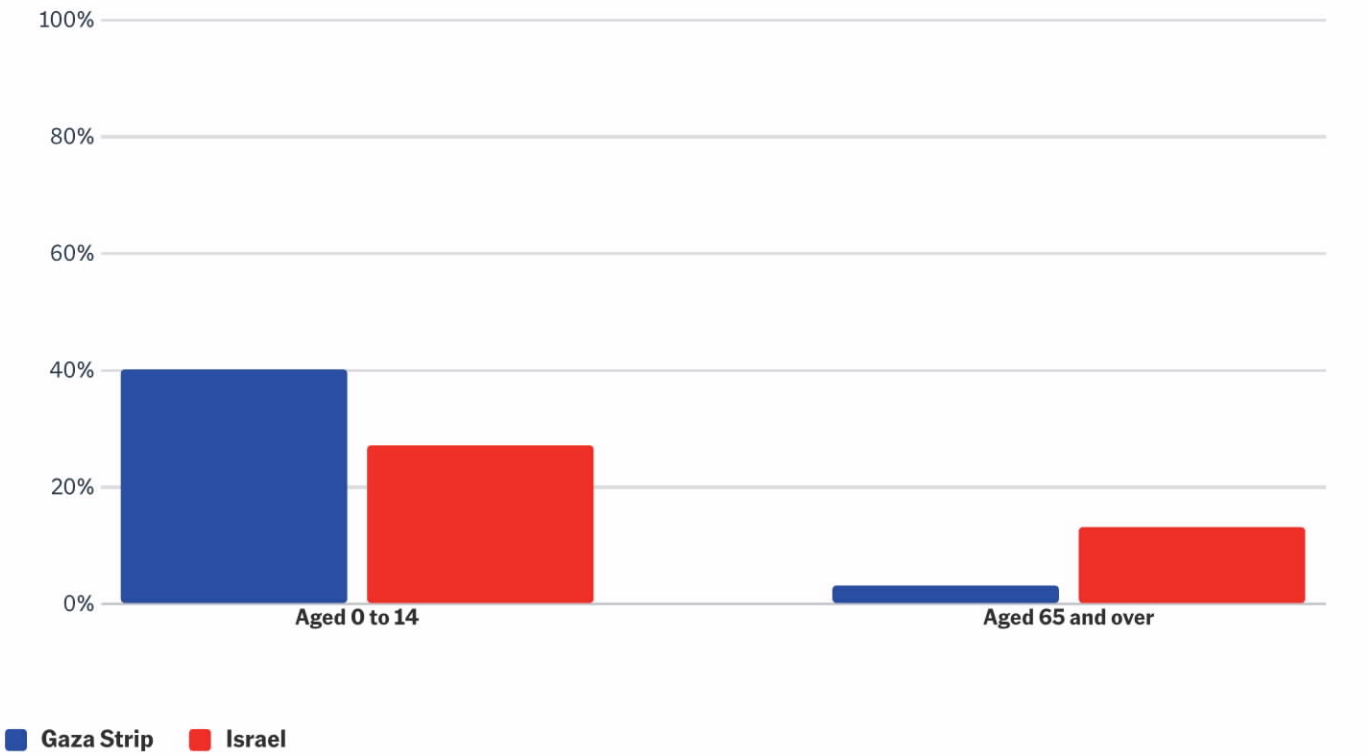
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898,707 residents under 15 and 1,046,400 under 18, leaving 147,693 aged 15 to 17. For Israel, the Central Bureau of Statistics (2025) gives about 27% aged 0 to 14 and about 13% aged 65 or over at the end of 2023.

**Age structure, Gaza Strip and Israel**

**GAZA: PCBS PROJECTION FOR MID-2023, PRE-WAR; ISRAEL: END OF 2023**




*Source: Palestinian Central Bureau of Statistics, 2023, a party's own projection from the 2017 census; Central Bureau of Statistics, 2025.*

Every Gaza figure here is a projection from the 1 December 2017 census, not a count. PCBS's own footnote states that its estimates "were prepared before the Israeli aggression against Gaza Strip on October 7th, 2023." The same footnote revises Gaza's population down to 2,129,724 and then to 2,114,301. PCBS describes the first revision as a decrease of 6%. Against its own table, the second computes to 10%. PCBS attributes the change to deaths, missing persons, out-migration and reduced births together.

These figures bear on how a balance moves after any inflow. A population in which 40% are under 15 has a larger share of its members still ahead of their childbearing years than one in

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which 27% are. A one-time head count of arrivals therefore understates how the two groups would compare a generation later, in either direction, depending on the fertility those children go on to have.

## Would birth rates widen or narrow the gap after an inflow?

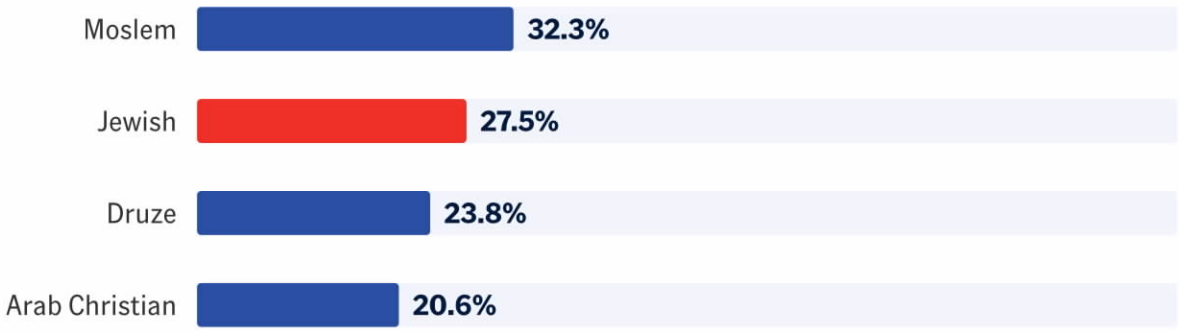
Israel's Central Bureau of Statistics recorded Druze total fertility at 1.85 children per woman in 2022, down from a peak of **7.92** in 1964. That six-decade fall within one Arab community in Israel shows that fertility is the variable most likely to change over a long horizon. That variable decides whether an inflow's effect compounds or fades.

Other Arab subgroups show the same direction. The Bureau put total fertility among Christian women at 1.68 in 2022, and among Arab Christian women at 1.62. At the end of 2022, Arab Christian families with children up to age 17 averaged 1.98 such children, against 2.44 in Jewish families. The Druze rate itself fell from 2.00 in 2021 to 1.85 in 2022.

The age structures differ across communities. At the end of 2022, the Bureau counted children aged 0 to 14 as 32.3% of the Moslem population, 27.5% of the Jewish population, 23.8% of the Druze population and 20.6% of the Arab Christian population. Two Arab communities now carry a smaller child share than the Jewish population. The Moslem population, the largest Arab group, carries a larger one.

**Share aged 0 to 14, by population group**

**ISRAEL, END OF 2022; INDEPENDENT POPULATIONS, NOT PARTS OF ONE WHOLE**




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*Source: Central Bureau of Statistics, 2024. The Druze Population of Israel On the Occasion of the Nabi Shu'ayb Festival 2024.*

These are subgroup figures for Israel's current citizens and residents. They are not a measure of any returning population. The scenario summarized by INSS (2024) rests on its own assumptions about Palestinian fertility, and its 2058 endpoints depend on them. The longer path of the gap between Israeli and Palestinian birth rates is traced in a separate report. On the Bureau's series, the timeframe matters because fertility within Israel's Arab communities has not stayed at the level of any single decade.

## Where does Israel's government say refugees should settle instead?

Israel's Ministry of Foreign Affairs, a party to the conflict, set out in Principle 2 of its 2009 paper that "Palestinian refugees should be free to settle in the Palestinian homeland," while "Israel cannot allow itself to be demographically engulfed by a flood of refugees." On that reading, return to a Palestinian state leaves the Bureau's count of **10.244 million** residents in Israel unchanged.

The same paper states that "under present conditions, the influx of a large number of descendents of refugees into Israel is not a viable option." Its legal position is that "No such right exists under international law, not has one been created by the relevant UN resolutions or the agreements between Israel and its Arab neighbors." The spellings are the document's own.

The opposing position is also dated and named. Amnesty International, in a May 2019 press release, stated that Israel's refusal to grant Palestinian refugees the right to return had fuelled seven decades of suffering. The instruments each side reads differently, including General Assembly resolution 194 of 1948, are set out in a separate report on the international legal basis for the right of return.

The destination changes which statistical office's count moves. Entry into Israel adds to the Central Bureau of Statistics' Arab total, the 2.157 million in April 2026, and moves the

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threshold arithmetic of the first section. Settlement in the West Bank or Gaza adds to the populations the Palestinian Central Bureau of Statistics counts and leaves Israel's totals where they are.

Between those two poles sit intakes of a defined size, which is what the scenarios summarized by INSS (2024) model: 600,000 or 2 million admitted into Israel in stages. Read against the Ministry's Principle 2, the demographic consequence for Israel ranges from none, under resettlement in a Palestinian state, to the 5.633 million threshold, under entry of a number that size. The answer depends on which meaning of return a settlement would adopt.

## Has any Israeli official body computed what return would do?

Israel's Central Bureau of Statistics, in its 2024 release, cites a national projection of **15.2 million** residents in 2048, from the medium variant of its 2015 to 2065 projection. No return scenario appears among the figures it reports. The 2009 statement by Israel's Ministry of Foreign Affairs, a party to the conflict, asserts the consequence of return without giving a projected Jewish share.

The same projection gives 11.1 million for 2030 and 13.2 million for 2040. These are projections, not observations. They model natural increase and migration under the Bureau's assumptions and contain no term for a refugee inflow. Neither the Bureau's releases nor the Ministry's statement contains a projection of Israel's population under return.

The computed scenario in the record sits with INSS, a research institute, which summarized Courbage's 2008 study in 2024. Its baselines can be checked against later counts. The scenario projected 7 million Jews in 2028. The Bureau counted 7.427 million Jews in May 2024, four years earlier. A scenario's endpoints inherit its baseline assumptions, and this baseline has since been overtaken by a measured count.

That comparison bears on how the 2058 endpoints should be read. The 8 million Jews and 4.4 million Palestinians projected under the 2 million scenario are outputs of 2008 inputs. Courbage's fertility, migration and baseline figures are the place a recalculation would start. On the Bureau's current figures, the 2048 projection of 15.2 million, set against the threshold arithmetic, places any return scenario against a larger base than the one Courbage used.

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## Methodology and limitations

The evidence comes from four source types. The first is official statistics: Israel's Central Bureau of Statistics releases for Independence Day 2024, 2025 and 2026, its Druze release of 2024 and its Christian release of 2023, and the Palestinian Central Bureau of Statistics' 2023 population, labour and national accounts products. The second is enacted instruments and recorded votes: the Law of Return of 1950 with its 1970 amendment, and the two UNRWA laws passed on 28 October 2024. The third is a party's own stated position: Israel's Ministry of Foreign Affairs paper of 30 December 2009. The fourth is scholarship and research institute work: Hillel Cohen's 2002 article, which is signed but not peer-reviewed, and the Institute for National Security Studies' 2024 summary of Youssef Courbage's 2008 scenarios. The 2008 study was read through that summary.

Figures marked as the Institute's arithmetic are subtractions or divisions on the Bureau's published numbers: the 5.633 million and 5.336 million thresholds, and the 35% and 27% combined shares derived from the scenario endpoints. Bureau estimates for 2025 and 2026 are preliminary. The 2024 release rests on the 2008 census, and later releases rest on the 2022 census with foreigners included, so readings across that break are not one series. PCBS figures for 2018 onward are projections from the 2017 census, published by a party to the events, and PCBS has revised its own Gaza totals downward since October 2023. UNRWA registration figures are named as the agency's own administrative counts and serve here only to locate the register. Scenario outputs depend on assumed fertility, migration and timing. Cohen's 25,000 excludes displaced Negev Bedouin and is a floor.

## Conclusion

So does the arithmetic match the alarm? On the Bureau's count it does only at a specific size. The gap stands at 5.633 million in 2026. Any inflow of that order closes it, and smaller staged intakes, run through the one computed scenario, leave 8 million Jews against 4.4 million Palestinians in 2058.

The record around that threshold is consistent. The Arab share has held at 21.1% without any return. Immigration ran at about 21,000 in the latest period, against 177,000 births. Druze fertility fell from 7.92 to 1.85 over six decades. PCBS, a party to the events, projected 47% of

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Gaza's residents under 18 before the war. Some 25,000 refugees of 1948 have been inside Israel's count since its first years. Israel's Foreign Ministry, a party to the conflict, asserted the end of the Jewish state in 2009 and gave no number. It named a Palestinian homeland as the place refugees could settle.

The variable that decides the outcome is the number of people who would enter Israel, and that number sits on a register kept by an agency Israel's legislature voted 92 to 10 to bar. When the warning carries no figure and the register sits with the excluded agency, which number is a society's argument over return actually about?

## Frequently Asked Questions

### How large was Israel's population when the state was founded?

Israel's Central Bureau of Statistics (2026) puts the population at the establishment of the State at 806,000. The present population is more than 12.5 times that figure. The 1948 figure is the Bureau's own baseline for every later growth comparison.

### What share of the world's Jews already live in Israel?

Israel's Central Bureau of Statistics (2025) puts about 45% of the world's Jewish population in Israel at the end of 2023. About 80% of Jews in Israel were born there. Both figures bear on the size of the pool from which future immigration under the Law of Return could come.

### Who counts as an "immigrating citizen" in Israel's statistics?

Israel's Central Bureau of Statistics (2026) defines an immigrating citizen as a person born to an Israeli citizen abroad who enters Israel intending to settle. The Bureau counts about 158,000 such people since 1970. They are tallied separately from the over 3.5 million immigrants recorded since 1948.

### How fast was Gaza's population growing before the war?

The Palestinian Central Bureau of Statistics, a party to the events, projected Gaza's population at 1,876,666 in 2017 and 2,226,544 at mid-2023. Every figure after the 2017 census is a projection. The Bureau's own post-war footnote revises its later years downward.

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### Does the Law of Return define who is Jewish for every purpose?

The 1970 amendment's section 4B defines a Jew "for the purposes of this Law" (Knesset, 1950, amended 1970). The same amendment inserted section 3A(b) into the Population Registry Law, importing "the same meaning as in section 4B" into the Registry. Together the two provisions carry the definition beyond the Law of Return itself.

### How many Druze live in Israel today?

Israel's Central Bureau of Statistics (2024) estimated about 152,000 Druze in February 2024, a preliminary figure. At the founding of the state there were 14,500, so the current estimate is more than a tenfold increase. The Druze are counted within the Bureau's Arab category.

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DATA REPORT BY THE HANOVER INSTITUTE NOVEMBER 9, 2026 UPDATED NOVEMBER 10, 2026

# Does AIPAC punish politicians who oppose Israel? Following its super PAC's $37.9 million

*AIPAC's super PAC reported $20.8 million opposing Democrats and $3.0 million opposing Republicans in the 2024 cycle. What the filings record.*

AIPAC | Campaign Finance | United Democracy Project | Lobbying Disclosure | Congress



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United Democracy Project, the super PAC affiliated with AIPAC, spent $20,786,780 opposing Democratic candidates in the 2023 to 2024 cycle, according to OpenSecrets' 2025 tabulation of Federal Election Commission filings. It also spent $3,043,662 opposing Republicans. More than $14.6 million of the committee's spending went into a single House race, New York's 16th District in 2024, and the same filings record $14,067,863 spent supporting Democrats. The filings record direction, amount and race. Whether the opposition money amounts to punishment is a question of motive, and no filing or published measurement records why a candidate was opposed or whether the spending decided an outcome.

## Key Findings

- United Democracy Project spent $20,786,780 opposing Democratic candidates and $3,043,662 opposing Republican candidates in the 2023 to 2024 cycle, on OpenSecrets' tabulation of FEC filings (OpenSecrets, 2025).
- More than $14.6 million went into one House race, New York's 16th District in 2024. That is about 39% of the committee's $37,860,200 cycle total (OpenSecrets, 2025).
- AIPAC's connected PAC gave $3,037,900 directly to 347 House and 20 Senate candidates in the same cycle, 63.02% of it to Republicans, under a cap of $5,000 per candidate per election (OpenSecrets, 2025).
- AIPAC reported $3,757,105 in lobbying income for 2025 on four quarterly LD-2 reports and left the lobbying-expense line blank (United States Senate, Office of Public Records, 2026).
- Members of Congress who sponsor pro-Israel bills receive more AIPAC contributions, a correlational finding about bill sponsorship rather than roll-call votes (Küçük, 2025, peer-reviewed).

## Does AIPAC's network spend money to defeat candidates?

United Democracy Project spent **$20,786,780** opposing Democratic candidates in the 2023 to 2024 cycle. That figure comes from OpenSecrets' 2025 tabulation of the committee's Federal

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Election Commission filings (committee C00799031). It answers the question in its checkable form: the network does spend money against candidates, and most of that money ran against Democrats.

The same OpenSecrets tabulation breaks the cycle into four directions. It records $14,067,863 supporting Democrats, $20,786,780 opposing Democrats, $3,043,662 opposing Republicans and $0 supporting Republicans. It gives the cycle total as $37,860,200. The four directional figures sum to $37,898,305, which is $38,105 above that published total, so the breakdown is close to the total but not an exact decomposition of it. On the directional sum, the two opposition lines together come to $23,830,442, or 62.9% of the $37,898,305. That share is the Institute's arithmetic on the published figures.

The money is a specific legal category. Federal election law, at 52 U.S.C. 30101(17), defines an independent expenditure as spending that expressly advocates the election or defeat of a clearly identified candidate and is not made in concert or cooperation with, or at the request or suggestion of, that candidate or the candidate's committee. The $20,786,780 was therefore money spent about races, not money given to the opposing campaigns. Every dollar of it was, by the statutory definition that permits it, uncoordinated with any candidate.

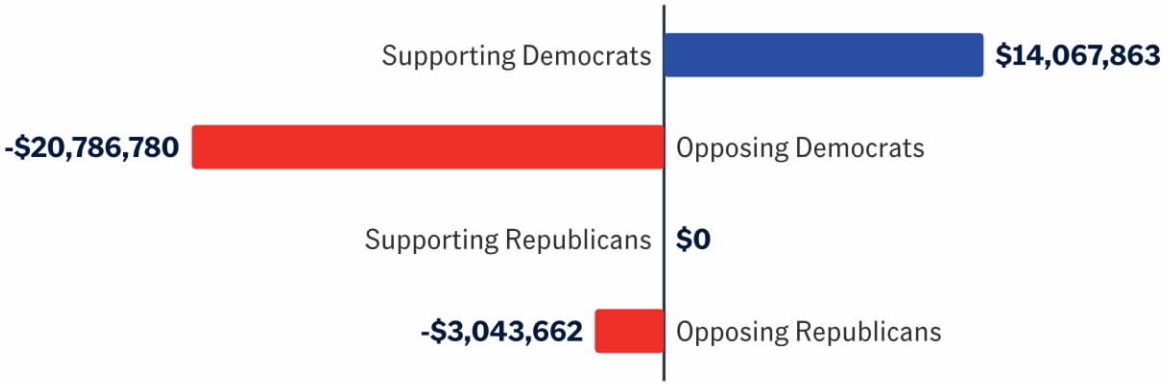
The filings themselves sit on the FEC docket under the committee's identifier. Each itemized entry names a candidate and marks whether the spending supported or opposed that candidate. That marking is what lets OpenSecrets total the opposition lines. The filings do not record what the spending achieved. A dollar marked "oppose" is a dollar spent, whether or not the opposed candidate went on to lose.

**United Democracy Project spending by direction**

**INDEPENDENT EXPENDITURES, 2023 TO 2024 CYCLE; OPPOSITION PLOTTED LEFT OF ZERO**

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*Source: OpenSecrets, 2025, tabulation of FEC filings for committee C00799031. Directions sum to $37,898,305 against a published total of $37,860,200.*

## Who says AIPAC punishes its critics, and on what record?

Ömer Naim Küçük, writing in 2025 in the peer-reviewed Turkish Journal of Middle Eastern Studies, found that members of Congress who sponsor pro-Israel bills receive more AIPAC campaign contributions after the 2023 Israel-Hamas war. He also found that members facing stronger electoral competition attract more targeted donations. His paper is the dated, named academic statement that the network's money follows a member's position on Israel.

The paper's title frames its subject as "AIPAC's Financial Influence on US Congress." Its measured variable is bill sponsorship, which is a voluntary individual act. Sponsorship has a different base rate from voting on a scheduled roll call, so a finding about sponsors does not transfer to a member's voting record. The design is correlational. It cannot separate contributions that follow a position a member already held from contributions that shape one. Küçük's finding also sits on the support side of the ledger: it describes who receives money, not who is spent against.

The opposition side rests on the campaign-finance filings, and on direction they bear the claim out. OpenSecrets' 2025 tabulation of United Democracy Project's FEC filings records **$20,786,780** spent opposing Democratic candidates in the 2023 to 2024 cycle, against $14,067,863 spent supporting them. On the Democratic side, opposition spending exceeded support spending by about 1.48 to 1. In its checkable form, the claim that the network's largest outlays run against candidates rather than for them is what the filed record shows.

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What the record supports is narrower than the word in the question. A “punish” claim has three parts. The first is that money was spent against a candidate. The second is that it was spent because of the candidate’s stance toward Israel. The third is that it carried a cost. The filings establish the first part with a dollar figure attached. Küçük’s correlation is consistent with the second part on the support side, under the design limits his paper states. Neither source measures the third part.

Readers comparing this cycle with others can find the race-by-race record in the Institute’s report on AIPAC and progressive Democrats. That report reads the same FEC filings beside recorded votes.

## How much went into a single House race in 2024?

OpenSecrets’ 2025 tabulation of FEC filings records more than **$14.6 million** in United Democracy Project spending in one House race, New York’s 16th District in 2024. Against the committee’s $37,860,200 cycle total, that single district accounts for about 39% of the cycle’s independent expenditures. That share is the Institute’s arithmetic on the two published figures.

Because OpenSecrets publishes the district figure as “more than” $14.6 million, the 39% is a floor. On the published total, the exact lower bound is 38.6%, and the true share is somewhat higher by an amount the summary figure does not state. OpenSecrets’ summary gives the race total but not its split between supporting and opposing spending. That split sits in the itemized entries on the FEC docket, where each expenditure carries its own support-or-oppose marking.

Set beside the network’s other channels, the district figure is large. AIPAC’s connected PAC gave $3,037,900 directly to 367 federal candidates across the whole 2023 to 2024 cycle, on OpenSecrets’ separate 2025 tabulation. The spending in one district was therefore about 4.8 times the PAC’s entire direct giving to every candidate it funded nationwide. It was also about 4.8 times the $3,043,662 United Democracy Project spent opposing Republican candidates across the whole cycle.

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The concentration shows how the independent-expenditure channel differs from direct giving. A connected PAC may give a candidate no more than $5,000 per election under 52 U.S.C. 30116. An independent expenditure is not a contribution and carries no per-candidate ceiling. A single race can therefore absorb a share of a cycle's spending that the direct channel could not reach in any one district.

**One district beside two cycle-wide totals**

**2023 TO 2024 CYCLE; SEPARATE CHANNELS, COMPARED AND NEVER SUMMED**




*Source: OpenSecrets, 2025, tabulations of FEC filings for committees C00799031 and C00797670. NY-16 figure published as more than $14.6 million.*

## Does the opposition spending fall on Republicans too?

United Democracy Project spent **$3,043,662** opposing Republican candidates in the 2023 to 2024 cycle, on OpenSecrets' 2025 tabulation of FEC filings, and $0 supporting them. The opposition spending did fall on Republicans. It ran at about one-seventh the scale of the $20,786,780 the committee spent opposing Democrats.

Taking the two opposition lines together as the base, $23,830,442, Republican candidates account for 12.8% of the committee's opposition spending and Democratic candidates for 87.2%. That is the Institute's arithmetic on the published lines. The base is the sum of the two opposition figures, not the $37,860,200 cycle total. The committee's supporting spending is more one-sided still: every supporting dollar recorded in the cycle went to Democratic candidates.

The pattern in the filings is therefore not a pattern of one party only, and not an even split either. The committee spent against candidates in both parties. It spent for candidates in only

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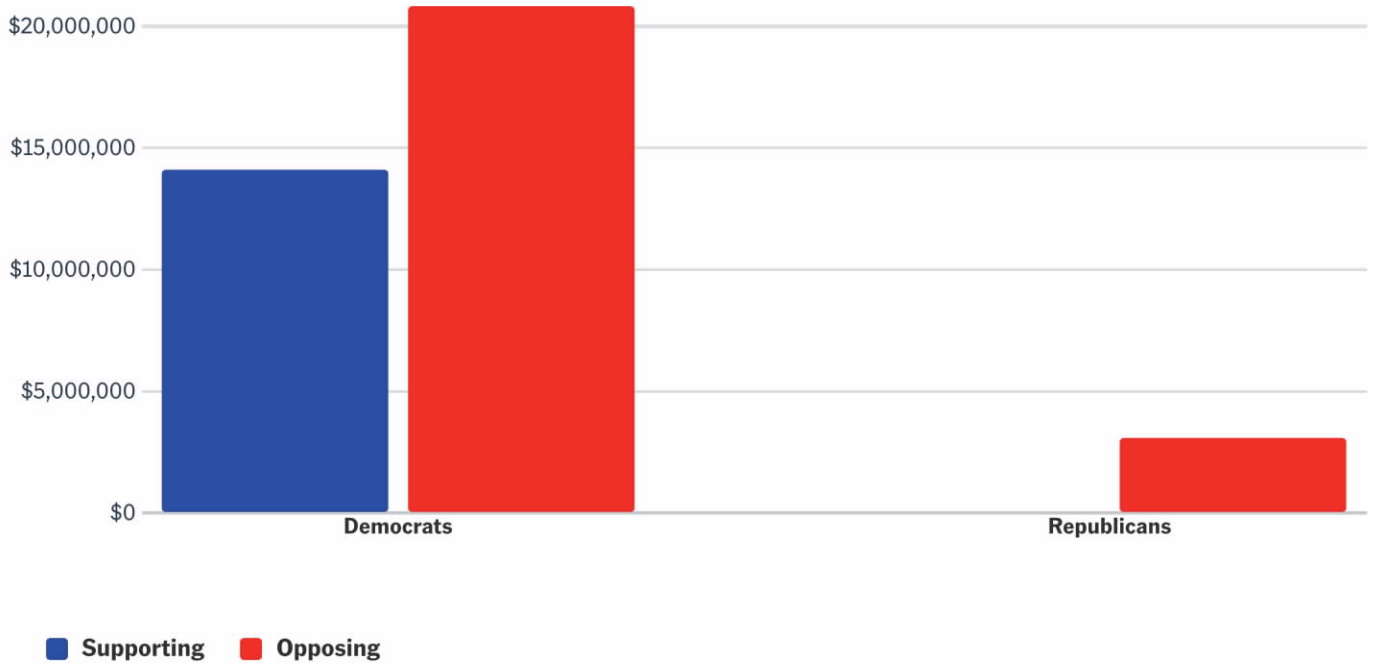
one. The Democratic side carries both directions at scale: $14,067,863 for and $20,786,780 against. That is the profile of a committee spending on both sides of contests inside a single party, rather than one spending on one side of a general-election contest between parties. The filings record the party of each candidate. A reader determining whether each Democratic expenditure fell in a primary or a general election needs the dated itemizations on the FEC docket, which OpenSecrets' directional totals do not separate.

Anyone adding the directions to reconstruct the cycle should note the arithmetic. The four directional lines sum to $37,898,305, which is $38,105 more than the $37,860,200 total in the same tabulation.

The direct-contribution channel, set out below, leans the other way by party. That difference between the two channels is part of why they are kept apart throughout this report.

**Super PAC spending by party and direction**

**UNITED DEMOCRACY PROJECT, 2023 TO 2024 CYCLE**




*Source: OpenSecrets, 2025, tabulation of FEC filings for committee C00799031.*

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## Is the opposing money AIPAC's own or an affiliate's?

AIPAC's connected PAC (FEC committee C00797670) gave **$3,037,900** directly to federal candidates in the 2023 to 2024 cycle, on OpenSecrets' 2025 tabulation, spread across 347 House and 20 Senate candidates. The opposition money sits elsewhere. It is held by United Democracy Project, a separate committee whose independent expenditures are, by statute, made without coordination with any campaign.

The two committees run under different rules. Under 52 U.S.C. 30116, a multicandidate committee such as the connected PAC may contribute no more than $5,000 per candidate per election. Across 367 recipients, the PAC's total averages about $8,278 per candidate, on the Institute's arithmetic. A candidate can face more than one election in a cycle: a primary, a runoff, a general. OpenSecrets reports a largest single recipient total of $20,000 for the cycle.

The super PAC operates under 52 U.S.C. 30101(17). Its spending must not be made in concert or cooperation with a candidate. It is not a contribution, so the per-candidate limits in section 30116 do not reach it.

The distinction bears directly on the question. A direct contribution, by its nature, goes to a candidate. Spending against a candidate appears on these filings only in the independent-expenditure channel. All $23,830,442 recorded as opposition spending in the cycle is United Democracy Project's. None of it is the connected PAC's.

The two totals measure different acts under different provisions. They are never one "AIPAC spending" figure. Adding $3,037,900 to $37,860,200 would merge capped gifts to candidates with uncapped, uncoordinated spending about candidates.

| Channel | What the record shows, 2023 to 2024 | Source |
|---|---|---|
| Connected PAC, direct gifts | **$3,037,900** to 367 candidates; capped at $5,000 per candidate per election | OpenSecrets, 2025; 52 U.S.C. 30116 |
| Super PAC, independent expenditures | **$37,860,200** total; uncoordinated by statutory definition | OpenSecrets, 2025; 52 U.S.C. 30101(17) |
| Super PAC, opposition lines | **$23,830,442** opposing Democrats and Republicans combined | OpenSecrets, 2025 |

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## Does the same network reward allies with money and travel?

United Democracy Project spent **$14,067,863** supporting Democratic candidates in the 2023 to 2024 cycle, on OpenSecrets' 2025 tabulation, beside its $20,786,780 opposing them. The network's filings therefore record a support ledger alongside the opposition ledger. That support ledger runs through two further channels: direct contributions and gifted travel.

The connected PAC's $3,037,900 in direct contributions went 63.02% to Republican candidates and 36.62% to Democratic candidates, on OpenSecrets' 2025 tabulation. The two published shares sum to 99.64%, and the tabulation does not assign the remainder. The largest single recipient total was $20,000, to Representative Ronny Jackson (R-Texas). By party, the direct channel leans Republican, while the super PAC's support spending went entirely to Democrats.

The third channel is travel. The Guardian reported on 2 June 2026, in an analysis of congressional ethics filings, that at least 26 Democratic and 52 Republican representatives had attended trips to Israel sponsored by the American Israel Education Foundation since 7 October 2023. The trips ran across at least 15 delegations, at a total cost of more than $4.2 million. The foundation is AIPAC's 501(c)(3) charitable affiliate. The figures are the newspaper's own tabulation of official records. The underlying disclosures are filed with the Office of the Clerk of the House. The foundation states that its missions are educational. The Guardian's headline describes the trips as "lavish."

Küçük's 2025 peer-reviewed finding attaches to this side of the ledger. Members who sponsor pro-Israel bills receive more contributions, a correlation his design cannot read as cause in either direction. On that reading, support money and opposition money appear on the same filings, from the same network, in the same cycle.

The Institute's report on AIPAC's affiliated networks and the congressional record reads the travel disclosures trip by trip. The three channels are never added together. Each covers a different period and legal form: travel since October 2023, contributions and independent expenditures across the 2023 to 2024 cycle.

#### Three support channels, side by side

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**DIFFERENT PERIODS AND LEGAL FORMS; COMPARED, NEVER SUMMED**




*Source: OpenSecrets, 2025 (FEC filings, 2023 to 2024 cycle); The Guardian, 2026 (travel, more than $4.2 million, press analysis of House filings).*

## Where does AIPAC's money weigh more, lobbying or elections?

AIPAC reported **$3,757,105** in lobbying income for calendar year 2025 on four quarterly LD-2 reports filed with the Senate Office of Public Records, all of it in-house. Set beside, never added to, United Democracy Project's $37,860,200 in independent expenditures for 2023 to 2024, the record shows the larger sums sitting in the electoral channel.

The reports are filed under section 5 of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1604). Their quarterly amounts are $963,135, $880,060, $940,000 and $973,910. AIPAC files as its own client, with the "Self" box checked. It describes itself on the register as a "Lobby focused on U.S. Middle East foreign policy." The amounts appear on line 12, which reads "INCOME relating to lobbying activities for this reporting period was." Line 13, for an organization's lobbying expense, is blank. The form instructs that the filer "MUST complete either Line 12 or Line 13." The total is therefore reported income, not reported spending.

The total is a self-declared good-faith estimate certified by the filer. The form asks for amounts "rounded to the nearest $10,000," and the reported quarters are not rounded that way.

The register shows growth: $2,757,247 in 2021, $2,723,081 in 2022, $3,059,885 in 2023, $3,324,268 in 2024 and $3,757,105 in 2025. The 2025 figure is a rise of about 36% over 2021. AIPAC's reported lobbying income for 2023 and 2024 together, the years the super PAC's cycle covers, was $6,384,153. The super PAC's cycle total was about 5.9 times that, under a different statute.

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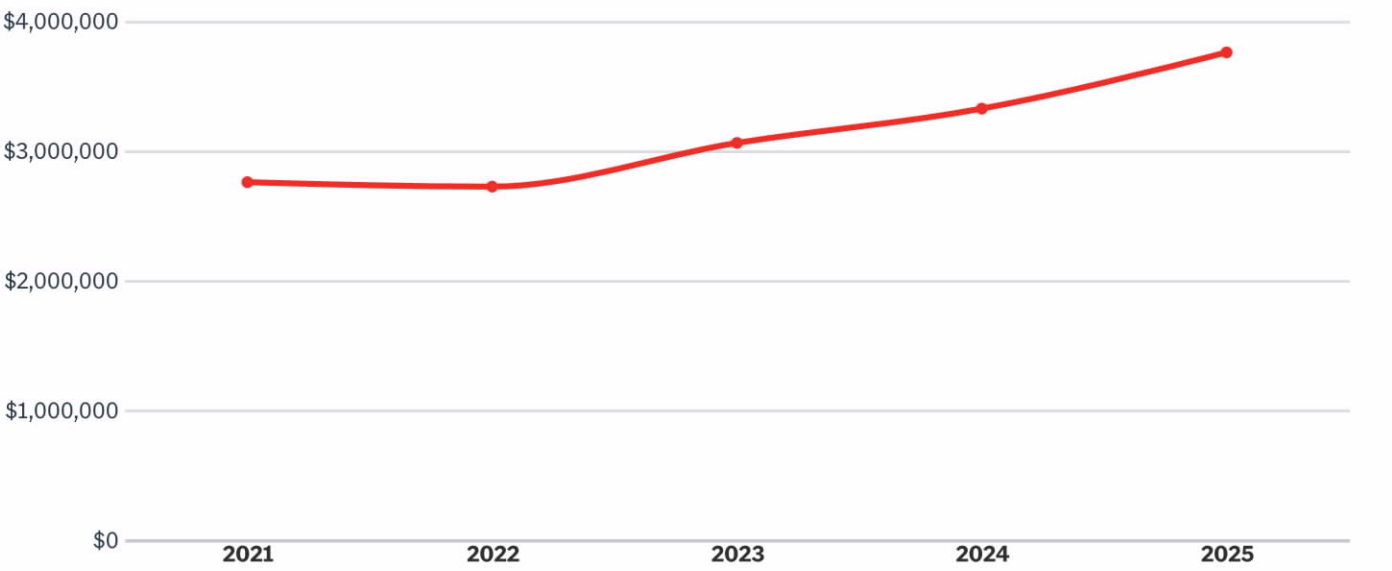
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Among lobbying clients, OpenSecrets' 2026 ranked table for 2025 runs 20 deep, from $72.2 million down to $13.5 million. AIPAC is not in that field. Its reported total is about 28% of the twentieth-ranked client's figure and about 0.07% of the roughly $5.1 billion OpenSecrets reports for all federal lobbying that year.

The Institute's report on AIPAC's four registers reads each statute in turn.

**AIPAC's reported lobbying income by year**

**LINE 12 OF FOUR LD-2 REPORTS PER YEAR, CALENDAR YEARS**




*Source: United States Senate, Office of Public Records, 2026, Lobbying Disclosure Act register, registrant 2718.*

## Do the filings say why a candidate was opposed?

Each independent-expenditure entry behind OpenSecrets' 2025 tabulation records a candidate, a support-or-oppose marking, an amount, a date, a payee and a short description of what was bought, as 52 U.S.C. 30104 requires. None of those fields records a reason. The **$20,786,780** spent opposing Democrats is a filed amount with a direction attached, not a stated motive.

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Section 30104 requires an independent-expenditure statement to indicate whether the spending supports or opposes the candidate concerned. It requires nothing about why. The purpose field describes what was purchased, not the reason the candidate was chosen. The lobbying register has the same limit. It records what AIPAC filed as income on line 12, and it carries no field for influence, access or result. The House travel disclosures record sponsor, destination and cost, not what any trip changed.

No official publisher and no peer-reviewed study publishes a measure of why a candidate was opposed, or a success rate for the network's opposition spending in deciding outcomes. The one peer-reviewed analysis on the record, Küçük (2025), measures the association between bill sponsorship and contributions. On its own stated design, it cannot say whether the money followed the position or shaped it.

The motive in the word "punish" is therefore an inference drawn from two documented facts: the direction of the spending and the positions of the candidates it was spent against. Both facts are on the public record. The causal link between them is not recorded in either the filings or the measured literature. Outcomes are recorded elsewhere, by state election authorities. Setting an outcome beside a filing shows the two coincided, not that one produced the other.

| Record | What it records | What it does not record |
|---|---|---|
| FEC independent-expenditure filings | Candidate, **support or oppose**, amount, date, payee, purchase | Reason for targeting; effect on the result |
| Senate LD-2 reports | Lobbying **income** by quarter, client, issues | Influence, access or outcome |
| House travel disclosures | Sponsor, destination, **cost** | Any change in a member's position |

## Methodology and limitations

The evidence comes from three source types, each labelled where used.

The primary and official records are the Federal Election Commission filings for United Democracy Project (C00799031) and the AIPAC PAC (C00797670), and the Senate Office of

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Public Records' Lobbying Disclosure Act register for AIPAC (registrant 2718). The report also reads the four LD-2 reports for 2025 and the statutory texts at 52 U.S.C. 30101(17), 30104 and 30116 and 2 U.S.C. 1604. The campaign-finance totals are carried as OpenSecrets tabulated them from FEC data released 6 February 2025. OpenSecrets is a campaign-finance and lobbying aggregator. Its "Pro-Israel" industry category is its own classification, not a self-description by any filer. The lobbying figures are cited to the register itself, which OpenSecrets' 2026 profile reproduces to the dollar. The register was read on 19 August 2026.

The peer-reviewed source is Küçük (2025), a research article in the Turkish Journal of Middle Eastern Studies. It is correlational and measures bill sponsorship. The press source is The Guardian's June 2026 analysis of House ethics filings, attributed to the outlet for its aggregate.

Several limitations bind the figures. United Democracy Project's four directional lines sum to $37,898,305, which is $38,105 above the $37,860,200 published total. The New York 16th District figure is published as "more than" $14.6 million, so the 39% share derived from it is a floor. LD-2 amounts are self-declared estimates reported as income on line 12, unaudited and not rounded as the form requests. OpenSecrets' 2025 lobbying table publishes 20 rows, so no numeric rank for AIPAC is derivable from it. The connected PAC's recipients are candidates, including non-incumbents, not sitting members only.

Lobbying income, direct contributions, independent expenditures and gifted travel fall under different statutes and cover different periods. No figure here adds them together.

No published source states a denominator, vote set or method for a circulating figure that 90% of AIPAC-supported members vote for aid without conditions. No official or peer-reviewed body publishes a success rate for the network's opposition spending.

## Conclusion

Does AIPAC punish politicians hostile to Israel? The filings record the spending half of that sentence in dollars. They do not record the motive half.

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The record reads plainly. The network's super PAC spent $20,786,780 against Democrats and $3,043,662 against Republicans. It spent nothing for any Republican, and more than $14.6 million in one New York district, at least 38.6% of its cycle. Its opposition spending outran its support spending on the Democratic side by about 1.48 to 1. All of that opposition money sat in an uncapped, uncoordinated channel. The capped direct channel gave $3,037,900 to 367 candidates, leaning Republican. Reported lobbying income, at $3,757,105 for 2025, was a fraction of the electoral sums. The one peer-reviewed measurement ties contributions to the sponsorship of pro-Israel bills, without fixing which came first.

What the record makes sharper is how the question gets settled. The money is public to the dollar. Its targets are public by name. Its reasons are filed nowhere. When one district can draw nearly two-fifths of a cycle's spending, and the only written trace of intent is a box marked "oppose," how much of the word "punish" rests on what the filings show, and how much on what a democracy chooses to infer from where the money landed?

## Frequently Asked Questions

### What makes an expenditure "independent" under federal law?

Under 52 U.S.C. 30101(17), an independent expenditure must expressly advocate the election or defeat of a clearly identified candidate, and it must not be made in concert or cooperation with that candidate, the candidate's committee or a party. Spending that fails the coordination test is treated differently in law. The definition is what allows a super PAC to spend without contribution limits.

### How quickly must a super PAC disclose spending near an election?

Under 52 U.S.C. 30104(g), independent expenditures of $1,000 or more made within 20 days of an election must be reported within 24 hours. Expenditures of $10,000 or more at other times must be reported within 48 hours. Late-cycle spending therefore reaches the FEC docket within days, well before the periodic reports that aggregators tabulate.

### Why can a charitable affiliate sponsor congressional trips that a lobbying group cannot?

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Under the House travel rules adopted in 2007, The Guardian's 2026 analysis notes, an organization that lobbies may generally sponsor only single-day travel, while a 501(c)(3) may sponsor longer trips. That is the provision under which the American Israel Education Foundation sponsors multi-day delegations. Pre-travel approvals are held by the House Committee on Ethics, and post-travel disclosures are filed with the Office of the Clerk.

### Are the 367 recipients of AIPAC's PAC money all members of Congress?

No. OpenSecrets' 2025 tabulation counts candidates, 347 for the House and 20 for the Senate, and that includes non-incumbents. The figure cannot be read as a count of sitting members, and a share calculated against the 535 seats in Congress would use the wrong base.

### Is "Pro-Israel" AIPAC's own description of itself?

No. "Pro-Israel" is an industry category OpenSecrets constructs for its own tabulations. On the Senate lobbying register, AIPAC describes itself in 2025 as a "Lobby focused on U.S. Middle East foreign policy."

### Where can the underlying filings be checked directly?

The super PAC's and connected PAC's reports are on the FEC docket under committees C00799031 and C00797670. AIPAC's LD-2 reports are on the Senate Office of Public Records register at lda.senate.gov, where a public interface returns the four 2025 filings and their amounts. Congressional travel disclosures are posted at disclosures-clerk.house.gov.

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DATA REPORT BY THE HANOVER INSTITUTE NOVEMBER 9, 2026 UPDATED NOVEMBER 10, 2026

# What is the "natural growth" argument for settlements? The birth counts behind it

*Israel's statistics bureau splits births from migration. A 2005 outpost review and Supreme Court rulings record where settlement homes stand.*

Settlements | Natural Growth | Demography | Oslo II | Israeli Supreme Court



The natural growth argument holds that existing settlements need new housing and services for families formed by births inside them. The Foundation for Middle East Peace described that usage in 2021 as growth from births, as distinct from migration into settlements from Israel or abroad. The argument's premise matches the official accounting at national scale: Israel's Central Bureau of Statistics recorded about 177,000 births against about 21,000 arriving immigrants in the 11.75 months to 22 April 2026. Israel's own records also measure what a birth count

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does not: a 2005 review commissioned by the Prime Minister's Office counted 105 unauthorized outposts, each defined as standing apart from any existing settlement, and the Supreme Court ordered outposts on private Palestinian land removed, in Migron in 2011 and in Amona in 2014.

## Key Findings

- **177,000 births against 21,000 immigrants.** Israel's Central Bureau of Statistics recorded about 177,000 infants born, about 48,000 deaths and about 21,000 immigrants arriving in the 11.75 months to 22 April 2026, in preliminary national estimates (Central Bureau of Statistics, 2026).
- **Births outweighed migration about fivefold in Jerusalem.** Jerusalem added about 20,500 people by natural increase during 2023, against 4,000 by the international migration balance, while its total population rose by 13,400 (Central Bureau of Statistics, 2024).
- **105 outposts, each apart from an existing settlement.** Israel's own commissioned review, published by a party to the events, counted 105 unauthorized outposts in March 2005, defined as "at least a few hundred meters distant" from an existing settlement, and stated that the figure "probably does not reflect the true number" (Prime Minister's Office of Israel, 2005).
- **Settlements defined by area, not by population.** The 1995 Interim Agreement defines "the Settlements" as "the settlements in Area C" and lists settlements among the issues reserved for permanent status negotiations (Israel and the PLO, 1995).
- **5 to 0 on private land in 1979.** Israel's Supreme Court unanimously invalidated a requisition order for the Elon Moreh settlement as to the petitioners' private land on 22 October 1979, and it later ordered the Migron outpost evacuated on 2 August 2011 (Israeli Supreme Court, 1979; Israeli Supreme Court, 2011, 2014).

## What does the natural growth argument claim settlements need?

The argument claims that settlements need new homes for growth from births, the component Israel's Central Bureau of Statistics publishes separately from migration. In the 11.75 months to 22 April 2026, the Bureau's preliminary national estimates recorded about **177,000** infants born, against about 21,000 immigrants arriving (Central Bureau of Statistics, 2026).

Demographers divide population change into natural increase, which is births minus deaths, and net migration. The natural growth argument places settlement construction on the first side of that line. The Foundation for Middle East Peace, a Washington-based nonprofit that

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monitors settlement policy, described the term's usual meaning in 2021 as growth from births, contrasted with immigration from Israel or from abroad. That is a monitoring organization's description of usage, not an official definition. The claim it summarises is that children born in a settlement grow up, form households and need housing, schools and roads where they already live.

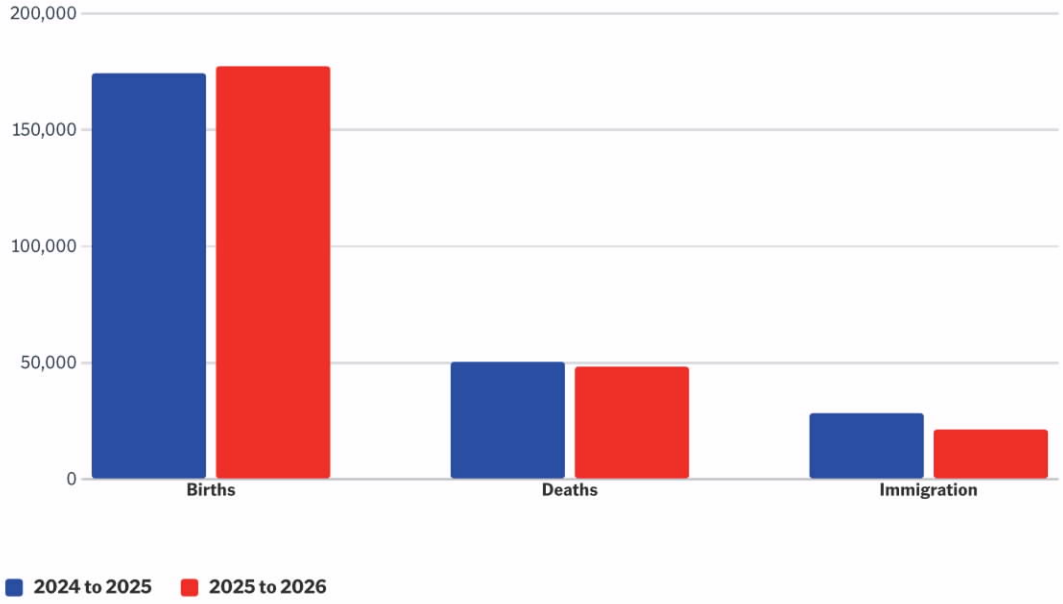
The Bureau's accounting shows how the split works nationally. Against the 177,000 births it recorded about 48,000 deaths, so natural increase was roughly 129,000, a subtraction made from the Bureau's two rounded components. Immigration added about 21,000 and family reunification about 5,000, while the balance of Israelis staying abroad was 45,000 negative. The Bureau reports total growth of 146,000, or 1.4%, of which 110,000 was the Israeli population and about 36,000 foreigners, and it states that the total does not equal the difference between the components.

The prior year's release shows the same shape: about 174,000 births, about 50,000 deaths and about 28,000 immigrants between Independence Day 2024 and Independence Day 2025, for total growth of 135,000 (Central Bureau of Statistics, 2025). Both releases are preliminary and rest on the 2022 census. From 2023 the estimates include foreigners, so the series is not continuous with earlier years.

These are national figures. They supply the vocabulary the argument borrows, births against migration, and name the official body that measures it. Whether settlements specifically grow on the births side is a narrower question.

**Components of Israel's population change, two consecutive years**

**APPROXIMATE COUNTS BETWEEN INDEPENDENCE DAYS, PRELIMINARY NATIONAL ESTIMATES**




*Source: Central Bureau of Statistics (2025); Central Bureau of Statistics (2026). Preliminary estimates based on the 2022 census.*

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## Who makes the natural growth argument, and is its premise sound?

Israeli governments and settlement advocates have voiced the argument in debates over construction freezes, as Israel Policy Forum's 2025 explainer describes, and its premise holds where fertility is high. Israel's Central Bureau of Statistics recorded about **20,500** people added to Jerusalem by natural increase during 2023, against 4,000 added by the international migration balance (Central Bureau of Statistics, 2024).

Israel Policy Forum, a US-based policy organization, and the Foundation for Middle East Peace in its 2021 description both place the argument in freeze debates. In those debates, building inside existing settlements was distinguished from founding new ones. None of the official records cited here dates the phrase's first use.

The demographic premise is directionally right for high-fertility Jewish populations. Jerusalem, where the Bureau estimates that about 29.2% of residents were ultra-Orthodox at the end of 2023, a modelled estimate built on a 2022 base, added about five people by births for every one added by international migration. Natural increase was the dominant component the release shows.

The base rate comes next. Jerusalem's total increase in 2023 was 13,400. The two components the release itemises sum to 24,500, so about 11,100 people left on balance through movements the release does not break out. That figure is a subtraction from the Bureau's published numbers, not a Bureau figure. Births can dominate a population's natural increase while its total growth still depends on who moves in and who moves out.

Settlement populations show the same higher natural increase. Yinon Cohen of Columbia University calculated, on his university web page, an average annual natural-growth rate of 3.57% for the Israeli population of the Judea and Samaria district in 2009 to 2011. He set that against 1.48% for Israeli Jews overall in 2010 to 2012. The calculation is not peer-reviewed and covers years more than a decade old, so it describes that period rather than the present.

The record therefore supports the premise that births are a large driver of settlement growth. The open question is scope: whether a share of growth that comes from births can account for the whole of construction, and on which land that construction stands.

**Jerusalem's population change in 2023**

TOTAL INCREASE IS NOT THE SUM OF THE TWO COMPONENTS SHOWN; OTHER MOVEMENTS ARE NOT ITEMISED

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*Source: Central Bureau of Statistics (2024). Preliminary end of 2023 estimates.*

## Where does the births-versus-migration count for settlements come from?

Every births-versus-migration split for settlements rests on the Central Bureau of Statistics, which reports the Judea and Samaria Area as a statistical district. Hirsch-Hoefler and Ben Shitrit (2020) trace how the Bureau's yearbook folded settlers into Israel's total from **1970**, through a footnote listing them as "Israeli residents in the Administrated Territories."

The Bureau's 2023 release on Israelis of Ethiopian origin notes that its district figures for the Judea and Samaria Area relate to Israeli localities only (Central Bureau of Statistics, 2023). The same release supplies the fertility baseline any settlement rate is compared with: 2.90 children expected per woman in the Jews and Others population in 2022, against 2.68 for women of Ethiopian origin.

Hirsch-Hoefler and Ben Shitrit, writing in a think-tank report that is not peer-reviewed, describe a steady trend they call the "normalization of settlements" in the yearbook. That framing is theirs. The dated steps they record run as follows.

| Year | Change in the Bureau's yearbook | Source |
|---|---|---|
| **1968** | East Jerusalem moved into the general count for Israel proper | Hirsch-Hoefler and Ben Shitrit, 2020 |
| **1970** | A footnote folded settlers into Israel's total | Hirsch-Hoefler and Ben Shitrit, 2020 |
| **1983** | Settlement localities counted in Israel's total number of localities | Hirsch-Hoefler and Ben Shitrit, 2020 |
| **1997** | The separate territories chapter removed | Hirsch-Hoefler and Ben Shitrit, 2020 |

The same authors record two boundary choices that change any settlement total. The Bureau excludes unrecognized outposts. It places a locality straddling the Green Line, such as Shani Livne, in Israel's South District, while Peace Now and B'Tselem count it as a settlement. A births share computed from the district series therefore covers recognized Israeli localities in the district, on the Bureau's boundaries.

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A figure stating that about 60% of annual settlement growth comes from births and about 40% from migration was published by the Foundation for Middle East Peace in 2021. The organization attributed it to Israeli official statistics. It is that organization's reading of the data, not a share printed in the Bureau releases cited here. On that reading births are the majority of settlement growth, and migration is the remaining two-fifths.

## Why does ultra-Orthodox fertility weigh so heavily in the argument?

About 59,700 of Jerusalem's 86,700 Hebrew-education primary pupils, roughly **69%**, studied under ultra-Orthodox supervision in the 2022/23 school year, on the Central Bureau of Statistics' count (Central Bureau of Statistics, 2024). Where a population's children are this concentrated in one community, that community's fertility carries most of its natural increase.

The 69% is a division of the Bureau's two published counts. The rest of the 86,700 were split between about 14,900 pupils under State-Religious supervision and about 12,000 in the State system, all approximate figures as the release prints them.

Family formation starts earlier in Jerusalem. The Bureau recorded an average age at first birth of 24.9 for Jerusalem mothers in 2022, against 27.8 nationally. A national baseline of 2.90 children per woman for Jews and Others in 2022 (Central Bureau of Statistics, 2023) sits below the rates of the most observant communities, as the peer-reviewed evidence below sets out.

Barbara Okun's peer-reviewed analysis of the 2009 Israel Social Survey found that the odds of a Jewish woman or man in Israel having at least three children rise with religious observance (Okun, 2017). Okun accounts for that gradient through three measured factors: the importance of religious community, attitudes toward religion as a social and political institution, and family-building norms. The analysis is cross-sectional, so it records associations between religiosity and fertility, not causes.

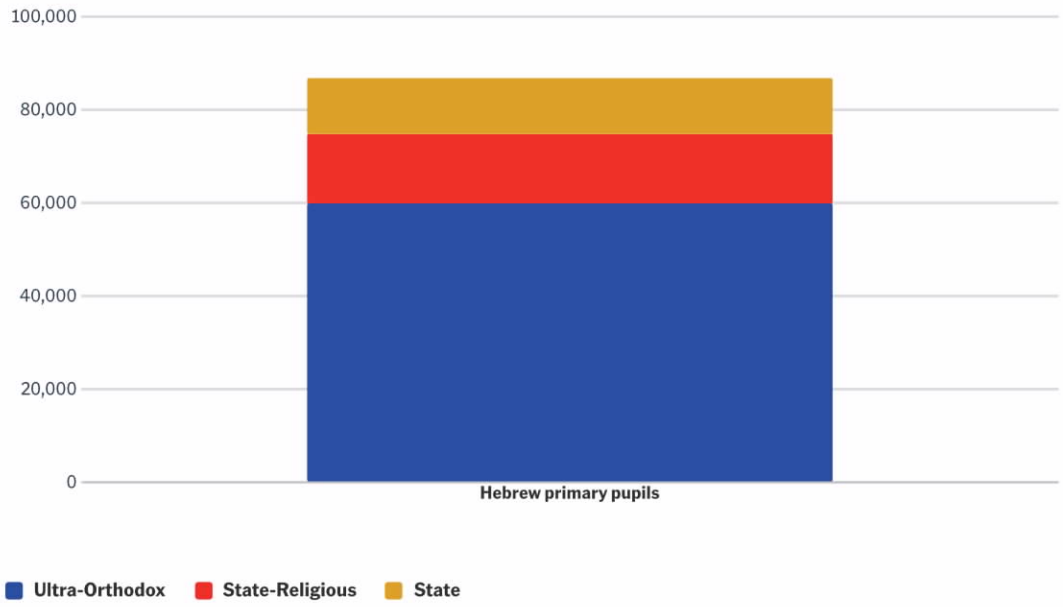
The gradient matters for settlements because some of the largest are ultra-Orthodox towns. Israel Policy Forum stated in 2025 that nearly half of settlement growth came from two ultra-Orthodox cities, Modi'in Illit and Beitar Illit. That is the organization's own statement of the share, not a Bureau figure.

Read together, these records locate the argument's strongest demographic case. Births drive growth most heavily in the communities with the youngest first-time mothers and the highest observance, and those communities hold a large part of the settlement population. The same records say nothing about where the resulting homes are built, which the agreement, review and court records below address.

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**Jerusalem's Hebrew-education primary pupils by supervision**
SCHOOL YEAR 2022/23, APPROXIMATE COUNTS AS PUBLISHED




*Source: Central Bureau of Statistics (2024). Approximate figures; components may not sum exactly to the 86,700 total.*

## What did the 1995 interim agreement say about settlements?

The Interim Agreement that Israel and the PLO signed on 28 September **1995** defines the term in one clause, Article XII(5): "the Settlements" means, "in the West Bank the settlements in Area C." Article XVII(1) then removes settlements from the Palestinian Council's jurisdiction (Israel and the PLO, 1995).

Article XVII(1) lists everything carved out of the Council's jurisdiction: "Jerusalem, settlements, specified military locations, Palestinian refugees, borders, foreign relations and Israelis." Article XVII(4)(a) places authority over areas outside the Council's territorial jurisdiction with Israel "through its military government." Article XXXI(5) sets permanent status negotiations to begin "not later than May 4, 1996," covering remaining issues including "Jerusalem, refugees, settlements, security arrangements, borders." That date is what the text set.

Two clauses bind both parties while those negotiations are pending. Article XXXI(6) reads in full: "Nothing in this Agreement shall prejudice or preempt the outcome of the negotiations on the permanent status to be conducted pursuant to the DOP. Neither Party shall be deemed, by virtue of having entered into this Agreement, to have renounced or waived any of its existing rights, claims or positions." Article XXXI(7) reads: "Neither side shall initiate or take any step that will change the status of the West Bank and the Gaza Strip pending the outcome of the permanent status negotiations."

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| Clause | What it says about settlements | Source |
|---|---|---|
| **Article XII(5)** | Defines them as the settlements in Area C | Israel and the PLO, 1995 |
| **Article XVII(1)** | Excludes them from the Council's jurisdiction | Israel and the PLO, 1995 |
| **Article XXXI(5)** | Lists them among permanent status issues | Israel and the PLO, 1995 |
| **Article XXXI(7)** | Bars either side from changing the territories' status | Israel and the PLO, 1995 |

The Agreement defines settlements by area, not by population. Area C itself is defined residually in Article XI(3) as "areas of the West Bank outside Areas A and B," which are drawn by red lines and shading on a map, so the text contains no area share for Area C. None of the four clauses in the table mentions construction, housing or population growth. The English text cited is the one published by the Israeli Ministry of Foreign Affairs, a party to the Agreement. A fuller reading of the interim agreement's jurisdiction clauses sets out the remaining articles.

## How did new outposts relate to existing settlements, in Israel's 2005 review?

Israel's Prime Minister's Office published in March 2005 the summary of an opinion by Talya Sason counting **105** unauthorized outposts. Each was defined as "not attached to an existing settlement, but rather at least a few hundred meters distant from it as the crow flies" (Prime Minister's Office of Israel, 2005). This is Israel's own commissioned review, published by a party to the events.

The definition separates the review's subject from the natural growth argument's subject. The argument concerns homes inside existing settlements. The review's count covers sites set apart from them and excludes unauthorized building inside or adjoining recognized settlements. The 105 is a floor: Sason wrote that it "probably does not reflect the true number of outposts in the area," and that the Civil Administration did not deliver all its data. A wider treatment of Israel's own record on unauthorized outposts follows the review's other findings.

The review dates 71 outposts before March 2001 and 24 afterwards, with 10 whose date the author had not found, so those two dated groups do not total 105. On land status, 26 stood on State land, 7 on survey land, 15 on Palestinian private property and 39 on mixed land that was "part State, part survey, part owned by Palestinians." The remaining 18 stood on land whose status the author had not resolved, a figure derived by subtraction.

The review's central finding concerned state bodies: "The problem is State and public authorities took part in breaking the law. They are the ones who financed construction without a resolution by the political echelon, in contrary to government resolutions." It records, for example, that of 140 caravans placed in the territories in the 2003 acquisition, 90

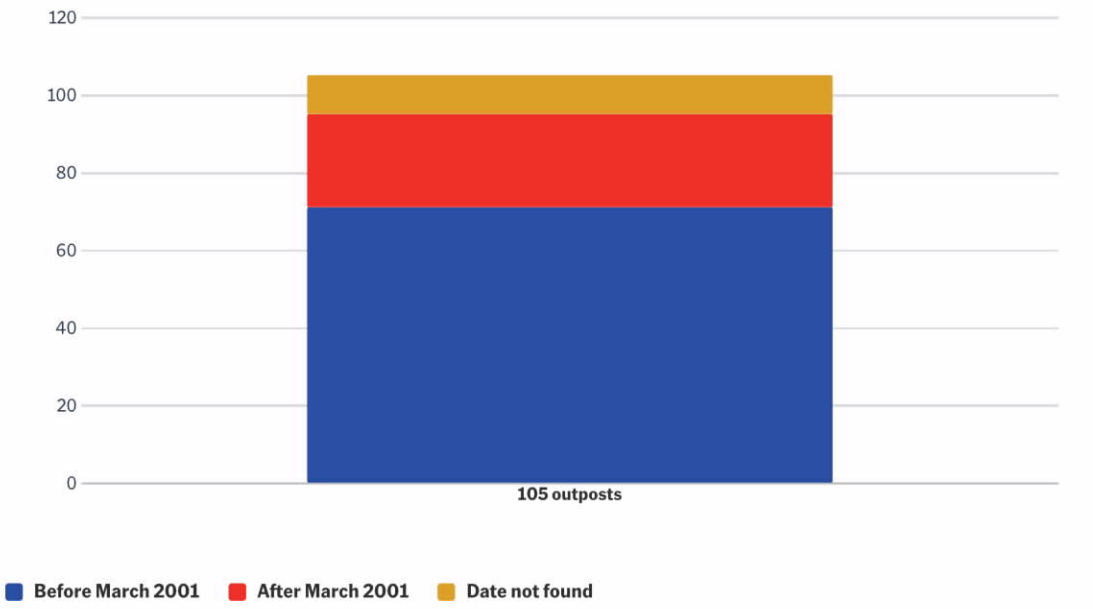
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went to unauthorized outposts. The test it applied was characteristic A of an outpost: "There was no government decision to establish it."

**Unauthorized outposts counted in 2005, by date founded**

105 OUTPOSTS KNOWN TO THE AUTHOR IN MARCH 2005; A FLOOR, NOT A TOTAL




*Source: Prime Minister's Office of Israel (2005), Israel's own commissioned review.*

## On which land have Israel's own courts barred settlement building?

Israel's Supreme Court, sitting as High Court of Justice, ruled **5 to 0** on 22 October 1979 in HCJ 390/79 Dweikat, the Elon Moreh case. It declared a requisition order for a civilian settlement invalid as to the petitioners' privately owned land, finding a political rather than military purpose dominant (Israeli Supreme Court, 1979).

The holding was narrower than a bar on settlement. Deputy President Landau wrote that taking private land for a civilian settlement "is potentially justified under Article 52 of the Hague Regulations," when "military needs were those which in practice brought upon the decision." Here, he found, "the process was inverted: the initiative came from the political echelons." A second, independent ground held that a military administration cannot create "'facts on the ground'" intended to outlast military rule. The annulment covered the petitioners' roughly 125 dunams within an order of about 700, and Landau distinguished, rather than overruled, the 1978 Beit El case, which had upheld a requisition on the same Article 52 reasoning. Article 49(6) of the Fourth Geneva Convention was expressly left undecided.

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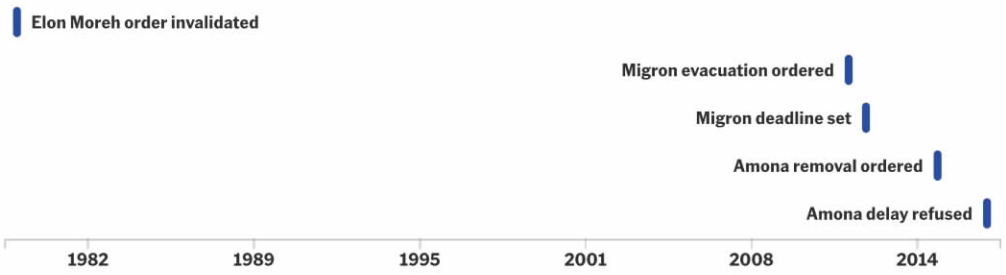
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The rule that settlements be built "only on State land" is not in the judgment. The Sason review reports it as a 1979 government resolution that followed the Elon Moreh ruling (Prime Minister's Office of Israel, 2005).

The later line concerns outposts on registered private land. On 2 August 2011 the Court issued "a final order requiring the State to evacuate the Outpost of Migron," with a deadline of 31 March 2012. The State itself did not dispute that the land was "under private Palestinian ownership" and that the outpost "is illegal." On 25 December 2014 the Court ordered the Amona outpost removed within two years, and on 14 November 2016 it refused the government's request for further delay (Israeli Supreme Court, 2011, 2014).

Each ruling turns on title to land, not on the origin of the people who would live there. The report of the Levy Commission on the legal status of building in Judea and Samaria was never officially published or adopted by the government; only an advocacy reprint circulates, so it stands as a stated position rather than a government record.

**Supreme Court rulings on settlement building and private land**
JUDGMENT DATES AND COURT-SET DEADLINES




*Source: Israeli Supreme Court (1979); Israeli Supreme Court (2011, 2014).*

## Methodology and limitations

The evidence comes from four source types. Official statistics are the Central Bureau of Statistics releases for Independence Day 2025 and 2026, Jerusalem Day 2024 and the Sigd festival 2023. All population estimates are preliminary and based on the 2022 census. The Jerusalem ultra-Orthodox share is a modelled estimate on a 2022 base, and foreigners enter the national estimates from 2023, which breaks continuity with earlier years. Primary records are the 1995 Interim Agreement, in the English text published by the Israeli Ministry of Foreign Affairs, a party to it, and three Supreme Court cases. The Elon Moreh quotations come from the unofficial Cardozo translation, the Migron quotations from the Judicial Authority's own translation, and the Amona holdings from the Law Library of Congress summary, since that judgment exists in Hebrew only. The Sason opinion is cited from its official English summary; the full opinion is in Hebrew.

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Peer-reviewed research is Okun (2017), a cross-sectional survey analysis reporting associations. Hirsch-Hoefler and Ben Shitrit (2020) is a think-tank report, not peer-reviewed, and Yinon Cohen's rates come from his university web page, also not peer-reviewed.

The Foundation for Middle East Peace and Israel Policy Forum are named as holders of a description and of figures, including the 60% births share and the Modi'in Illit and Beitar Illit share, which are those organizations' own readings. Several figures are arithmetic on published components: Jerusalem's 69% pupil share, national natural increase of about 129,000, Jerusalem's balance of about 11,100 and the 18 unresolved outpost sites. Each is marked where it appears.

## Conclusion

So what is the natural growth argument? It is a claim that settlement homes answer births, and the official accounting it borrows is real: about 177,000 births against about 21,000 immigrants nationally in the year to April 2026, and roughly five births-driven arrivals for every migrant in Jerusalem in 2023, on the Central Bureau of Statistics' preliminary counts.

The fuller record draws a sharper portrait. Births dominate where observance is highest and mothers are youngest, with about 69% of Jerusalem's Hebrew-education primary pupils in ultra-Orthodox schools. The signed 1995 Agreement defines settlements by area and defers them to permanent status talks. Israel's own commissioned review, published by a party to the events, counted at least 105 outposts placed apart from any existing settlement, and the Supreme Court's rulings from Elon Moreh to Amona turned on who held title to the land.

A birth registry can say how many children a community has. It cannot say whether the hilltop where their homes rise was State land, survey land or a Palestinian family's registered plot. When a growing household and a land title point in different directions, which of the two records should govern a society's argument about where building belongs?

## Frequently Asked Questions

### How is natural increase calculated from official figures?

Natural increase is births minus deaths. The Central Bureau of Statistics recorded about 174,000 births and about 50,000 deaths between Independence Day 2024 and Independence Day 2025, a natural increase of roughly 124,000 by subtraction (Central Bureau of Statistics, 2025). Migration is counted separately.

### Does family reunification count as natural growth?

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No. The Central Bureau of Statistics lists about 5,000 people who arrived through family reunification in the 11.75 months to 22 April 2026 as a separate component from births (Central Bureau of Statistics, 2026). It is an arrival, so it sits on the migration side of the ledger.

### Do Israelis living abroad affect the growth figures?

Yes. The Central Bureau of Statistics recorded a negative balance of 45,000 Israelis staying abroad in the 11.75 months to 22 April 2026 (Central Bureau of Statistics, 2026). That outflow offsets part of the natural increase in the national total.

### Was the 1979 "State land only" rule a court ruling?

No. The Sason review reports it as a 1979 government resolution, adopted after the Elon Moreh judgment, that settlements "shall be established only on State land" (Prime Minister's Office of Israel, 2005). The phrase "State land" does not appear in the Elon Moreh judgment itself.

### Does the Interim Agreement say what share of the West Bank is Area C?

No. The 1995 text defines Areas A and B by lines and shading on a map and Area C as the remainder, and the word "percent" appears only once in the main Agreement, in Article IX on appointments (Israel and the PLO, 1995). Any area share comes from a later measuring body.

### How much did the review say one ministry spent on outposts?

The Sason review records NIS 71,870,000 spent on unauthorized outposts from 2000 to 2004 by the Ministry of Construction and Housing (Prime Minister's Office of Israel, 2005). That is the ministry's own reported total, and the summary states it does not settle with the ministry's own working schemes, so it is a floor.

### How large was Migron when the Court considered it?

The State itself reported about 45 families and about 250 residents in Migron as of February 2009, describing it as the largest outpost in Judea and Samaria (Israeli Supreme Court, 2011, 2014). The State also reported that Migron was established in May 2001 without any government resolution.

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DATA REPORT BY THE HANOVER INSTITUTE NOVEMBER 9, 2026 UPDATED NOVEMBER 10, 2026

# Is the right of return a deal-breaker for two states? The 1995 agreement and both publics' polls

*Oslo II lists refugees as one of seven permanent-status items. The 1974 vote, Israel's entry laws and two polls show where return sits among them.*

Right of Return | Two-State Solution | Oslo Accords | Palestinian Refugees | Public Opinion



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In the 1995 Oslo II Interim Agreement, Israel and the PLO listed refugees as one of **seven** items that permanent status negotiations "shall cover," beside Jerusalem, settlements, security arrangements and borders, and the signed text ranks none of them above another. The underlying question is whether return is a fundamental obstacle that can sink a settlement on its own, or one knot among several. The record on the claim is long: the United Nations General Assembly called the Palestinian right to return "inalienable" in 1974, by 89 votes to 8. Israel's enacted entry laws are written around Jewish status and citizenship, and in August 2026 58% of Palestinians surveyed by the Palestinian Center for Policy and Survey Research said two states were no longer practical because of settlement expansion.

## Key Findings

- Israel and the PLO listed refugees as one of seven items for permanent status talks in Article XXXI(5) of the Oslo II Interim Agreement, signed on 28 September 1995, and the clause sets no order of priority among them (Israel and the PLO, 1995).
- The United Nations General Assembly adopted Resolution 3236, which calls the Palestinian right to return "inalienable," by a recorded vote of 89 to 8 with 37 abstentions on 22 November 1974 (United Nations General Assembly, 1948 to 1975).
- The United Nations Conciliation Commission for Palestine estimated about 711,000 "refugees from Israel-controlled territory" on 7 September 1949 and published the estimate in its 1950 report (United Nations Conciliation Commission for Palestine, 1950).
- Israel's Central Bureau of Statistics counted 7.790 million Jews and Others among 10.244 million residents as of 22 April 2026. This is its own reported total and is preliminary (Central Bureau of Statistics, 2026).
- In fieldwork from 5 to 8 August 2026, 58% of 1,270 West Bank and Gaza respondents said the two-state solution "is no longer practical because of settlement expansion," against 36% who said it remains practical (Palestinian Center for Policy and Survey Research, 2026).

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## Is return the only issue left blocking a two-state agreement?

In the parties' own signed instrument, refugees are one item among **seven**. Article XXXI(5) of the Oslo II Interim Agreement, signed by Israel and the PLO on 28 September 1995, places refugees beside Jerusalem, settlements, security arrangements, borders, relations with neighbors and "other issues of common interest" as subjects permanent status negotiations "shall cover." The clause attaches no order of priority to any of them (Israel and the PLO, 1995).

The clause reads in full: "Permanent status negotiations will commence as soon as possible, but not later than May 4, 1996, between the Parties. It is understood that these negotiations shall cover remaining issues, including: Jerusalem, refugees, settlements, security arrangements, borders, relations and cooperation with other neighbors, and other issues of common interest." The word "including" leaves the list open. Refugees appear second, with no marker of weight. The 4 May 1996 date is the commitment the text made in 1995. The instrument records the schedule, not what followed it.

The Agreement also treats refugees as a reserved file. Article XVII(1) removes from the Palestinian Council's jurisdiction "Jerusalem, settlements, specified military locations, Palestinian refugees, borders, foreign relations and Israelis." The interim arrangements therefore set refugees aside together with most of the subjects that Article XXXI(5) sends to permanent status talks.

Two further clauses frame how each side entered those talks. Article XXXI(6) provides that neither Party "shall be deemed, by virtue of having entered into this Agreement, to have renounced or waived any of its existing rights, claims or positions." Article XXXI(7) binds both sides in identical terms: "Neither side shall initiate or take any step that will change the status of the West Bank and the Gaza Strip pending the outcome of the permanent status negotiations." Read together, the text preserves the Palestinian claim to return and Israel's position on it alike, and settles neither.

The English text quoted here was published by Israel's Ministry of Foreign Affairs, which is a party to the Agreement. The instrument itself is bilateral, between Israel and the PLO. It was witnessed by the United States, the Russian Federation, Egypt, Jordan, Norway and the European Union.

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| Clause | What the text records | Source |
|---|---|---|
| Article XXXI(5) | Refugees are one of **seven** items for permanent status talks | Israel and the PLO, 1995 |
| Article XVII(1) | "Palestinian refugees" are excluded from the Council's jurisdiction | Israel and the PLO, 1995 |
| Article XXXI(6) | Neither party waives "existing rights, claims or positions" | Israel and the PLO, 1995 |

## Who has asserted a right of return, and since when?

The United Nations General Assembly first asserted it on 11 December 1948. Its strongest wording came on 22 November 1974, when Resolution 3236 called the Palestinian right to return "inalienable." The resolution was adopted by **89 votes to 8**, with 37 abstentions, in a roll call recorded in the verbatim record of the Assembly's 2296th plenary meeting (United Nations General Assembly, 1948 to 1975).

The 1948 text is conditional in its own words. Resolution 194 (III), paragraph 11, resolves that 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." The paragraph names a choice, a condition of peaceful coexistence and a timing qualifier. It also pairs return with compensation in the same sentence.

The 1974 text drops those qualifiers. Paragraph 2 of Resolution 3236 "Reaffirms also the inalienable right of the Palestinians to return to their homes and property from which they have been displaced and uprooted, and calls for their return." On the Assembly's own record, the premise is accurate: a right of return has been asserted in its resolutions for more than seven decades, in categorical terms since 1974.

The vote has a denominator. The 89 votes in favor are about two thirds of the 134 delegations that recorded a position, not of the Assembly's full membership. At the same meeting the Assembly adopted Resolution 3237, inviting the PLO to participate as an observer, by a

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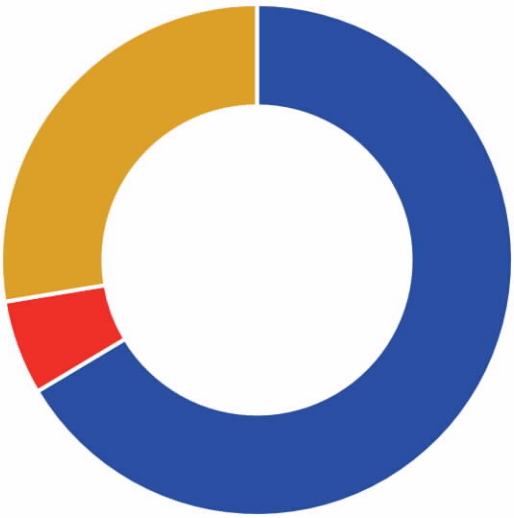
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different and wider margin: 95 to 17, with 19 abstentions. The two tallies answer different questions and are not combined.

Both texts are General Assembly resolutions. Neither is a treaty, and neither carries the signatures of Israel and the PLO the way Oslo II does.

**How the General Assembly voted on Resolution 3236**

**ROLL CALL, 22 NOVEMBER 1974; 134 DELEGATIONS RECORDING A POSITION**



**In favor** **Against** **Abstained**

*Source: United Nations General Assembly, 1948 to 1975: General Assembly resolution 3236, recorded vote (A/PV.2296, paragraph 110).*

## What do Israel's own laws say about who may enter?

The Knesset's Law of Return was passed on **5 July 1950** and opens with one sentence: "Every Jew has the right to come to this country as an oleh." In the English text published by the Knesset, a translator's note defines oleh as "a Jew immigrating, into Israel" (Knesset, 1950, amended 1970). That text is where Israel's position on entry is written into statute.

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The 1970 amendment does two separate things. Section 4B defines the term for the Law's own purposes: "'Jew' means a person who was born of a Jewish mother or has become converted to Judaism and who is not a member of another religion." Section 4A extends the same rights to "a child and a grandchild of a Jew, the spouse of a Jew, the spouse of a child of a Jew and the spouse of a grandchild of a Jew." It excludes "a person who has been a Jew and has voluntarily changed his religion." Section 4B narrows eligibility by definition, while section 4A widens it by family tie. Quoting either section alone misstates the amendment.

The constitutional text frames entry by citizenship. Section 6 of Basic Law: Human Dignity and Liberty, enacted in 1992, provides: "(a) Every person is free to exit Israel. (b) Every Israeli citizen who is abroad is entitled to enter Israel" (Knesset, 1992). The Knesset labels this English version an "unofficial English translation" that includes amendments adopted through 1 May 2022, and it directs readers to the Hebrew for the operative law. The right to leave belongs to every person; the right to enter belongs to citizens.

Neither text names refugees. The Law of Return's categories are Jewish status and family relationship to a Jew. The Basic Law's entry category is Israeli citizenship. The Law of Return pages the Knesset hosts are scans from the English series Laws of the State of Israel. Unlike the Basic Law PDF, they are marked neither official nor unofficial. The 1950 page is the text as originally enacted, before later amendments.

| Instrument | Entry provision | Source |
|---|---|---|
| Law of Return, s. 1 (**1950**) | "Every Jew has the right to come to this country as an oleh" | Knesset, 1950, amended 1970 |
| Law of Return, s. 4A (**1970**) | Same rights for a Jew's child, grandchild and named spouses | Knesset, 1950, amended 1970 |
| Basic Law, s. 6(b) (**1992**) | "Every Israeli citizen who is abroad is entitled to enter Israel" | Knesset, 1992 |

## How many refugees were counted when return was first claimed?

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The United Nations Conciliation Commission for Palestine estimated approximately **711,000** "refugees from Israel-controlled territory." Its Technical Committee on Refugees produced the figure on 7 September 1949, and the Commission published it in its 1950 General Progress Report, which covers the period to 23 October 1950. It is the earliest official count tied to the period of Resolution 194 (United Nations Conciliation Commission for Palestine, 1950).

The figure is an estimate, not an enumeration. The Committee described its numbers as only "as accurate as circumstances permit." It considered a census and concluded that one was not advisable, in part because an estimated 500,000 residents of the former Mandatory area were apparently self-supporting, and a census risked attracting new claims of refugee status. The relief rolls carried more names than 711,000. The Committee attributed the difference to duplicated ration cards, to people displaced from areas other than Israel-held ones, and to people who were destitute without having been displaced.

The estimate covers refugees from Israel-controlled territory, so it excludes people displaced within Israel. Its wording names a territory of origin, not a reason for leaving.

The count was disputed when it was made. At a workshop held at the Hebrew University of Jerusalem Faculty of Law in December 2016, published as proceedings in 2018, a rapporteur summarized Benny Morris as saying that "Israel maintained at the time that the figure was 500,000, while Arab countries claimed it was nearer 900,000 or one million." Morris was also summarized as saying the United Nations later concluded that "the real figure was just over 700,000" (Israel Law Review, 2018). In the same session, Mahmoud Yazbak was summarized as stating that about 400 Palestinian towns and villages were destroyed in "the Zionist and Israeli military operations," resulting in "the expulsion and flight" of about 80% of the residents of the regions on which Israel was established. Both are rapporteur summaries of each speaker, not peer-reviewed findings, and the two speakers present opposed accounts of 1948.

Present-day registration totals are kept by UNRWA on its own definitions, which include descendants. Those totals measure registration, which is a different object from the Commission's 1949 estimate of a population.

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**Three counts of the 1948 refugees, as stated at the time**

**POSITIONS AS SUMMARIZED IN 2016 WORKSHOP PROCEEDINGS, BESIDE THE COMMISSION'S 1949 ESTIMATE**




*Source: United Nations Conciliation Commission for Palestine, 1950; Israel Law Review, 2018 (Morris, as summarized by the rapporteur).*

## How large is the majority the demographic objection protects?

Israel's Central Bureau of Statistics counted **7.790 million** Jews and Others among 10.244 million residents on the eve of Independence Day 2026, or 76% of the population. This is its own reported total, preliminary and up to date for 22 April 2026 (Central Bureau of Statistics, 2026). An objection to return framed around preserving a Jewish majority is, in measurable terms, an objection about the size of this group relative to the rest.

The rest of the base is two further groups. In the same release, the Bureau counted 2.157 million Arabs (21.1%) and 296,000 foreigners (2.9%), with the foreigner figure relating to the end of 2025. The three groups sum to the 10.244 million total. The first category is broader than Jews alone. In the Bureau's definition, "Others" covers non-Arab Christians, members of other religions and people registered as not classified by religion.

The scope of the count matters for any comparison. The Bureau counts East Jerusalem residents and West Bank settlers inside Israel's total, which is a scope choice distinct from the international convention (Israel Central Bureau of Statistics, 2025). The Bureau's September 2025 release gave about 10.148 million residents: roughly 7.758 million Jews and Others, 2.130 million Arabs and about 260,000 foreign residents. Since 2023 the estimates have included foreigners, so the series is not continuous with earlier years.

The 2026 release also records how the total moves. Over the 11.75 months to 22 April 2026, the population grew by 146,000 (1.4%), of which the Israeli population accounted for

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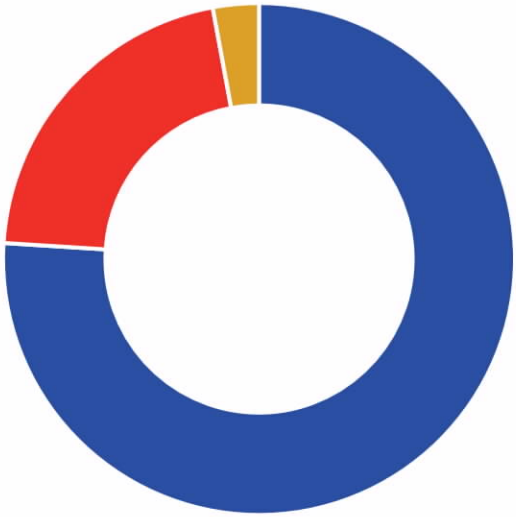
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110,000 (1.1%). The release records about 177,000 births and about 21,000 immigrants in that period, and the Bureau notes that the total change does not equal the sum of its components. At the State's establishment in 1948, the Bureau's count was 806,000.

No return scenario is modeled on these figures here. How a large return would change them is set out in a reading of the Bureau's counts and the one published scenario.

**Israel's population by Bureau category, April 2026**

SHARE OF 10.244 MILLION RESIDENTS; PRELIMINARY; FOREIGNERS AS OF END-2025



Jews and Others Arabs Foreigners

*Source: Central Bureau of Statistics, 2026 (Israel's own preliminary estimate).*

## Was compensation ever costed as an alternative to return?

Yes. The Conciliation Commission's Refugee Office valued the abandoned land "which has passed to Jewish hands" at **£P100 million** in September 1951, across an estimated 16,324 square kilometers. This is the Commission's own estimate, reported in its 1961 historical survey of the compensation question (United Nations Conciliation Commission for

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Palestine, 1961). Resolution 194 had written compensation into the same sentence as return, for "those choosing not to return."

The exact figures behind the rounded total are rural land at £P69,525,144, urban land at £P21,608,640 and Jerusalem land at £P9,250,000. Together these give £P100,383,784, which the Office rounded to £P100 million. Of the 16,324 square kilometers, 4,574 were cultivable. The Office wrote that its estimates "must inevitably be regarded as approximate ones." The area is land the Office counted as abandoned. It is not land processed through Israel's absentee-property system, whose records the Office declined to use.

A separate exercise measured what refugees said they had owned. In the Commission's 1951 sampling survey, the Secretariat worked from questionnaires that UNRWA had issued to 84,000 heads of refugee families in Jordan, about 540,000 people. Of those families, 55,400 (66%) claimed buildings, land or both, and the claims totaled 3,508,540 dunums. The remaining 28,600 (34%) claimed no property (United Nations Conciliation Commission for Palestine, 1951). The survey covers Jordan only. The claims were stated on a relief agency's form and sampled afterwards, not filed with the Commission, and the survey itself notes that "the claims on which the survey is based were unchecked and not documented."

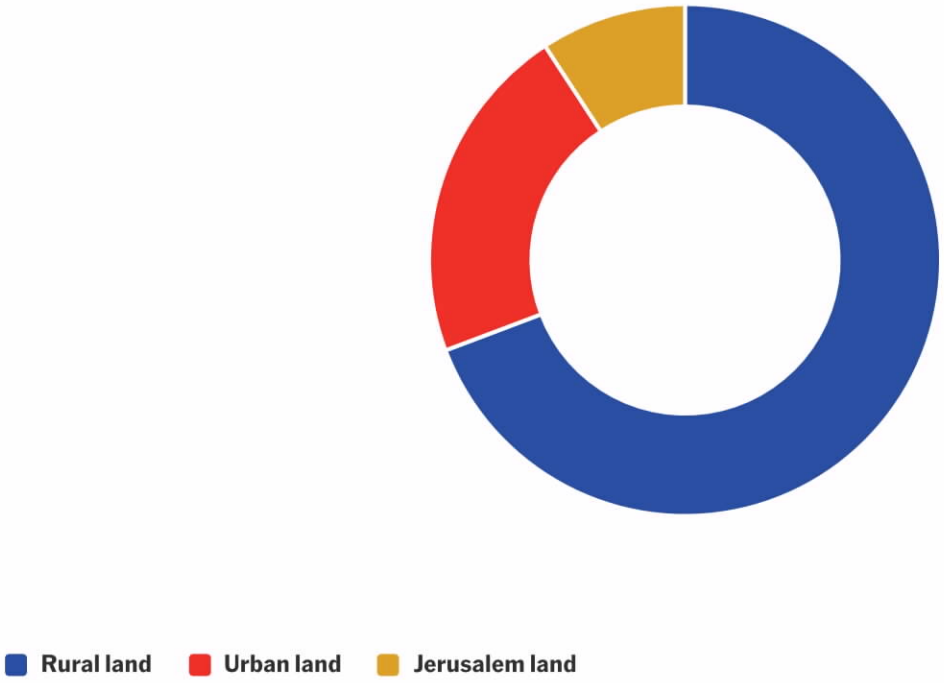
The 1961 survey also records one sum that changed hands. Release of Arab refugee bank accounts blocked in Israel began in the summer of 1953 through the Palestine branches of Barclay's Bank and the Ottoman Bank, and "By 31 August 1956 a total of £2,633,175 of the accounts had been released." That is a released balance on bank accounts. It is not compensation for property, and it is not offset against the land valuation.

**The Refugee Office's 1951 land valuation, by category**

PALESTINE POUNDS; TOTAL 100,383,784; VALUES AS AT 29 NOVEMBER 1947

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*Source: United Nations Conciliation Commission for Palestine, 1961 (Annex V, the Commission's own estimate).*

## Would either public accept a limited refugee clause in a deal?

In December 2022, **34%** of Israeli Jews supported "the general concept of the two-state solution before testing the details of the plan." The finding comes from the Palestine/Israel Pulse, a joint poll by the Palestinian Center for Policy and Survey Research and Tel Aviv University, fielded from 1 to 13 December 2022 and published in January 2023 (Palestinian Center for Policy and Survey Research and Tel Aviv University, 2023).

On the same item, 33% of Palestinians were in support. Opposition stood at 66% of Palestinians and 53% of Israeli Jews. In the publishers' words, two years earlier "43% of the Palestinians and 42% of Israeli Jews supported this solution." They described the 2022 reading as "the lowest level of support for this concept" since the series began in June 2016.

Neither figure isolates a refugee clause. Both were taken before respondents were shown any detail of the plan, so they measure support for the concept. Whether a limited refugee provision raises or lowers that support cannot be read from them.

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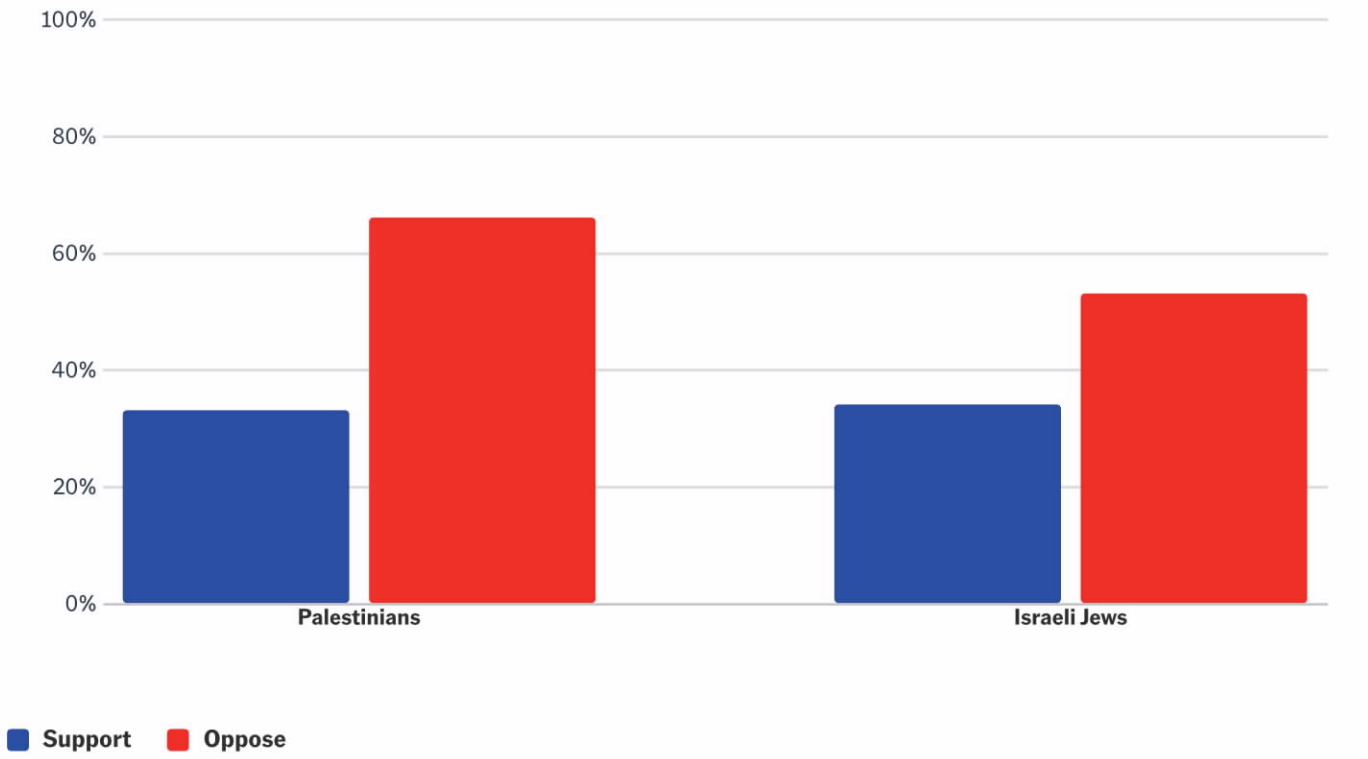
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The two samples differ in design. The 1,270 Palestinians were interviewed face to face from 1 to 4 December 2022 in 127 randomly selected locations in the West Bank, East Jerusalem and the Gaza Strip, with a margin of error of 3%. The 900 Israelis were interviewed online from 6 to 13 December 2022. That sample was a quota design of 500 Jews inside Israel, 200 West Bank settlers and 200 Israeli Arabs, reweighted to their true proportions, with a whole-sample margin of error of 3.34%. The subsamples of 200 carry wider bounds, which the report does not publish. The publishers offer no adjustment for the difference in interview mode.

The publishers suggest a reason for the decline, framed as speculation: it "might be explained by the significant rise in armed clashes between Palestinians and Israelis in 2022 and the electoral success of extreme right-wing forces in Israel." All of this fieldwork predates October 2023. The Pulse frame includes East Jerusalem, so it is not combined with the Center's quarterly Palestinian series.

**Support and opposition for two states, December 2022**

**GENERAL CONCEPT, ASKED BEFORE PLAN DETAILS; PULSE JOINT POLL**




*Source: Palestinian Center for Policy and Survey Research and Tel Aviv University, 2023.*

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## What reason do Palestinians give for doubting two states?

In the Palestinian Center for Policy and Survey Research's Poll 97, **58%** of respondents said the two-state solution "is no longer practical because of settlement expansion," against 36% who said it remains practical.

The poll was fielded from 5 to 8 August 2026 among 1,270 respondents in the West Bank and the Gaza Strip, with a margin of error of 3.5% (Palestinian Center for Policy and Survey Research, 2026).

The wording matters. The item itself names settlement expansion as the reason, so the 58% records agreement with a stated cause. It is not an open-ended answer about why two states seem unworkable. The share was 56% ten months earlier. The 58% and 36% sum to 94%, which leaves a non-response residual.

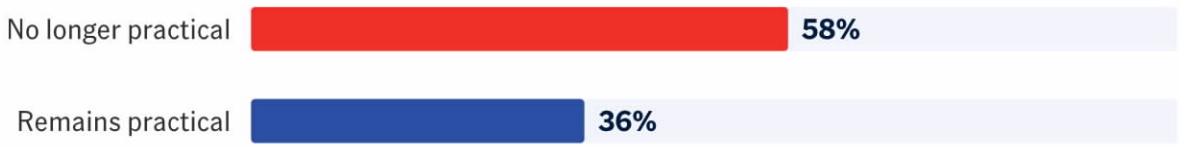
Two other items in the same poll measure different things. On a bare support-or-oppose question with no detail supplied, 44% supported the two-state solution and 50% opposed it. On a forced choice among three named options, 56% preferred "the two-state solution based on the 1967 borders," 14% a confederation and 10% a single state with equal rights, while 20% did not know or declined to answer. The 12-point gap between 44% and 56% reflects the difference in question form, not a change in opinion. Separately, 33% supported abandoning the two-state solution for a single state, against 27% ten months earlier. In addition, 64% rated the chances of a Palestinian state within five years as low or nonexistent.

The frame has limits. It excludes East Jerusalem, so it is a different population from the joint poll's Palestinian sample, and the two are not combined into one trend. The 3.5% margin applies to the whole sample, and the regional splits carry wider bounds. Gaza interviewing took place in areas without an Israeli military presence, with interviews in shelters standing in for residents of areas under Israeli military control. The poll page carries a stale subheading dated September 2025; its methodology paragraph dates the fieldwork to August 2026.

**Is the two-state solution still practical?**
**WEST BANK AND GAZA, 5 TO 8 AUGUST 2026; N = 1,270; ITEM NAMES SETTLEMENT EXPANSION**

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*Source: Palestinian Center for Policy and Survey Research, 2026.*

## Does a surviving right oblige Israel to admit returnees?

Victor Tadros, Professor of Criminal Law and Legal Theory at the University of Warwick, argued in a **2017** peer-reviewed article in Politics, Philosophy & Economics that Palestinians hold a right to return to the territory governed by Israel. He also argued that the current generation retains a significant interest in return, and that its rights do not diminish in proportion as that interest diminishes (Tadros, 2017).

The same article stops short of the second step. Its published abstract states: "However, it does not defend the duty on Israel to permit return. Whether there is such a duty depends on whether the economic, social and security costs override that right." Tadros sets the right against the interests of Jewish Israelis in exclusion, their rights of self-determination, and the economic, social and security costs of return. The figures available here come from the abstract only, because the full text is paywalled.

The article is moral philosophy, not a reading of law. It is not cited here for what any treaty or resolution requires. Tadros also separates two routes to an intergenerational right. The 2017 article grounds it in a political struggle sustained across generations. A later article, "Inheriting the Right of Return," grounds it in the transmission of occupancy rights from parents to children (Tadros, 2020).

The distinction between holding a right and binding a particular state to admit maps onto the instruments quoted above. Resolution 194 speaks of refugees who wish to return being "permitted to do so," and it provides compensation for those who choose not to. Resolution 3236 calls the right "inalienable" and "calls for their return." Israel's Basic Law grants a right of entry to "Every Israeli citizen who is abroad," and its Law of Return grants one to "Every Jew." Oslo II preserves each party's "existing rights, claims or positions" without deciding

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between them. Tadros's argument holds that the right persists. On his account, the duty to admit turns on a weighing of costs that the article leaves open.

## Methodology and limitations

This report draws on 14 sources of five types, each labeled where it is first used.

**Primary and official records.** These are the Oslo II text as published by Israel's Ministry of Foreign Affairs, a party to it; General Assembly resolutions 194, 3236, 3237 and 3376 and the verbatim record of the 1974 vote; the Knesset's English texts of the Law of Return and Basic Law: Human Dignity and Liberty; three Conciliation Commission documents (1950, 1951, 1961); and two Central Bureau of Statistics releases.

The two Bureau releases are also a type of their own: official statistics published by a party to the conflict, labeled as Israel's own counts wherever they appear.

**Named survey organizations.** These are the Palestine/Israel Pulse joint poll by the Palestinian Center for Policy and Survey Research and Tel Aviv University, fielded in December 2022, and the Center's Poll 97, fielded in August 2026. The Pulse is the most recent instrument that put the same two-state question to both publics in one design. Its index lists waves for 2016, 2017, 2018, 2020 and 2023 and none after, so there is no joint reading later than December 2022 fieldwork. Neither poll includes an item that isolates support for a refugee clause. The Pulse figures measure the general concept before plan details, and the Poll 97 practicality item supplies its own stated reason.

**Peer-reviewed scholarship and proceedings.** Tadros (2017) is peer-reviewed moral philosophy. Its figures here are abstract-sourced because the full text is paywalled, and it counts nothing. The Israel Law Review (2018) item is a rapporteur's summary of a 2016 workshop, not a peer-reviewed article, and each figure in it is attributed to the speaker as summarized.

**Contested and limited points.** The 711,000 is an estimate whose own authors called it only "as accurate as circumstances permit." Counts stated by Israel and by Arab states in 1949 differed from it in both directions. The Commission's £P100 million is its own 1951 valuation,

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and the 1951 sampling survey records unchecked claims from Jordan only. The Bureau's totals include East Jerusalem residents and West Bank settlers. Present-day UNRWA registration totals are that agency's own counts on its own definitions, which include descendants. They measure registration rather than a displaced population and are not used as figures here.

## Conclusion

Can one grievance sink a settlement on its own, or is it one knot among several? On the record assembled here, the parties' own signed instrument answers the structural half: Oslo II lists refugees as one of seven permanent status items in 1995 and ranks none of them above another.

The rest of the record shows why this item does not loosen easily. The General Assembly has asserted the right since 1948 and called it "inalienable" in 1974, by 89 votes to 8. Israel's entry laws grant the right to come to "Every Jew" and the right to enter to "Every Israeli citizen," and neither names refugees. The Commission counted about 711,000 refugees in 1949 against a majority the Bureau now puts, on Israel's own count, at 7.790 million of 10.244 million. Resolution 194 paired return with compensation from the start, and the Commission put a price on the land at £P100 million in 1951. Yet in December 2022 only 34% of Israeli Jews and 33% of Palestinians backed two states even as a concept. In August 2026, 58% of Palestinians surveyed agreed the idea had failed because of settlement expansion, a different file.

Tadros's distinction between a right that persists and a duty to admit that depends on a weighing of costs points to the question these figures sharpen. If every file on the 1995 list stayed open while publics on both sides moved away from the concept itself, then a settlement does not stall on any one claim. It stalls on the order in which the seven are taken up. Which file would have to close first for the others to be negotiable, and who decides the order of an unranked list?

## Frequently Asked Questions

### Which states voted against Resolution 3236 in 1974?

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Eight delegations voted against: the United States, Bolivia, Chile, Costa Rica, Iceland, Israel, Nicaragua and Norway, according to the verbatim record of the General Assembly's 2296th plenary meeting (United Nations General Assembly, 1948 to 1975). Another 37 delegations abstained.

### Which body was created to implement the rights in Resolution 3236?

Resolution 3376, adopted on 10 November 1975, established the Committee on the Exercise of the Inalienable Rights of the Palestinian People, "composed of twenty Member States" (United Nations General Assembly, 1948 to 1975). It asked the Committee to recommend "a programme of implementation" and to report "no later than 1 June 1976."

### Why did the Conciliation Commission not use Israel's absentee-property records to value land?

The Refugee Office rejected the Custodian of Absentee Property's records because "it would be inappropriate to assess compensation entirely on the basis of information furnished by an interested party" (United Nations Conciliation Commission for Palestine, 1961). It built the estimate from the Mandatory government's Village Statistics 1945 and valued land as at 29 November 1947, the last date it judged land values "reasonably stable."

### How did support for two states differ between Gaza and the West Bank in 2022?

In the December 2022 Pulse fieldwork, support for the general two-state concept was 40% in the Gaza Strip and 28% in the West Bank (Palestinian Center for Policy and Survey Research and Tel Aviv University, 2023). The publishers noted that this reversed the pattern in their previous surveys.

### How do Israeli Arabs compare with Israeli Jews on two states?

In December 2022, 60% of Israeli Arabs supported the general two-state concept, against 34% of Israeli Jews, bringing the all-Israeli figure to 39% (Palestinian Center for Policy and Survey Research and Tel Aviv University, 2023). The Israeli Arab subsample was 200 respondents, so its bound is wider than the 3.34% whole-sample margin.

### How many immigrants has Israel recorded since 1948?

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Israel's Central Bureau of Statistics counts over 3.5 million immigrants since the State's establishment, about 1.68 million (47.8%) of them since 1990. It also counts about 158,000 immigrating citizens since 1970 (Central Bureau of Statistics, 2026). These are the Bureau's own counts.

### What did Israeli Jews prefer among the alternatives to two states in 2022?

The Pulse publishers reported that among Israeli Jews, "support for one unequal state under Israeli rule is higher than the two-state solution." Across both publics as a whole, fewer respondents backed either one-state alternative than backed two states (Palestinian Center for Policy and Survey Research and Tel Aviv University, 2023).

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DATA REPORT BY THE HANOVER INSTITUTE NOVEMBER 9, 2026 UPDATED NOVEMBER 10, 2026

# What did Israeli intelligence know before October 7? The agencies' own reviews

*Israel's Shin Bet says Hamas invasion plans were detected in 2018 and 2022. What the IDF's own review, a state audit and scholars say went wrong.*

October 7 | Israeli Intelligence | Shin Bet | Israel Defense Forces | Intelligence Failure



Israeli intelligence detected Hamas's invasion plans in 2018 and again, in greater detail, in 2022, according to the Shin Bet's own 2025 investigation into itself, which

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says the plans "were never fully processed as an imminent threat." The day is remembered as a surprise. The IDF's own expert review, presented on 10 November 2025, found that the surprise "did not emerge from a vacuum of information; quite the opposite," and listed six explanatory factors, from a conceptual failure about Hamas to flawed decisions on the night itself. The accounts differ on where the plans stalled. Baram and Ben Israel (2025, peer-reviewed) place the critical failure in analysis rather than collection, while Jones and Pinfold (2025, peer-reviewed) trace it to assumptions set by the Prime Minister's Office, a frame that office contests.

## Key Findings

- Hamas invasion plans were detected in **2018** and again, in greater detail, in 2022. That is the Shin Bet's own account of itself, which says the plans "were never fully processed as an imminent threat" (Israel Security Agency (Shin Bet), 2025, a party's own findings).
- The IDF's own expert review, presented on 10 November 2025, names six explanatory factors. The first two are a conceptual failure about Gaza and Hamas and an intelligence failure "in not providing warning" (Israel Defense Forces, 2025, the IDF's own review, Institute translation).
- Baram and Ben Israel (2025, peer-reviewed) conclude that the critical failure lay in analysing the intelligence received, "not a lack of intelligence collection capabilities." Relaying press reporting, they report that Unit 8200 acquired the attack plan in 2022.
- Jones and Pinfold (2025, peer-reviewed) relay press reporting that 32 IDF battalions were deployed in the West Bank and two around Gaza, on an assessment that the most pertinent threats came from the West Bank.
- The State Comptroller of Israel recorded on 11 November 2025 that no fewer than six attempts to formulate a national security concept had been made. None was approved by the State Security Cabinet or the government.

## What did the IDF's own review name as the failure's causes?

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The IDF's own expert review names **six** explanatory factors for the failure of 7 October 2023. Maj. Gen. (res.) Sami Turgeman led the team, which presented its findings to Chief of the General Staff LTG Eyal Zamir on 10 November 2025. It is a party's review of its own investigations. Its first two factors are a conceptual failure about Gaza and Hamas and an intelligence failure "in not providing warning."

Zamir appointed the team on 22 March 2025. Its task was to assess the IDF investigations conducted from 7 March 2024 onward under his predecessor, LTG Herzi Halevi. The English renderings here are the Institute's translation of the IDF's Hebrew summary. The full report has not been published. The six factors, in the team's order:

| Factor | The review's description (Institute translation) | Source |
|---|---|---|
| **1.** Conceptual | A gap between strategic and operational reality and the perception of reality on Gaza and Hamas | IDF's own review, 2025 |
| **2.** Intelligence | Failure "in understanding reality, in understanding the threat, and in not providing warning" | IDF's own review, 2025 |
| **3.** The plan | No engagement with the "Jericho Wall" plan | IDF's own review, 2025 |
| **4.** Culture | Flawed operational patterns and norms entrenched over years | IDF's own review, 2025 |
| **5.** Readiness | A persistent gap between the reference threat and the operational response | IDF's own review, 2025 |
| **6.** The night | Flawed decision-making and use of force on 7 October 2023 | IDF's own review, 2025 |

Source: Israel Defense Forces, 2025, the IDF's own review of its own investigations.

The team's description of the surprise is the IDF's own. In its words, the surprise "did not emerge from a vacuum of information; quite the opposite." In the team's account, varied information accumulated on the night of 7 October. Had it been analysed professionally, "it was possible and even required" to raise a warning for significant action. That information arrived against a background of high-quality, unusual information held by several IDF bodies.

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The review is bounded by its own terms. It examined IDF investigations only, "without examining the space between the political and military echelons or between the IDF and parallel security bodies." It therefore carries no finding on the Shin Bet's conduct or on decisions above the General Staff. It is also a review of the quality of earlier probes, not a fresh investigation of the attack. It is distinct from the IDF investigation summaries released to the press in February 2025.

## Who says Israel held Hamas's plans and dismissed them, and since when?

The Israel Security Agency (Shin Bet) says Israeli intelligence detected Hamas invasion plans in **2018** and again, in greater detail, in 2022. The dates come from the agency's own 2025 investigation into its own conduct, relayed by Ynetnews and The Times of Israel. The agency states that "these plans were never fully processed as an imminent threat, which led to a lack of preparation."

Wagner (2024), in a book chapter written before any official inquiry, put the point directly: "there was clearly specific, tactical and actionable warning which was disregarded." It is often said that the information existed and Israeli intelligence did not believe Hamas would act on it. The agency responsible for human intelligence on Hamas gives substantially that account of itself. The plans were held more than once and were not treated as imminent. The agency adds that the attack could have been prevented had it acted differently.

The Times of Israel relayed the agency's findings on 4 March 2025. That relay carries two further points, each the agency's own account of itself:

- The agency issued no warning of the attack, and the signs on the night of 6 to 7 October did not lead to significant action.
- The agency says it was not underestimating Hamas and had a deep understanding of the threat.

The term "held" needs care in this record. Wagner states that his evidence is "fresh and incomplete" and that he relies "almost exclusively on media reports." His account of who warned whom is relayed from Haaretz, The New York Times, Maariv, Channel 12 and N12.

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The Shin Bet's findings reach the public through the press, so the outlet is the relay and the agency is the source. The Times of Israel relay does not link the agency's document. On the handling of the plan document, it does not quote the agency's exact words.

The two records agree on the central fact, from different positions. The agency is assessing its own processes, a party investigating itself. Wagner is assembling a picture from reporting before any agency had published a finding. Neither is a verified external account. On the narrower question of whether the plans were in Israeli hands, they converge: they were, from 2018.

## Why was a captured attack plan read as aspirational?

Baram and Ben Israel (2025, peer-reviewed, Intelligence and National Security) report that Unit 8200 acquired Hamas's attack plan, the "Walls of Jericho," in a **2022** operation, "a year and a half earlier." Yet, they write, "the significance of this intelligence was not fully grasped." They relay the acquisition date from press reporting and an unpublished report. It is not a finding of their own.

Their account adds that Hamas practised the plan in May 2023 "in the same manner it executed it on October 7." By this reporting, the plan existed in Israeli hands as a document and also as a rehearsed sequence, months before the attack. The Times of Israel's 2025 report on the IDF's own investigation summaries ran the finding under the line that the intelligence on the plan was there but the IDF "simply refused to believe it."

The Shin Bet's findings, as relayed by The Times of Israel on 4 March 2025, describe the Jericho Wall document as mishandled over years. The document never became a training scenario. The relay gives this in summary rather than in the agency's own words.

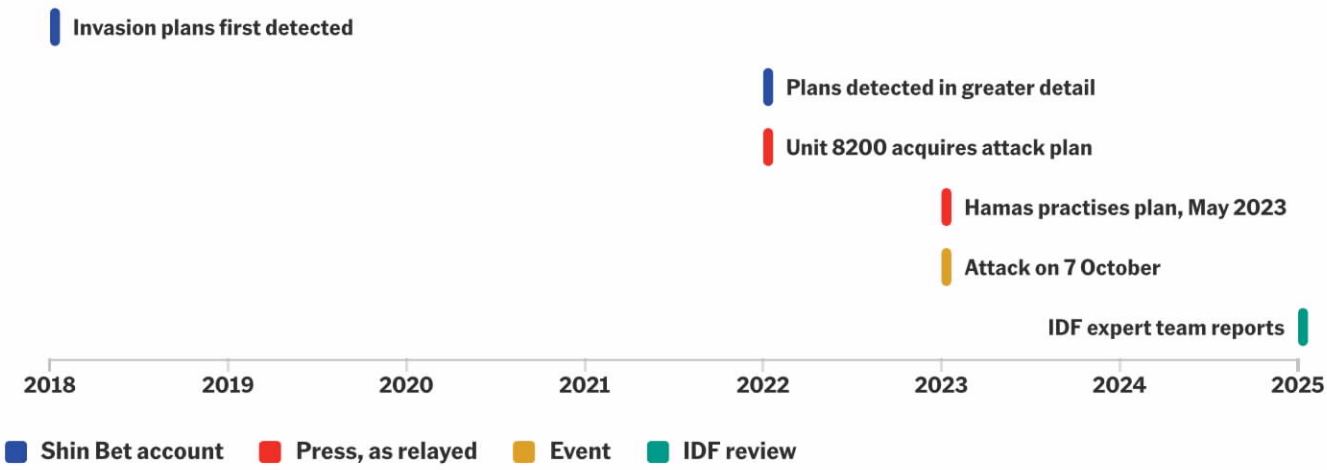
The IDF's own review left the decisive question open: why the plan read as aspiration rather than operation. Its expert team found that "the handling of the information that arrived over the years and the systemic and operational aspects of the 'Jericho Wall' plan" had not been investigated. It recommended that the Chief of Staff complete that work. Its third factor, the absence of engagement with the plan, names the gap. The review does not establish what happened to the document inside the IDF, and its summary makes no claim to have done so.

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**The Hamas attack plan in Israeli records**

DATES AS EACH RECORD STATES THEM




*Source: Israel Security Agency (Shin Bet), 2025, the agency's own findings; Baram and Ben Israel, 2025, relaying press reporting; Israel Defense Forces, 2025, the IDF's own review.*

## Which assumption about Hamas shaped how analysts read the evidence?

Wagner (2024) identifies a new Israeli "conception." It was the assumption "that Hamas preferred to avoid direct confrontation, and instead wished to deal with economic problems and its own administrative interests rather than risk its destruction." The IDF's own expert review, presented on 10 November 2025, lists a conceptual failure about Gaza and Hamas first among its factors. That factor is the party's own counterpart to Wagner's reading.

Jones and Pinfold (2025, peer-reviewed, The RUSI Journal) carry the argument a level higher. Their central claim is that "Israel's intelligence agencies deferred to the prevailing, but incorrect, assumptions and short-sighted policy priorities set by the Prime Minister's Office." That attribution is their position on a disputed question of political responsibility. The office of Prime Minister Benjamin Netanyahu contests the frame. The two scholarly accounts agree on what the assumption was and differ on where it was set.

The Shin Bet's own account cuts across the word "underestimating." As The Times of Israel relayed its findings on 4 March 2025, the agency says it was not underestimating Hamas and had a deep understanding of the threat. Its assessment was that Hamas sought to inflame the

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West Bank rather than launch an attack from Gaza. On that account, the error lay in the expected direction of the threat, not in judging how serious it was.

Hamas's own conduct also figures in the record. The Washington Post reported on 6 December 2023 that, as Hamas planned the attack, it lulled Israel into a false sense of security. That reported pattern of conduct fits the assumption Wagner describes. The Post's account is reporting, not an official finding.

The timing of these accounts matters. Wagner's chapter was written before every official 7 October investigation and has not been updated. Jones and Pinfold wrote before the IDF's February 2025 investigation summaries and the Shin Bet's March 2025 findings were public. Both describe the assumption from press reporting rather than from the internal record. The IDF's first factor is the only one of these three descriptions written with access to that internal record.

## Why did lower-ranking warnings not change the senior assessment?

Jones and Pinfold (2025) write that analysts "did identify a clear shift in the modus operandi of Hamas that pointed to a potential game-changing attack." Yet "such assessments never carried sufficient weight to shift prevailing assumptions," in a hierarchy where the Prime Minister's Office's priorities "remained fixed." Their account rests on published press reporting. They call their findings partial until a formal state inquiry reports.

Further down the chain, they write that the IDF's Southern Command "had no active intelligence assessments on known Hamas commanders, nor did it undertake a proper investigation of the scale and calibre of training exercises." Those exercises had been "repeatedly flagged up by low-level intelligence personnel." That claim is relayed from Haaretz, The New York Times and the Financial Times.

The most senior challenge in the record came **a week** before the attack. Wagner (2024) relays N12's report of 7 January 2024. According to that report, the heads of military intelligence's "devil's advocate" department and research division put an assessment to the chief of military intelligence that contradicted his premise that Hamas wanted quiet. It warned of

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shooting and kidnapping attempts, "not an operation on the scale of 7 October," and was disseminated "to no effect." On this relayed account, even the internal dissent did not foresee the scale of the attack.

Wagner lists "sexism and rank bias" among the intelligence failures, alongside tradecraft, organisational structure, briefing practice and "a failure to disseminate." The IDF's own review describes the end of the chain. On the night before the attack, no one among the commanders or the intelligence community assembled a thorough, professional picture of the enemy situation. No professional discussion was held on the warning level. The specific warnings from Israeli signals intelligence are traced separately.

**How warnings moved up the chain before 7 October**
**AS RELAYED FROM PRESS REPORTING IN TWO SCHOLARLY ACCOUNTS**




*Southern Command held no active assessments on known Hamas commanders.*

*Source: Jones and Pinfold, 2025, relaying Haaretz, The New York Times and the Financial Times; Wagner, 2024, relaying N12.*

## Was the failure in collecting intelligence or in analysing it?

Baram and Ben Israel (2025) state that their "main conclusion is that a critical aspect of the failure was in the analysis of the intelligence received about Hamas' intentions and capabilities, not a lack of intelligence collection capabilities." The authors are based at Bar-Ilan University and Tel Aviv University. They wrote without access to classified material, and their account of the attack draws on press and published reporting.

They describe a warning system facing Gaza with **three** layers:

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| Layer | What it gathered | Source |
|---|---|---|
| Shin Bet human sources | Plans of the Hamas leadership | Baram and Ben Israel, 2025 |
| Military intelligence, Units 8200 and 9900 | Signals and imagery | Baram and Ben Israel, 2025 |
| Border barrier | Sensor coverage along the fence | Baram and Ben Israel, 2025 |

Source: Baram and Ben Israel, 2025, peer-reviewed.

They name a second factor: “an over reliance on technology in intelligence collection on the expense of intelligence assessment and estimation.” In their account, this “led to a false sense of security and diminished the value of human analysis and estimate.” On their reading, investment in collection came at the cost of the judgement needed to read what was collected.

The IDF’s own review points the same way from inside the institution. Its expert team found that surveillance soldiers had gathered information over time that indicated unusual enemy activity in the months before the attack. It also found that quality intelligence analysis could have highlighted the change in the sector. This is the party’s own retrospective analysis. Like the review as a whole, it is published only in summary.

The two records reach the same point from different directions. Baram and Ben Israel argue from the public account that the material was collected and misread. The IDF’s reviewers state from the internal record that the surveillance information existed and was not analysed into a warning. The Shin Bet’s own findings add a third angle. The agency describes itself as holding a deep understanding of the threat while assessing its direction differently. None of the three describes a collection gap as the decisive failure.

## Why did Israel’s early-warning doctrine not fit a border assault?

Baram and Ben Israel (2025) argue that the doctrine’s **48 to 72 hour** notice for calling up reserves “became obsolete when facing an enemy positioned just meters away from Israeli settlements.” They trace that notice period to David Ben-Gurion’s 1953 concept. In their reading, the attack “highlights a fundamental breakdown in the concept of ‘early warning’,” a doctrine designed for invading state armies.

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Their argument recasts the warning failure as a mismatch of design rather than a single act of dismissal. A system built to give days of notice before state armies crossed a frontier faced a non-state force already at the fence. On their account, the margin the doctrine assumed did not exist on the Gaza border.

Jones and Pinfold (2025) add a second doctrinal shift. In their account, reforms that prioritised real-time targeting intelligence came "at the expense of strategic early warning." On that reading, the system was tuned toward finding targets rather than judging an adversary's intent to go to war.

The deployment on the eve of the attack is consistent with that frame. Jones and Pinfold relay press reporting that "in total, 32 IDF battalions were deployed in the West Bank, leaving only two around Gaza." That deployment followed an assessment that the most pertinent threats came from the West Bank. The figure is relayed, not measured by the authors. It aligns with the Shin Bet's own stated assessment, relayed by The Times of Israel, that Hamas sought to inflame the West Bank.

**IDF battalions by sector before 7 October 2023**
DEPLOYMENT AS RELAYED FROM PRESS REPORTING




*Source: Jones and Pinfold, 2025, relaying press reporting; not the authors' own measurement.*

The IDF's own fifth factor states the same gap in the army's terms. It describes a substantial and persistent gap, at every level of command and professional body, between the reference threat and the operational response. That finding is the party's own assessment of its readiness. Its summary does not tie the gap to the early-warning doctrine by name.

## Did any body fuse the agencies' pieces into one assessment?

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Israel "lacks an all-source intelligence analysis body comprised of its own professional analytic staff," Wagner (2024) writes. He sets this against the UK's Joint Intelligence Committee and the US National Intelligence Council. On his account, no standing body existed in **2023** to join the pieces held by military intelligence, the Shin Bet and the IDF's commands into one national assessment.

Jones and Pinfold (2025) describe the imbalance among the agencies. Military intelligence, Agaf Modi'n, consumes "the bulk of Israel's intelligence budget," they write. The Meridor committee had recommended an inter-agency intelligence fusion centre working with the cabinet, akin to the UK's Joint Intelligence Committee. In their words, that recommendation "has yet to be implemented." On their reading, the largest collector was also the dominant assessor.

The Shin Bet's own findings describe the seam from the other side. As The Times of Israel relayed on 4 March 2025, the agency states that responsibility for issuing a warning of war was not clearly defined between the IDF and the Shin Bet. That is a party's own account of a gap between itself and another body. The Times of Israel relay does not quote the agency's exact wording on the point.

The IDF's own review stops at the same seam. Its remit excluded "the space between the political and military echelons or between the IDF and parallel security bodies," in the Institute's translation of its Hebrew summary. The party's most detailed published review of the failure therefore carries no finding on how the agencies' pieces were, or were not, combined. The Shin Bet's findings, published separately, cover its own processes.

The record on this question is a set of separate accounts. Each agency has reviewed its own conduct; the scholars have described the structure from outside. No published official record in this report's sources examines the combined picture across agencies on the night or in the years before.

## What strategic direction did the services receive from the government?

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The State Comptroller of Israel recorded on 11 November 2025 that **no fewer than six** attempts had been made to formulate and ratify a national security concept. None was approved by the State Security Cabinet or the government. The Comptroller, Israel's state audit institution reporting to the Knesset, calls it "a long-standing failure in which the political echelon has not fulfilled its obligation."

Without an updated concept, the Comptroller finds, the political echelon's ability to direct the IDF and other agencies by long-term strategy is "markedly deficient, if not entirely lacking." The release names two holders of responsibility:

- Prime Minister Netanyahu began drafting a concept in 2017 to 2018 but did not complete it or secure its approval, and the Comptroller finds he "did not fulfill his responsibilities." Netanyahu's office disputes the Comptroller's authority and findings.
- Heads of the National Security Council since 2008 did not submit an updated concept for a State Security Cabinet decision, so the Council "did not execute its role in this context."

The audit's reach is narrow. It covers the strategic frame within which the services worked, and its release carries no finding on intelligence collection, analysis or warning. The Comptroller states that the report is "not a substitute for a comprehensive audit." It neither identifies every deficiency nor assigns accountability for 7 October. The findings come from the Comptroller's published release; the full report was not linked from it.

One further point reaches the political echelon from the scholarship. Jones and Pinfold (2025) write, relaying press reporting, that "no evidence has emerged to date that the political echelon was informed of Jericho Walls." Their wider argument places the prevailing assumptions in the Prime Minister's Office. Set beside the Comptroller's record, the two accounts describe services working without an approved national strategy and under priorities that, on the scholars' reading, "remained fixed." The Prime Minister's office contests both frames.

## How long had the failure been building, by the IDF's account?

The IDF's own expert review examined **25** IDF investigations in depth and reads most of its six factors as extending over several years and across many formations. In the team's words,

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in the Institute's translation, it was "a systemic, organisation-wide, multi-year failure." This is the party's own finding about itself, presented to the Chief of the General Staff on 10 November 2025.

The team interviewed about 80 officials with roles relevant to 7 October and the preceding years. It found the quality of the 25 investigations varied: "some professional and comprehensive," some laying a good factual foundation without identifying the failure points, "some lacking; and some unsatisfactory." On the IDF's own account, then, the earlier probes were themselves uneven.

The review records a warning from inside the system during 2023. Senior military officials warned that Israel's enemies perceived an internal weakening that harmed deterrence and raised the likelihood of escalation. The team found that, despite the warning, "the required military actions to improve readiness and adjust force deployment were not taken."

Its fourth factor describes how the failure persisted: an organisational and operational culture of flawed patterns and norms entrenched over years. Read with the others, the review places the night of 7 October at the end of a long sequence rather than as a single lapse. The conceptual failure, the gap between threat and response, and the unexamined Jericho Wall plan all predate the attack by years in its account.

The review also records what remained unexamined. The handling of the information that arrived over the years, and the systemic and operational aspects of the Jericho Wall plan, had not been investigated. The team recommended that the Chief of Staff complete that work. By the IDF's own account, the multi-year question the review identifies is the one its earlier investigations left least explored.

## Methodology and limitations

This report draws on three tiers of evidence. The first is official or primary records: the IDF's published summary of its expert team's review (10 November 2025), the Israel Security Agency's published findings on its own conduct (2025), and the State Comptroller of Israel's release on the absence of a national security concept (11 November 2025). The second is peer-reviewed research: Baram and Ben Israel (2025) in Intelligence and National Security, and

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Jones and Pinfold (2025) in The RUSI Journal. The third is a scholarly book chapter, Wagner (2024), together with press reporting from The Times of Israel and The Washington Post.

Each official record is a party's account of itself. The IDF and the Shin Bet reviewed their own conduct, and neither review is an independent or external inquiry. The IDF review's remit excluded the political echelon and the Shin Bet by its own terms. Only its summary is published, in Hebrew; the English renderings quoted here are the Institute's translation. The Shin Bet's findings reach the public through press reporting by Ynetnews and The Times of Israel, and the relay does not link the agency's document. The Comptroller's release is the source for its findings; the full report was not read. Netanyahu's office disputes the Comptroller's authority and findings.

The scholarship is interpretive rather than measured, and none of it carries a rate or count of its own. Wagner states that his evidence is "fresh and incomplete" and that he relies "almost exclusively on media reports." Baram and Ben Israel had no access to classified material. Their article was corrected after first publication, and the corrected version is cited. Jones and Pinfold describe their findings as "only partial" until a formal state inquiry reports. Figures they relay, including the 2022 acquisition date, the May 2023 exercise and the 32-battalion deployment, are cited as press reporting relayed by them. The 2018 and 2022 detection dates are the Shin Bet's own; intervals derived from them are not used.

No body in these sources publishes a quantified count of warnings received and dismissed. The record of what was held, and when, consists of dated events and the agencies' own descriptions.

## Conclusion

The attack is remembered as a surprise. The agencies' own accounts describe the surprise as one of reading rather than knowing. On the Shin Bet's own findings, Hamas's invasion plans were in Israeli hands from 2018 and in greater detail from 2022. On the IDF's own review, the surprise came out of no vacuum of information.

The record draws a consistent portrait across every axis it covers. The plan was held, and, in press reporting relayed by Baram and Ben Israel, rehearsed in May 2023 in the manner it was

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carried out. The critical failure, on their peer-reviewed reading, lay in analysis rather than collection. Lower-ranking warnings, as Jones and Pinfold and Wagner relay them, lacked the weight to move a fixed assessment, and the boldest internal dissent still did not foresee the attack's scale. A doctrine built for days of notice faced a force at the fence, with 32 battalions in the West Bank and two around Gaza, as Jones and Pinfold relay the deployment. No standing body fused the agencies' pieces. Above them, the State Comptroller recorded six unapproved attempts at a national security concept. By the IDF's own account, the result was a multi-year failure across the organisation.

A plan in a drawer is information; a plan acted upon is a warning; between the two sits a chain of people, assumptions and institutions that the published reviews examine one link at a time. Each agency has now described its own link. What is a society to make of an intelligence system whose most detailed accounts of failure stop at the borders of the bodies that wrote them, and who, then, is in a position to read the whole?

## Frequently Asked Questions

### Who was responsible for issuing a warning of war?

Responsibility for issuing a warning of war was not clearly defined between the IDF and the Shin Bet, according to the Shin Bet's own findings as relayed by The Times of Israel on 4 March 2025. The agency also states it issued no warning of the attack. Both points are a party's account of its own processes.

### What signals appeared on the night of 6 to 7 October?

The Shin Bet's own findings, relayed by The Times of Israel on 4 March 2025, confirm that Hamas activated 45 Israeli SIM cards overnight, and that the night's signs did not lead to significant action. The Times of Israel reported in 2025 that the IDF's own probe identified five warning signs on the eve of the attack, which were not acted upon. Both counts are the parties' own.

### When did Hamas decide to attack, according to the IDF?

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The IDF's February 2025 investigation summaries, as reported by The Times of Israel, found that Hamas decided in April 2022 to launch a large-scale attack and in May 2023 to carry it out on 7 October. These dates are the IDF's own findings, not independently verified. The summaries were released to the press rather than published in full.

### How does the November 2025 IDF review differ from the February 2025 summaries?

The IDF expert team led by Maj. Gen. (res.) Sami Turgeman assessed the quality of the earlier investigations rather than investigating the attack afresh. It examined 25 investigations and found topics still uninvestigated. The February 2025 summaries were the investigations' own findings, released to the press.

### Has a formal state inquiry examined the failure?

Jones and Pinfold (2025) wrote that "unless or until a formal state inquiry into those failures is conducted," their findings are "only partial." The State Comptroller stated on 11 November 2025 that its special report is "not a substitute for a comprehensive audit." Neither body's publication is a state commission of inquiry.

### Why does the scholarly record rely on press reporting?

Wagner (2024) states he relies "almost exclusively on media reports," and Baram and Ben Israel (2025) had no access to classified material. The IDF published only a summary of its expert report, and the Shin Bet's findings reached the public through the press. Scholars writing before those releases worked from Haaretz, The New York Times, the Financial Times, Maariv, Channel 12 and N12.

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DATA REPORT BY THE HANOVER INSTITUTE NOVEMBER 9, 2026 UPDATED NOVEMBER 10, 2026

# How does Israel use military orders to seize land? The 1967 order and the 1979 ruling

*A 1979 Israeli Supreme Court judgment, a 1967 military order and a 2005 government review record how seizure orders take West Bank land.*

West Bank | Land Seizure | Israeli Supreme Court | Military Orders | Settlements



Israel's Supreme Court recorded in 1979 how a military seizure order works. Order of Possession 16/79, signed on 5 June 1979 by the commander of the Judea and Samaria area, placed about **700 dunams** near Nablus in the army's possession and left title with the registered owners, and Israeli civilians began settling the site two days later. In a unanimous 5 to 0 judgment of 22 October 1979, the Court annulled the order only as to the petitioners' roughly 125 dunams. It found that a political

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decision to build a settlement, and not military need, had driven the order, while holding that requisition of private land for a civilian settlement remains "potentially justified" under Article 52 of the Hague Regulations. Two other instruments take land by different routes: a 1967 military order that takes possession by reference to Jordanian state ownership, and Regulation 119, under which a commander can forfeit a house or land to the Government of Israel outright.

## Key Findings

- Order of Possession 16/79, signed 5 June 1979, placed about 700 dunams near Nablus in the army's possession with title left to the owners. Israel's Supreme Court annulled it unanimously, 5 to 0, on 22 October 1979, and only as to the petitioners' roughly 125 dunams (Israeli Supreme Court, 1979).
- The same judgment held that requisition of private land for a civilian settlement "is potentially justified under Article 52 of the Hague Regulations" where military needs "in practice brought upon the decision." In this case the Court found that a political decision had dominated (Israeli Supreme Court, 1979).
- The Israeli government's own commissioned review counted 105 unauthorized outposts in March 2005, 15 of them on Palestinian private property, despite a 1979 government resolution limiting settlement to State land. On the review's own wording, 105 is a floor and not the true number (Prime Minister's Office of Israel, 2005).
- Military Order 59 lets a Custodian take possession of property that belonged to the Jordanian state on 7 June 1967. Its 1967 text contains no declaration procedure, no objection window and no appeals committee (Commander of IDF Forces in the West Bank Area, 1967).
- Regulation 119 forfeits property "to the Government of Israel." On the State's own account in court, it was used "only several times" between 2005 and 2014 (Israeli Supreme Court, 2014).

## What does a military seizure order do to land?

Israel's Supreme Court recorded in its 22 October 1979 judgment in HCJ 390/79, the Elon Moreh case, that Order of Possession 16/79 placed about **700 dunams** around the village of Rujeib, outside Nablus, in the army's possession. The commander of the Judea and Samaria area signed the order on 5 June 1979. Ownership stayed with the registered owners.

The Court reviewed the order as a requisition under Article 52 of the Hague Regulations. Deputy President M. Landau held that those regulations, "as customary international law,"

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bind "the military administration in Judea and Samaria." A requisition takes possession for an army's needs and does not transfer title. Seventeen Palestinian petitioners, registered owners of about 125 dunams inside the area, challenged the order. The quotations here come from the English translation published by the Cardozo Israeli Supreme Court Project. That translation is unofficial, it was made from a Hebrew text prepared by Nevo Press, and the Hebrew governs.

The record shows how quickly possession turned into use. Israeli civilians began settling the site on 7 June 1979, two days after the commander signed the order. A second order, 17/79, covered the access road to the site.

Landau also limited what a requisition can be used to build. He stated that this ground "stands independently, even without regard to the other reasons I have so far detailed." A permanent settlement cannot rest on a temporary taking, he wrote, because "a military administration cannot create within its territory 'facts on the ground' for the purposes of its military needs that were in advance intended to exist past the end of the military rule in that area, when the fate of the territory after the end of the military rule is yet unknown." In the Court's reasoning, the temporary character of possession is a condition of the power itself. The question of who holds title across the territory is traced in the Institute's report on who owns Palestine.

The judgment decides whether one requisition was lawful. It surveys no practice and publishes no series. Its quantities are the measurements of one site, so the 700 dunams support no total for the West Bank and no count of orders.

The Court sat as the High Court of Justice and reviewed the order under Israeli administrative law as well as the Hague Regulations. Five justices decided the case: Landau wrote the leading opinion, Justices A. Witkon and D. Bechor wrote concurrences, and Justices S. Asher and M. Ben Porat concurred without separate reasons.

## Who says seizure orders serve settlements, and since when?

Israel's Supreme Court made the finding about a specific order in **1979**. Deputy President Landau held in the Elon Moreh judgment that "the military consideration was subordinate to the primary, political decision to build the settlement." He also found that the Ministerial Committee for National Security Affairs and the cabinet majority "were determinatively influenced by reasons stemming from a Zionist worldview as to the settling of the entire Land of Israel."

The finding rested on the military's own answers. Replying to the Court's questionnaire, the Chief of the General Staff wrote, "I did not approach the political echelons with a proposal to build the settlement in Elon Moreh." He added, "There was no preexisting plan to build a

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civilian settlement on the relevant site approved by a competent military authority." Landau concluded that "the process was inverted: the initiative came from the political echelons, which then reached out to the Chief of the General Staff for his professional opinion." That opinion "would not, in itself, have led to the decision," Landau wrote. The propelling force was "the strong desire of the people of Gush Emunim to settle the heart of the Land of Israel, as closely as possible to the city of Nablus."

Landau applied a but-for test to that finding: "I have been persuaded that but for these, the decision would not have been made in the circumstances that existed when it was made." He also addressed the army's passive role: "I do not believe that this passive approach indicates that from the beginning there was a military necessity to take private property in order to build a civilian settlement."

The same reading appears in current reporting. Peace Now, an Israeli organisation that campaigns against settlement construction, published a 2026 review that attributes most of the seizure orders it examined from 2023 to 2025 to settlement and outpost purposes, including roads and settlement protection. The Palestinian Colonization and Wall Resistance Commission, a Palestinian Authority body, described a 2026 order as serving an "emergency axis" between two settlements northwest of Ramallah, as Anadolu Agency reported. Each count is that organisation's own tally, built on its own definitions.

An Israeli government review recorded a related finding at state level in 2005. The summary of the opinion prepared by Talya Sason for the Prime Minister's Office stated that "State and public authorities took part in breaking the law." Those authorities financed construction of unauthorized outposts "without a resolution by the political echelon, in contrary to government resolutions, with no legal planning status, sometimes not on State owned land, sometimes on private Palestinian property or on survey land." Sason's subject was unauthorized outposts, not seizure orders. The summary does not say that any outpost stood on requisitioned land.

## What must the army show to requisition private land?

Israel's Supreme Court held in 1979 that requisition of private land for a civilian settlement "is potentially justified under Article 52 of the Hague Regulations." It added a condition: this holds "when it is proved, according to the facts of the case, that military needs were those which in practice brought upon the decision to build a civilian settlement at the relevant site."

Three elements narrow that permission.

- **The need must belong to the army.** Landau quoted Oppenheim, section 147: requisitions may be made "so far only as they are really necessary for the army of occupation. They must not be made in order to supply the belligerent's general needs." He held that military

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needs "cannot be construed to include, by any reasonable interpretation, national security needs in their broad sense."

- **The dominant purpose decides.** Where several purposes are present, Landau applied a test from De Smith's *Judicial Review of Administrative Action*: "What was the dominant purpose for which the power was exercised?"
- **The state carries the burden.** Justice Witkon wrote, "I believe that the burden is upon the respondents." The law, he added, "does not give the commander's assertion that the taking of possession is required for military needs the force of a presumption." He also wrote: "We need not be convinced of the sincerity of the consideration, but rather of its correctness."

The test does not always produce the same result. Landau decided the case against HCJ 606/78 and 610/78, the Beit El case of 1978, which upheld a requisition for a civilian settlement on the same Article 52 reasoning. He distinguished Beit El on its facts rather than overruling it. The same test therefore produced a lawful requisition in 1978 and an unlawful one in 1979.

The remedy was narrow. The Court declared Order 16/79 invalid only "in terms of the lands owned by the petitioners," about **125 dunams** of the roughly 700 it covered. It ordered respondents 1 to 4 to remove "the civilian settlers who settled on them as well as any structure built upon them and any object brought to them," and gave them 30 days to comply. The road order, 17/79, drew no ruling "as none of the petitioners hold any ownership rights for the road lands."

**How much of the 1979 order the Court annulled**

**ORDER OF POSSESSION 16/79, APPROXIMATE DUNAMS (1 DUNAM IS 1,000 SQUARE METRES); ANNULMENT LIMITED TO THE PETITIONERS' REGISTERED PLOTS**




*Source: Israeli Supreme Court, 1979, HCJ 390/79 Dweikat (Elon Moreh), Cardozo unofficial English translation.*

## What did the government change after the 1979 ruling?

The Prime Minister's Office's 2005 summary of the opinion prepared by Talya Sason reports a 1979 government resolution, taken after the Elon Moreh ruling. The resolution provides that "Israeli settlements in Judea, Samaria and Gaza shall be established only on State land." It was an executive decision recorded in an official review, not a holding of the Court.

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The phrase "State land" does not appear anywhere in the 33-page English text of the Elon Moreh judgment. Under the resolution, the stated condition for a settlement site became how its land was classified, rather than a requisition for military need. The Institute's report on how West Bank land becomes state land traces that classification process.

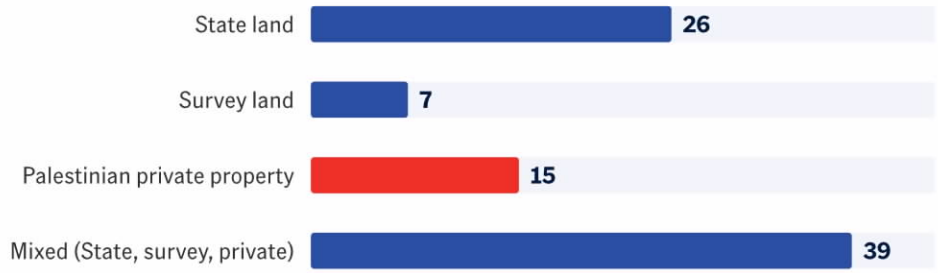
Twenty-six years later, the same review counted where the rule had and had not held. Sason knew of **105** unauthorized outposts in March 2005. She qualified that figure as one that "probably does not reflect the true number of outposts in the area." By land type:

- 26 stood on State land.
- 7 stood on survey land.
- 15 stood on Palestinian private property.
- 39 stood on "mixed" land, "part State, part survey, part owned by Palestinians."
- The land of the remaining 18 was unresolved.

Adding the three categories that are not State land gives 61. That number is a derivation from the summary's components, not a total the summary prints, and it is a floor, because the 18 unresolved outposts could add to it. All of these are the Israeli government's own commissioned counts. Further detail on these sites is in the Institute's report on Israel's own record on unauthorized outposts.

**Land status of unauthorized outposts, March 2005**

**OUTPOSTS KNOWN TO THE AUTHOR; 87 OF 105 CLASSIFIED, THE REMAINDER UNRESOLVED; THE ISRAELI GOVERNMENT'S OWN COMMISSIONED COUNT**




*Source: Prime Minister's Office of Israel, 2005, summary of the Sason opinion; a party's own count.*

The review also records public spending. The Ministry of Construction & Housing reported spending NIS 71,870,000 on unauthorized outposts from 2000 to 2004. The summary attributes that figure to the ministry's Rural Building Administration and states that it does not settle with the ministry's own working schemes. It is the spending ministry's own self-report, and a floor.

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Sason's definition of an outpost also limits the count. An outpost is "not attached to an existing settlement, but rather at least a few hundred meters distant from it as the crow flies," so the 105 exclude building inside or beside recognised settlements. The Levy Commission report, a later review of the legal status of building in Judea and Samaria, was never officially published or adopted, so no government text of it exists to set beside Sason's.

## How does a seizure order differ from taking Jordanian state property?

Military Order 59 lets a Custodian take possession of property by reference to who owned it on **7 June 1967**, not by reference to military need. The text is published by the Military Advocate General in the Collection of Proclamations, Orders and Appointments, booklet 5, page 162. Article 1 fixes that date as the determining date for everything the order covers.

Article 1 defines Government Property as property that, on the determining date, belonged to the Hashemite Jordanian Kingdom or any other enemy state, including that state's government, units, authorities and corporations (working rendering). Three further limbs reach property registered in such a body's name, property held in partnership with such a body, and corporate property with such a partner.

Article 2, headed נטילת החזקה (taking possession), is one sentence: "הממונה רשאי ליטול את החזקה ברכוש ממשלתי ולנקוט כל צעד הנראה לו דרוש לכך." In a working English rendering, the Custodian may take possession of Government Property and take any step he deems necessary for it. No official English text exists. The Collection prints the order in Hebrew and Arabic only, so every English wording here is an unofficial rendering.

Article 5 protects the Custodian's dealings after the fact. In working rendering, a transaction made in good faith between the Custodian and another person, in property the Custodian believed at the time to be Government Property, will not be invalidated and will stand even if the property later proves not to have been Government Property. Article 4(2) allows payment to a co-owner only if the Custodian is satisfied that the co-owner is not an enemy.

The order's own dates and name are distinctive. The GOC Central Command signed it on 31 July 1967, and Article 7 commences it on 7 July 1967, twenty-four days earlier. Article 8 names it an order for the West Bank Area (אזור הגדה המערבית), not for Judea and Samaria.

Two features separate it from a requisition:

- **The trigger.** Order 59 turns on a fixed past ownership, not on a showing about the army's present needs of the kind Elon Moreh demanded under Article 52.
- **The procedure.** The 1967 text carries no declaration procedure, no objection window and no appeals committee.

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The Military Advocate General's index lists nine amendments, the last being Order 1508 in booklet 200, so the 1967 booklet is not the text in force today. The Military Advocate General also states that about 1,800 orders have been signed since 1967, which is its own count of its own legislation.

## How does a seizure order differ from forfeiture under Regulation 119?

Regulation 119 lets a military commander "by order direct the forfeiture to the Government of Israel of any house, structure, or land." Israel's Supreme Court recorded that wording in HCJ 8091/14 on **31 December 2014**, quoting the regulation "in its current language." Forfeiture passes the property to the state. An Article 52 requisition of the kind reviewed in Elon Moreh takes possession only.

The quotations come from the Cardozo Israeli Supreme Court Project's unofficial English translation; the Hebrew is authoritative. The regulation reaches two kinds of property:

- Property from which a commander "has reason to suspect" that a firearm was illegally discharged or an explosive thrown.
- Property in an area whose inhabitants, or some of them, he "is satisfied" committed or abetted offences involving violence or intimidation.

Once property is forfeited, "the Military Commander may destroy the house or the structure or anything growing on the land." The Defence Minister "may at any time by order remit the forfeiture in whole or in part." On remission, ownership and interests return to those who would have held them had no order been made.

The current wording is Israel's, not the Mandate's. The British Mandate's 1945 text forfeits property "to the Government of Palestine" and gives remission to "the High Commissioner," as reproduced by Rebecca Mooney in a 2023 student note in the *Duke Journal of Comparative and International Law*. Justice E. Hayut wrote that the regulation "currently forms part of Israel's positive law," preserved by section 10 of Basic Law: Human Dignity and Liberty.

The State's own account is the only use count in the record. Justice N. Sohlberg recorded that, "according to the Respondents, in the last decade, since 2005, the military commander has exercised the contemplated authority only several times." The State itemised:

- Two residential buildings in East Jerusalem in 2008 to 2009.
- Four buildings in the summer of 2014.
- Five orders then pending.

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That account counts orders and buildings, not people, and it is a party's own figure.

The Court denied the petition. At the same time, Justice E. Rubinstein held at paragraph 27 that proportionality does not allow the Court "to continue to assume forever" that demolition deters, "unless all of the data that properly confirms that hypothesis is presented to us for our review." The judgment also quotes a military committee's presentation finding that "within the context of deterrence, the measure of demolition is 'eroded'."

Regulation 119 forfeiture is distinct from planning enforcement. Civil Administration demolitions of structures built without permits run under planning law, through a different decision-maker, and the two sets of figures answer different questions.

## Where does the 1995 agreement leave the army's land powers?

The Interim Agreement signed by Israel and the PLO on **28 September 1995** left land outside the Palestinian Council's territorial jurisdiction with Israel's military government. In the text published by Israel's Ministry of Foreign Affairs, Article XVII(4)(a) provides that "Israel, through its military government, has the authority over areas that are not under the territorial jurisdiction of the Council."

**How the areas are defined.** Article XI(3) defines Areas A and B by red lines and shading on attached map No. 1. It defines Area C by subtraction, as "areas of the West Bank outside Areas A and B," which "will be gradually transferred to Palestinian jurisdiction" except for issues left to permanent status negotiations. The agreement prints no share of the West Bank for any area. The words "per cent" and "percent" appear once in the main text, in Article IX on appointments, so any Area C percentage is a later measurement by another body.

**What is excluded from the Council.** Article XVII(1) removes "Jerusalem, settlements, specified military locations, Palestinian refugees, borders, foreign relations and Israelis" from the Council's jurisdiction. Article XII(5) defines the Settlements as "the settlements in Area C." In Areas A and B, by contrast, Article XI(2) transfers land, "including government and Al Waqf land," and "All civil powers and responsibilities, including planning and zoning," to the Council.

**What the text promised, and when.** Annex I set three further redeployments at six-month intervals, to be completed "within 18 months from the date of the inauguration of the Council." Article XXXI(5) set permanent status negotiations to begin "not later than May 4, 1996." These are the instrument's promises as dated in 1995; what followed is recorded in other documents. Article XXXI(7) binds both parties: "Neither side shall initiate or take any step that will change the status of the West Bank and the Gaza Strip pending the outcome of the permanent status negotiations."

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**The closed-area frame.** This frame predates the agreement. COGAT's permit document, updated to 8 February 2022 and published by a party to the events, opens with this clause: "Under the Order Concerning Closed Areas (West Bank Area) (Amendment) (No. 34), 1967, the area of Judea and Samaria is a closed military area and not to be entered or exited without a permit issued on behalf of the military commander."

**The 2024 advisory opinion.** The International Court of Justice, in an advisory opinion of 19 July 2024 requested by the General Assembly, recorded by fourteen votes to one an obligation on Israel "to cease immediately all new settlement activities, and to evacuate all settlers." The opinion is advisory and binds no party.

## Methodology and limitations

This report draws on five types of record:

- **Two judgments of Israel's Supreme Court.** These are HCJ 390/79 (1979) and HCJ 8091/14 (2014), both read in the Cardozo Israeli Supreme Court Project's unofficial English translations. The Hebrew texts govern. For Elon Moreh, quotations come from the opinion body, not the publisher's headnote. A separate English text of Elon Moreh, published in International Legal Materials in 1980, was supplied by Israel's Ministry of Foreign Affairs, a party to the case, and is not the text quoted here.
- **One military order.** Military Order 59 of 1967 was read in Hebrew from the Military Advocate General's own copy of booklet 5, which is mirrored on gov.il. English renderings of it are unofficial.
- **One government-commissioned review.** The official English summary of the 2005 Sason opinion was published by Israel's Ministry of Foreign Affairs. Its counts are the Israeli government's own, and the full opinion exists in Hebrew only.
- **One bilateral treaty text.** The 1995 Interim Agreement was read as published by Israel's Ministry of Foreign Affairs, a party to the agreement.
- **One permit document and one student note.** COGAT's 2022 permit document, a party's own published policy, supplies a single clause. Rebecca Mooney's 2023 student note supplies only the 1945 wording of Regulation 119, not its argument.

Two translation dates are corrected here. The Elon Moreh translation prints the judgment date as 10 October 1979. Its Hebrew date, 1 Cheshvan 5740, is 22 October 1979, which is the date used. The HCJ 8091/14 translation prints the Hebrew year as 5765. The judgment was given on 31 December 2014, which corresponds to 5775.

Several limits follow from the records themselves:

- The judgments decide individual orders and count nothing.

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- The 105 outposts and the NIS 71,870,000 are floors on their sources' own wording.
- The roughly 1,800 orders figure is the Military Advocate General's own statement.
- The Regulation 119 use count is the State's own account to the Court.
- Recent counts of seizure orders by Peace Now (2026) and by the Palestinian Colonization and Wall Resistance Commission are each organisation's own tally, on definitions and identification methods it sets.
- None of the Israeli government records listed below publishes a series of seizure orders.
- The Beit El judgment of 1978 is represented only by its outcome as recorded in Elon Moreh.
- The International Court of Justice opinion is named for its recorded vote.

## Conclusion

So what does a military seizure order do to the land under it? On the record of Israel's own Supreme Court, it confers possession, not title. Order 16/79 took about 700 dunams for the army, left ownership with the registered owners, and had civilians on the site within two days.

The Court that reviewed the order set a narrow gate and kept it open. Possession is allowed only for the army's own needs, the dominant purpose decides, and the burden rests on the state. Even so, requisition for a settlement remained "potentially justified," and the annulment reached only the petitioners' roughly 125 dunams. The government answered with a 1979 resolution limiting settlement to State land. Its own commissioned review then counted 105 unauthorized outposts in 2005, 15 of them on Palestinian private property, on the government's own figures. Two other instruments open different routes to land:

- Order 59 takes possession by reference to a fixed 1967 ownership date, with no objection window in its text.
- Regulation 119 forfeits property to the state outright and was used "only several times" from 2005 to 2014, on the State's own account.

The 1995 agreement left land outside the Council's territorial jurisdiction with the military government, under arrangements dated to end within 18 months.

The 1979 judgment tied the requisition power to its own impermanence: possession that may not create facts meant to outlast military rule. The 1995 agreement framed its interim arrangements in the same temporary terms. The legal distinction between holding land and owning it is clear in the record. What remains open is how long possession can last before that distinction stops shaping what happens to the people who own the land.

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## Frequently Asked Questions

### Can a Palestinian landowner challenge a seizure order in Israel's courts?

Yes. The 17 Elon Moreh petitioners went directly to the High Court of Justice, which issued an order nisi on 20 June 1979, fifteen days after the order was signed, and heard argument through 14 September 1979 (Israeli Supreme Court, 1979). The Court reviews such orders under Israeli administrative law and the Hague Regulations.

### Did the Elon Moreh court decide whether the Fourth Geneva Convention bars settlement?

No. Landau declined to rule on Article 49(6) because, "as part of treaty-based international law, it is not binding law in an Israeli Court" (Israeli Supreme Court, 1979). Justice Witkon wrote that the Convention "does apply" to Judea and Samaria but is not "justiciable" there. He added that whether voluntary settlement counts as a transfer "has yet to be resolved in international case law."

### How many outposts did the 2005 review record as evacuated?

Ministry of Defense data supplied to Sason recorded that 81 outposts had been evacuated, "only a few of them were manned" (Prime Minister's Office of Israel, 2005). The figure is the ministry's own. It covers only outposts established after March 2001, and it is not a net figure: the summary notes sites "occupied again and not yet evacuated."

### Which other 1967-era military orders govern land and water?

The Military Advocate General's index lists three:

- Order 92, on powers under the water provisions, dated 15 August 1967.
- Order 158, amending the water supervision law, dated 30 October 1967.
- Order 418, on town, village and building planning, dated 23 March 1971.

All three appear on the same index as Order 59 (Commander of IDF Forces in the West Bank Area, 1967).

### Does a family's conduct affect a Regulation 119 decision?

Justice Hayut wrote in 2014 that if family members show by sufficient administrative evidence that they tried to dissuade the attacker beforehand, "that factor should be given very significant weight," which may "rule out a decision to demolish" (Israeli Supreme Court, 2014). Her qualification applies to the family's own conduct and leaves the forfeiture power itself intact, which the Court upheld in the same judgment.

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### Did the 1995 agreement give Palestinians any powers in Area C?

Yes, within limits. Article XI(2) of the Interim Agreement provides that in Area C "Israel will transfer to the Council civil powers and responsibilities not relating to territory," and Article XVII(2)(d) gives the Council "functional jurisdiction in Area C, as detailed in Article IV of Annex III" (Israel and the PLO, 1995). Territorial jurisdiction over Area C, which covers land, is the part withheld.

### Did state bodies supply equipment to unauthorized outposts?

The 2005 Sason summary records that of 140 caravans placed in the territories in the 2003 acquisition, 90 went to unauthorized outposts, and a further 64 were conveyed to them between 18 August and 5 December 2004 (Prime Minister's Office of Israel, 2005). These are the Israeli government's own commissioned figures. They describe supply to outposts, not the land status of any requisition.

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DATA REPORT BY THE HANOVER INSTITUTE NOVEMBER 9, 2026 UPDATED NOVEMBER 10, 2026

# Do Gaza's death tolls include natural deaths? Inside the ministry's lists

*Gaza's ministry lists record no cause of death. What the relatives' channel, the approval committee and the injury-only Lancet estimate show.*

Gaza | Casualty Figures | Gaza Ministry of Health | Mortality | Natural Deaths



Some may be, through one identifiable channel. In the Gaza Ministry of Health's list of named dead to 30 June 2024, 5,817 of 28,185 records entered on relatives'

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notification rather than from hospital morgue records, and no column on any of its published lists records how a person died. These are the Hamas-run ministry's own counts and are not independently verified. A ministry official told the BBC in 2025 that judicial review had found and removed some people who died naturally, yet the ministry's own channel publishes the records its committee adds and no count of those it removes. Two measurements set the scale for any natural-death share: the Palestinian Central Bureau of Statistics registered an average of 4,884 deaths a year in Gaza in 2015 to 2019, and a peer-reviewed Lancet study puts injury deaths alone at 14.0 times Gaza's 2022 all-cause death rate.

## Key Findings

- The Gaza Ministry of Health's list to 29 March 2024 holds 21,323 records in seven columns, and none of them is a cause of death. This is a party's own count, not independently verified (Ministry of Health, Gaza, 2024 to 2026).
- In the ministry's list to 30 June 2024, 5,817 of 28,185 records (20.6%) carry the ministry's own label for notification by relatives, up from 2,478 of 21,323 (11.6%) in the March list. The labels record provenance, not cause (Ministry of Health, Gaza, 2024 to 2026).
- The Palestinian Central Bureau of Statistics registered an average of 4,884 deaths a year in Gaza in 2015 to 2019, as relayed in a Lancet correspondence letter (Huynh, Chin and Spiegel, 2024).
- Jamaluddine and colleagues (2025, peer-reviewed) estimate 64,260 traumatic-injury deaths in Gaza from 7 October 2023 to 30 June 2024 (95% CI 55,298 to 78,525). That is an annualised rate 14.0 times Gaza's 2022 all-cause death rate.
- The Jerusalem Center for Security and Foreign Affairs (2025) sets a ceiling of at most 41,000 civilians dead of war-related causes. It is the Center's own arithmetic, subtracting natural deaths and an Israeli fighter estimate from the ministry's total, and both inputs are parties' own counts.

## Do the ministry's casualty lists record how each person died?

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The Gaza Ministry of Health's list to 29 March 2024 holds **21,323** records in seven columns: serial number, name, identity number, date of birth, sex, age and source. It is a party's own count and is not independently verified. None of the columns is a cause of death, so the document can show neither that a natural death was included nor that one was excluded.

The same holds across the four list documents the ministry posted to its media office channel between April and September 2024. The column set changes between rounds. In no round does a cause of death appear, and the heading تاريخ الاستشهاد (date of martyrdom) appears in no column header of any of the four.

| Ministry list | Records | Columns (none a cause of death) | Source |
|---|---|---|---|
| To 29 March 2024 | **21,323** | 7: serial, name, identity no., date of birth, sex, age, source | Ministry of Health, Gaza |
| To 30 April 2024 | **24,682** | 6: serial, name, document no., age, address, sex | Ministry of Health, Gaza |
| To 30 June 2024 | **28,185** | 7: serial, name, document no., date of birth, sex, age, source | Ministry of Health, Gaza |
| To 31 August 2024 | **34,344** | 7: same as the June list | Ministry of Health, Gaza |

The ministry posted its own statement of what the lists leave out on 7 January 2024 (message 4739) and has never withdrawn it. The statement names five exclusions:

- the missing and bodies trapped under rubble;
- the unidentified who reached hospitals;
- unidentified bodies handed over by Israel;
- people buried by their families without passing through a hospital;
- deaths in Gaza and North Gaza after the information system stopped in November 2023.

All five concern identification or the route by which a death reached the ministry. None concerns cause of death.

The ministry's definition of its headline count points the same way. Its post of 24 July 2024 (message 5651) defines the general martyr count as everyone who reached the hospitals, and

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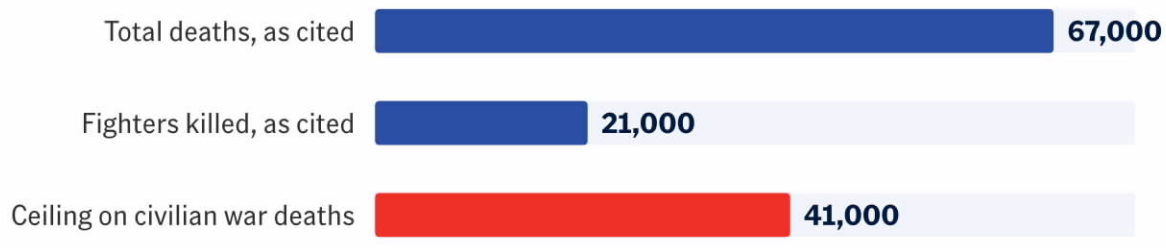
the complete-data count as everyone whose data the ministry has finished. As the ministry states it, admission turns on arrival and documentation. No field on any list shows how a person who died of illness and reached a hospital was treated. The same missing field limits what the lists can say about who caused a given death.

## Who says natural deaths are folded into the total?

The Jerusalem Center for Security and Foreign Affairs, a research institute, set a ceiling in 2025 of at most **41,000** civilians in Gaza dead from war-related causes. It reached that figure by subtracting estimated natural deaths and an Israeli estimate of Hamas fighters killed from the Gaza Ministry of Health's total. Both inputs are parties' own counts, not independently verified, and the 41,000 is the Center's arithmetic, not a count.

The essay is by Eugene Korn and covers the war through October 2025. It compares Gaza war death counts with those of earlier wars and genocides, and its page carries its own caveat: "Neither the Hamas claim of 67,000 total Gazan deaths nor the Israel estimate of 21,000 Hamas fighters killed has been independently confirmed, and the Hamas claim has been challenged." On the figures the page prints, 67,000 less 21,000 is 46,000. The natural-death allowance therefore accounts for roughly the last 5,000 of the reduction to 41,000. That is a derivation from the essay's totals, not a figure it states.

**The Jerusalem Center's ceiling and its two inputs**
**DEATHS IN GAZA, WAR THROUGH OCTOBER 2025**




*Source: Jerusalem Center for Security and Foreign Affairs, 2025. Inputs are parties' own counts, not independently verified; the ceiling is the Center's own arithmetic.*

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Israel's earlier published figure is a floor. At a briefing on 29 February 2024, the war's 146th day, the IDF Spokesperson stated that the IDF had eliminated "over 13,000" people in Gaza whom it describes as terrorists. That is the IDF's own count, published by a party to the war and not independently verified, and the classification is its own.

The Henry Jackson Society, a London think tank, wrote in its 2024 report Questionable Counting that the ministry's total included roughly 5,000 natural deaths a year. That is the think tank's own estimate, not a ministry figure, and no ministry list carries a cause-of-death field against which it could be checked.

On the ministry's own definitions, the direction of the claim holds. The count is built on everyone who reached a hospital in wartime, plus relatives' reports, and it has no published field that would screen out an ordinary death. Some non-war deaths entering such a total is therefore plausible. The size of that share is unmeasured: the Center's allowance and the think tank's annual figure are both estimates, and no body publishes a cause-coded count of the ministry's records.

## How many Gazans died each year before the war?

The Palestinian Central Bureau of Statistics registered an average of **4,884** deaths a year in Gaza in 2015 to 2019. This is a peacetime civil-registration figure, relayed by Huynh, Chin and Spiegel in a 2024 Lancet correspondence letter that was editorially reviewed but not peer-reviewed. It sets the scale of ordinary mortality on which the natural-death premise rests.

Ordinary deaths therefore ran to several thousand a year before the war. Pro-rating the 2015 to 2019 average over the 268 days from 7 October 2023 to 30 June 2024 gives about 3,600 deaths. That is a derivation, not a published figure, and it indicates the order of magnitude ordinary mortality would contribute over that window if peacetime rates held. No measurement shows whether they held, and wartime conditions could move ordinary mortality in either direction.

The low annual figure reflects a young population. The Bureau's own mid-2023 projection, built on the 2017 census, put Gaza's population at 2,226,544. In that projection, children

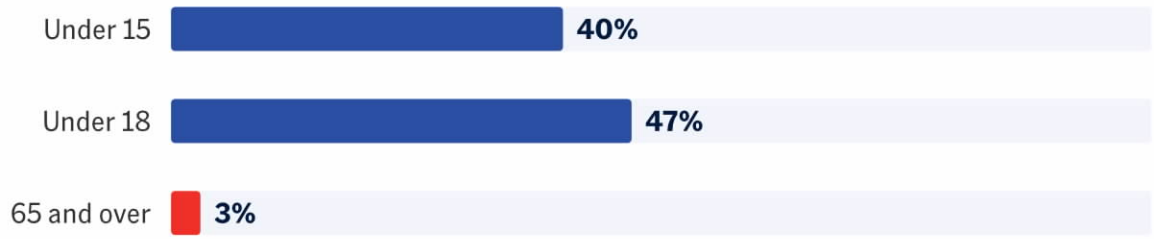
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under 15 were 40% and people aged 65 and over were 3%. Under-18s were 47%, which is a different age cut-off rather than a competing estimate. These are the Bureau's own figures; it is a national statistical office belonging to a party to the events, and its figures are not independently verified.

**Gaza's age structure before the war**

**SHARE OF THE PROJECTED MID-2023 POPULATION OF 2,226,544; THE TWO YOUNGEST BANDS OVERLAP**




*Source: Palestinian Central Bureau of Statistics, 2023; projected from the 2017 census.*

Two cautions travel with the 4,884. First, it is civil registration in peacetime, while the ministry's war count comes from hospital and family reporting, so dividing one into the other compares unlike instruments. Second, the Bureau's population figures for every year after 2017 are projections. On the source line of each population product it writes "Revised Estimated based on the final results of Population, Housing and Establishments Census, 2017," so the 3% aged 65 and over is a projected share, not a counted one.

## How many listed deaths were reported by relatives, not morgues?

In the Gaza Ministry of Health's list to 30 June 2024, the ministry's own provenance labels mark **5,817** of 28,185 records, 20.6%, as تبليغ ذوي الشهداء (notification by the martyrs' relatives) rather than as ministry records. This is a party's own count and is not independently verified. It is the channel through which a death never seen at a hospital morgue can enter the list.

That share grew between rounds. In the list to 29 March 2024, 2,478 of 21,323 records (11.6%) carried the relatives' label and 18,845 carried the ministry-records label. By 30 June 2024 the

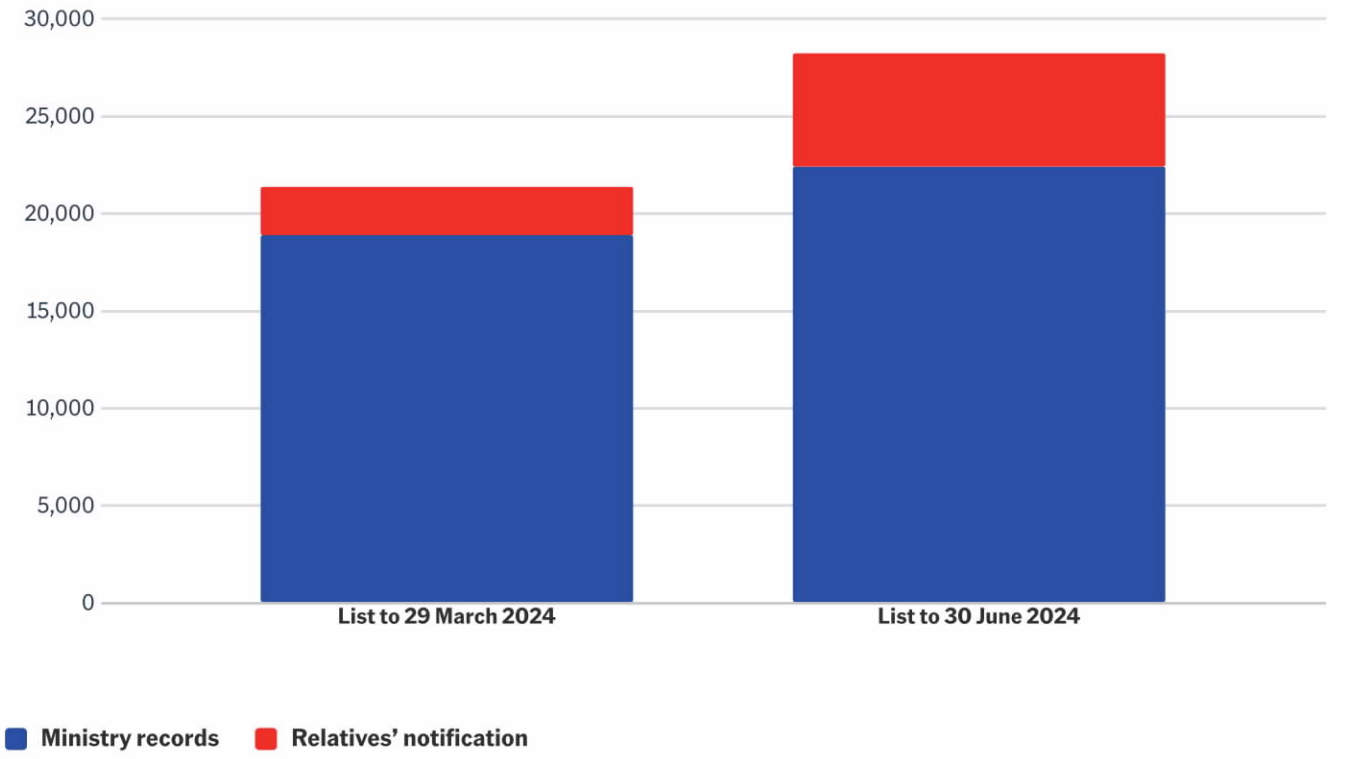
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relatives' stratum had more than doubled. Jamaluddine and colleagues (2025) identify it as the ministry's rolling online mortality survey, launched on 1 January 2024.

**Where the ministry's named records came from**

**RECORDS BY THE MINISTRY'S OWN SOURCE LABEL, TWO LIST ROUNDS**




*Source: Ministry of Health, Gaza, 2024 to 2026; the ministry's own labels, a party's count not independently verified.*

The ministry's statement of 29 July 2024 (message 5663) explains how dates entered these records. The date of death was registered either on the family's report or on the date the body reached the hospital. A committee was then formed to audit the actual date, and the ministry reported that the audit found a number of martyrs had been under 18 at death but were registered several months later.

The source column records provenance, not cause. Neither stratum carries a published count of natural deaths.

The Washington Institute for Near East Policy reached its own conclusion in a 2025 policy note, Assessing the Gaza Death Toll After Eighteen Months of War. It found that the family-

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registration process likely admitted "limited numbers" of natural deaths, despite the ministry's stated policy of excluding them. That is the Washington Institute's assessment. The ministry's lists contain no field that would confirm it or size it.

## What does the ministry's approval committee add to the count?

The Gaza Ministry of Health added **280** records to its cumulative total on 30 August 2025, according to its own statement (message 6900). It described them as records completed and approved by the judicial committee following the notifications and missing-persons file, not as new deaths. The figure is the ministry's own, published by a party to the war and not independently verified.

The 30 August batch was not the first.

- The ministry described 233 records added on 23 March 2025 (message 6377) in the same terms.
- It reported 160 added during August 2026 (message 7600), attributed there to a لجنة اعتماد الشهداء, a martyrs' approval committee.

Each batch enters the cumulative total months after the deaths it records. The headline therefore rises on approval days as well as on days of newly reported deaths.

**Records added to the total by committee approval**
**BATCHES THE MINISTRY DESCRIBES AS APPROVALS, NOT NEW DEATHS**




*Source: Ministry of Health, Gaza, 2024 to 2026; the ministry's own statements, a party's count not independently verified.*

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A ministry official interviewed by the BBC in 2025 described the review running in the other direction as well. Judicial reviews, the official said, had identified some people on the lists who had died naturally, and those people were removed or excluded. The official also said that deaths from lack of medical treatment, malnutrition or hypothermia were treated as indirect and not added to the lists. Both statements are the official's account to a broadcaster.

The ministry's own channel publishes its additions as numbers, batch by batch. None of the ministry statements cited here gives a count of records removed on cause-of-death grounds. In the published record, the review step appears only as additions, and the evidence that it removes natural deaths rests on the official's account to the BBC.

## Does the peer-reviewed estimate count only deaths from injury?

Yes.Jamaluddine and colleagues (2025), peer-reviewed in The Lancet, estimate **64,260** deaths due to traumatic injury in Gaza from 7 October 2023 to 30 June 2024 (95% CI 55,298 to 78,525). By the paper's own scope, the estimate excludes deaths from disease, food insecurity, water and sanitation failure, and disrupted healthcare.

The study uses three-list capture-recapture, a method that estimates a total from how often the same people appear on more than one incomplete list. Its three lists are:

- the ministry's hospital morgue records, 22,368 identified decedents;
- the ministry's rolling online mortality survey, 5,817 decedents;
- social media obituary pages, scraped by hand.

The first two lists match exactly the two source strata in the ministry's list to 30 June 2024. The study and the ministry are therefore not independent counts of the same deaths. The estimate is an academic reading built on a party's own records, and the ministry figures it uses are the ministry's own counts, not independently verified.

The authors also excluded records the ministry could not identify. The ministry's 30 June 2024 update carried 9,692 unidentified decedents, 26% of its cumulative total, and the

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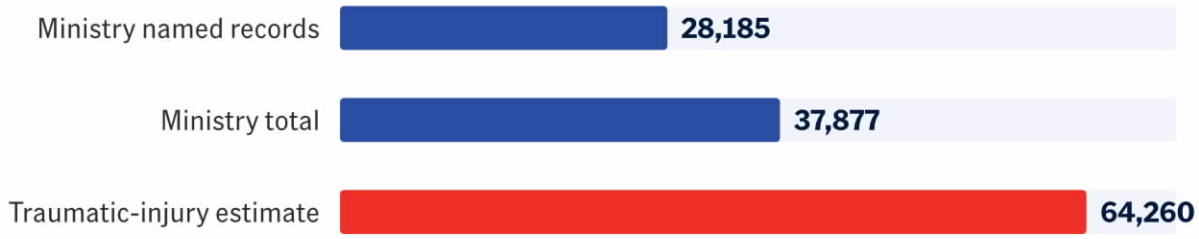
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authors left them out of the hospital list. They likewise excluded 930 people reported missing from the survey list.

Set against the ministry's own count of 37,877 at 30 June 2024, the estimate implies under-reporting of 41%. That 41% is a share of the 64,260 estimate: the gap of 26,383 deaths is 41% of 64,260. It is not a 41% markup on the ministry's figure.

**Injury-death estimate beside the ministry's count**

**GAZA, 7 OCTOBER 2023 TO 30 JUNE 2024; ESTIMATE 95% CI 55,298 TO 78,525**




*Source: Jamaluddine and colleagues, 2025, peer-reviewed; ministry figures are a party's own counts, not independently verified.*

The paper's injury-only scope comes from its definition of what it estimates. The ministry lists it draws on still carry no cause-of-death field, so the study does not settle how any single listed record died. What it does provide is a peer-reviewed estimate whose stated category leaves out ordinary illness. Its interval is wide, running from 55,298 to 78,525.

## How far above peacetime mortality did injury deaths run?

Jamaluddine and colleagues (2025, peer-reviewed) report a rate ratio of **14.0** (95% CI 12.8 to 17.6) for traumatic-injury deaths in Gaza from October 2023 to June 2024, measured against all-cause mortality in Gaza in 2022.

That baseline includes every ordinary death from illness and old age in a peacetime year. The paper states that the ratio holds "even when ignoring non-injury excess mortality."

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The numerator is an annualised crude death rate from traumatic injury of 39.3 per 1,000 people (95% CI 35.7 to 49.4). Dividing 39.3 by 14.0 gives an implied 2022 all-cause rate of about 2.8 per 1,000. That is a derivation from the paper's two published figures, not a rate the paper prints.

**Injury deaths against peacetime mortality**

**RATE RATIO, OCTOBER 2023 TO JUNE 2024; 95% CI 12.8 TO 17.6**




*Source: Jamaluddine and colleagues, 2025, peer-reviewed.*

The ratio puts the natural-death premise on a scale. Suppose ordinary mortality continued at its 2022 rate during the war and every such death entered the ministry's total. Ordinary deaths would then equal about one fourteenth of the injury deaths over the same period, roughly 7% of the injury toll. That figure is the citer's arithmetic on the paper's ratio. It is not a measured natural-death share, and it assumes peacetime rates held in wartime, which no source measures.

The Palestinian Central Bureau of Statistics figure gives a separate check on the same order of size. Its registered average of 4,884 deaths a year in 2015 to 2019, relayed by Huynh, Chin and Spiegel (2024), comes from civil registration rather than from the hospital and morgue reporting behind the war count. The two instruments differ, so the comparison sets an order of magnitude rather than a reconciled figure.

Two limits apply to the 14.0. It measures injury deaths only, so it sets ordinary mortality against the narrowest war category and not against a total war toll. And its numerator rests on the ministry's own lists, which are a party's records and not independently verified, through the capture-recapture design described above.

## Where are deaths from hunger and disease counted?

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Spagat, Pedersen, Shikaki, Robbins, Bendavid, Hegre and Guha-Sapir, in a medRxiv preprint, estimate **4,540 to 12,500** indirect deaths in Gaza from 7 October 2023 to 5 January 2025. Indirect deaths are deaths from causes such as hunger, disease and lost medical care, as distinct from deaths from violence. Crawford (2025) relays the range for the Costs of War project at Brown University, in a report that is not peer-reviewed.

Crawford makes no indirect-death estimate of his own. His headline figure, 67,075 killed in Gaza as of 3 October 2025, is the Gaza Ministry of Health's own count, relayed to him through a United Nations dashboard and not independently verified. He also cites public health research describing the ministry's count as one that "may be a significant undercount of the violent deaths." His report thus treats indirect deaths as a separately estimated category alongside the ministry's count, not as part of it. That matches the account a ministry official gave the BBC in 2025, that such deaths are kept off the lists.

One named estimate adds non-violent deaths explicitly. In an open letter dated 2 October 2024, 99 American medical professionals who had volunteered in Gaza presented an estimate of 118,908 total deaths to 30 September 2024. The letter is an advocacy document whose stated demand is a US arms embargo. Its appendix builds the total from four parts:

- the ministry's count of 41,495 killed as of 25 September 2024;
- about 10,000 people under rubble;
- 62,413 deaths from "starvation and its compilations [sic]";
- 5,000 deaths among patients with chronic disease.

The 62,413 is not a count. The appendix derives it by multiplying population estimates for the two most severe food-insecurity phases by the threshold death rates that define those phases in the Integrated Food Security Phase Classification (IPC), the international system for grading hunger. Alex de Waal of the World Peace Foundation, whom the appendix itself quotes, wrote in December 2024 of this method that "The IPC discourages this."

| Figure | What it counts | Source |
|---|---|---|
| **67,075** killed, to 3 Oct 2025 | Ministry's own count, not verified | Ministry of Health, Gaza, via Crawford (2025) |

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| Figure | What it counts | Source |
|---|---|---|
| **4,540 to 12,500** | Indirect deaths, to 5 Jan 2025 | Spagat and colleagues, preprint |
| **62,413** | IPC threshold derivation, not a count | Open letter appendix (2024), advocacy |
| **118,908** | Sum including the 62,413 | Open letter appendix (2024), advocacy |

In the record, deaths from hunger and disease appear in estimates labelled as such, one a preprint and one an advocacy derivation. They do not appear as a column on the ministry's lists.

## Methodology and limitations

This report draws on four types of source. The primary records are the Gaza Ministry of Health's four name-by-name lists (to 29 March, 30 April, 30 June and 31 August 2024), its daily statistical reports and its own statements, read directly on 10 September 2026. The lists were read from a public mirror of the files the ministry posted to its media office channel and checked against the ministry's own stated record counts and column sets. The Palestinian Central Bureau of Statistics supplied the population projections. These are official records of bodies that are parties to the events, and none of their figures is independently verified. The IDF figure is likewise a party's own count.

The peer-reviewed measurement is Jamaluddine and colleagues (2025), a three-list capture-recapture estimate whose two main inputs are the ministry's own strata. Huynh, Chin and Spiegel (2024) is a Lancet correspondence letter, editorially reviewed but not peer-reviewed, and is cited here only for a relayed civil-registration figure. Crawford (2025) is a university project report that compiles other bodies' counts. The indirect-death range is from a preprint. The open letter of 2 October 2024 is an advocacy document. The Jerusalem Center, Henry Jackson Society and Washington Institute figures are those organizations' own estimates and assessments. The BBC interview is press reporting of an official's account.

The central limitation is in the record. No ministry list carries a cause-of-death or date-of-death field, and no body publishes a cause-coded count of the ministry's records or a count of records removed on cause-of-death grounds. Every natural-death figure above is therefore

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an estimate or a derivation, and each is labelled as such where it appears. Derivations made here, such as pro-rating the 4,884 annual average or inverting the 14.0 rate ratio, are marked in the sentence that carries them.

## Conclusion

Are natural deaths included in the ministry's casualty figures? On the published record, the lists cannot show either way, because no column records how anyone died. These are the Gaza Ministry of Health's own lists, published by a party to the war and not independently verified.

What the record does show is consistent across sources. The lists record name, identity, birth date, sex, age and provenance. The ministry's five stated exclusions all turn on identification, not cause. A relatives' channel holding 5,817 of 28,185 records by June 2024 is the route by which an unexamined death can enter. The ministry's approval committee publishes its additions, 280 in one batch, and no removal count appears in its own statements. Against that, the Bureau's 4,884 registered deaths a year and a peer-reviewed injury rate 14.0 times all of Gaza's 2022 mortality set the scale. Even if ordinary deaths were present in full, they would be small beside the injury toll. The deaths from hunger and disease that the question often implies sit in separate estimates, one a preprint and one an advocacy derivation.

The open question is less whether ordinary deaths reach a wartime list than what a reader can do with a list that has no column in which the answer could appear. A record that names every person and is silent on how each one died will be read by every side according to its prior expectations. How much would one field change, if a cause of death were printed beside each name?

## Frequently Asked Questions

### Does the Gaza Ministry of Health separate combatants from civilians?

No. Crawford (2025) records that the ministry publishes no combatant and noncombatant breakdown at all, and none of its four lists read here carries such a field. Combatant figures in

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circulation come from other parties, such as the IDF's own February 2024 count.

### Why do the lists carry a date of birth but not a date of death?

The ministry's statement of 29 July 2024 says the date of death was registered on the family's report or on the date the body reached hospital, and that a committee was formed to audit it. The published lists print date of birth in three of the four rounds, and none prints a date of death.

### Are people still under rubble included in the total?

Not on the ministry's own terms. Its statement of 7 January 2024 excludes the missing and bodies under rubble. Its daily report of 10 September 2026 records 831 bodies recovered from the rubble since the ceasefire; this is the ministry's own count, not independently verified.

### How did the ministry's count compare with other bodies' counts in earlier wars?

Huynh, Chin and Spiegel (2024) give discrepancies of 1.5% to 3.8% in previous conflicts. The sentence that states the range carries no citation in the letter, and the letter's own measurement covers only 7 October to 10 November 2023. No peer-reviewed study comparing pre-2023 ministry counts with another body's count was located.

### What is the ministry's most recent cumulative total?

The ministry's daily report of 10 September 2026 records 73,670 cumulative deaths and 174,682 injuries, its own figures and not independently verified. The total includes records added by committee approval as well as newly reported deaths.

### Does the ministry publish deaths by age and sex group?

Its Health Annual Report, Palestine 2025 gives children 30%, women 16%, elderly 7% and men 47% of deaths from 2023 to 2025, against a stated total of 71,271. These are the ministry's own shares, read from a graph and not independently verified.

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DATA REPORT BY THE HANOVER INSTITUTE NOVEMBER 9, 2026 UPDATED NOVEMBER 10, 2026

# How have Gaza casualty counts held up in past wars? Four wars, compared

*Paired tolls from 2008, 2014 and 2021, the ministry's own 2024 lists and two estimates show how far Gaza's casualty counts have diverged.*

Gaza | Casualty Counts | Ministry of Health | Mortality Estimation | Data Provenance



In the three earlier Gaza wars for which Associated Press printed paired tolls on 26 October 2023, the Gaza Ministry of Health's own count and the United Nations'

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post-war count differed by 4 to 59 deaths. For 7 October 2023 to 30 June 2024, a peer-reviewed estimate (Jamaluddine and colleagues, 2025) ran **26,383** deaths above the ministry's own reported total.

A death toll from Gaza usually reaches the public as one number, so the plain question is how far that number has sat from other bodies' counts, and in which direction. The best-known measure of past accuracy, "1·5% to 3·8%", comes from one uncited sentence in a 2023 Lancet letter whose own data covers 35 days of the current war. In this war, both published estimates run above the ministry's count, and the ministry's own lists show its method changing as hospitals stopped reporting.

## Key Findings

- Jamaluddine and colleagues (2025, peer-reviewed) estimated 64,260 traumatic-injury deaths in Gaza from 7 October 2023 to 30 June 2024 (95% CI 55,298 to 78,525). The Gaza Ministry of Health, a party to the war, reported 37,877 for the same date, a figure that is not independently verified.
- The "1.5% to 3.8% in previous conflicts" range appears in a Lancet correspondence letter (Huynh, Chin and Spiegel, 2024) that carries no citation marker on that sentence. The range reproduces exactly from three dated count pairs only when each gap is taken as a share of the ministry's own count.
- The ministry's own named lists show records labelled as notification by relatives rising from 2,478 of 21,323 (list to 29 March 2024) to 5,817 of 28,185 (list to 30 June 2024). These are the party's own figures (Ministry of Health, Gaza, 2024 to 2026).
- Children were 30% of the dead in 2023 to 2025 in the Palestinian Ministry of Health's own annual report, a party's count. The Palestinian Central Bureau of Statistics projected children under 18 at 47% of Gaza's pre-war population at mid-2023 (PCBS, 2023).
- Crawford (2025, not peer-reviewed) relays a preprint household-survey estimate of 75,200 violent deaths in Gaza from 7 October 2023 to 5 January 2025.

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## How have gaps between Gaza casualty counts changed since 2008?

A peer-reviewed capture-recapture estimate by Jamaluddine and colleagues (The Lancet, 2025) put traumatic-injury deaths in Gaza from 7 October 2023 to 30 June 2024 at 64,260. That is **26,383** above the 37,877 the Gaza Ministry of Health reported for the same date, a party's own count. In the three earlier wars with printed pairs, the gaps were measured in tens of deaths.

The direction of the prevailing account holds on the record: the gaps were small before 2023 and are far larger now. Associated Press printed three dated pairs on 26 October 2023. In 2008 the ministry counted 1,440 deaths against the UN's 1,385, a gap of 55. In 2014 it counted 2,310 against 2,251, a gap of 59. In 2021 it counted 260 against 256, a gap of 4. The UN figures are post-war tolls of the UN humanitarian office, and they reach this report only through AP's explainer.

Expressed as counts, the change is three orders of magnitude. Even the lower bound of the 2025 interval, 55,298, sits 17,421 above the ministry's 30 June 2024 figure. As percentages, the comparison depends on the base. Jamaluddine and colleagues express their gap as 41% under-reporting, which is a share of their 64,260 estimate. The same 26,383 deaths are 70% of the ministry's 37,877.

The two eras also differ in what is being compared. Before 2023, each pair set one body's final count against another's. The 2025 figure sets a statistical estimate of traumatic-injury deaths against a running wartime total. The estimate excludes deaths from disease, hunger and the collapse of health services, so it is not a total war death toll.

| War or window | Gap between counts | Comparison |
|---|---|---|
| 2008 | **55 deaths** | Ministry 1,440, UN 1,385, as printed by AP |
| 2021 | **4 deaths** | Ministry 260, UN 256, as printed by AP |
| 7 Oct 2023 to 30 Jun 2024 | **26,383 deaths** | Ministry 37,877, estimate 64,260 |

Source: Huynh, Chin and Spiegel, 2024, relaying Associated Press, 26 October 2023; Jamaluddine and colleagues, 2025. Ministry figures are a party's own counts.

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## Who first expressed the ministry's past accuracy as a percentage?

Huynh, Chin and Spiegel expressed it as a percentage in The Lancet, online 6 December 2023 (issue dated 6 January 2024). They wrote that ministry reporting differed from "independent United Nations analyses" by "1·5% to 3·8% in previous conflicts." The letter is correspondence, editorially reviewed rather than peer-reviewed. The AP explainer it cites prints three count pairs and **no percentage**.

The full sentence reads: "The Gaza MoH has historically reported accurate mortality data, with discrepancies between MoH reporting and independent United Nations analyses ranging from 1·5% to 3·8% in previous conflicts." In both the HTML and the typeset text, that sentence carries no reference marker of its own. Marker 1 and marker 2 close the sentence before it, and marker 2 closes the sentence after it, which gives the 2014 figure. That source, reference 2, is AP's explainer by Isabel Debre, published 26 October 2023 and updated 6 November 2023. The one sentence behind the claim is therefore a calculation that the letter does not show.

The calculation holds. Four of 260 is 1.54%, and 55 of 1,440 is 3.82%. These print as the letter's 1·5% and 3·8%.

The letter's own measurement is narrower and recent. Over 35 days, from 7 October to 10 November 2023, it compared ministry-reported deaths with staff deaths reported by the UN relief agency for Palestine refugees: "Cumulative reported deaths were 101 UNRWA staff members and 11 078 Gazans over 35 days." Its rate comparison reads: "the MoH mortality rates are lower than the rates reported for UNRWA staff (5·3 deaths per 1000 vs 7·8 deaths per 1000, as of Nov 10, 2023)." The first rate is over Gaza's residents and the second over the agency's Gaza staff, so these are two rates over two populations. The authors' inference is that the staff rate exceeding the population rate is inconsistent with inflation of the ministry's count.

Two limiting sentences go with that inference. The letter states that "mortality might have been under-reported by the Gaza MoH due to decreased capacity." It also states that "difficulties obtaining accurate mortality figures should not be interpreted as intentionally misreported data." Its title, "No evidence of inflated mortality reporting from the Gaza

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Ministry of Health," records an absence of evidence for inflation. It does not state that the counts were verified.

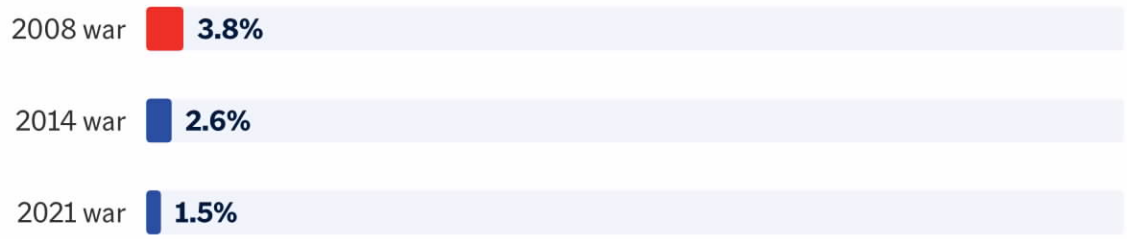
## How far apart were the published tolls in 2008 and 2021?

The Lancet letter's **1.5% to 3.8%** range comes from two of the pairs Associated Press printed on 26 October 2023, for the 2021 and 2008 wars.

For 2021, AP printed the ministry's 260 against the UN's 256; for 2008, 1,440 against 1,385. The range reproduces only when each gap is taken as a share of the Gaza Ministry of Health's own count, a party's figure. The letter never names that base.

**Gap between ministry and UN tolls, by war**

GAP AS A SHARE OF THE GAZA MINISTRY'S OWN COUNT; THREE WARS WITH PRINTED PAIRS




*Source: Huynh, Chin and Spiegel, 2024, correspondence; shares computed on the pairs it cites.*

The 2014 pair is the unprinted middle of the range. A gap of 59 on the ministry's 2,310 is 2.55%. The endpoints are the oldest and newest wars, not the largest and smallest conflicts.

The base matters. Taking the UN toll as the denominator, the same pairs give 1.6% for 2021, 2.6% for 2014 and 4.0% for 2008. Each figure printed in the letter reproduces on one denominator only, the ministry's count, so a reader can state what the range is a share of.

"Previous conflicts" covers three wars. AP's explainer prints 2008, 2014 and 2021 and gives no pair for the November 2012 conflict. The range therefore rests on three of the four Gaza wars between 2008 and 2021.

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The word "independent" is the letter's, and AP describes the UN tolls in other terms. AP writes that "the U.N. humanitarian office has published final death tolls based on its own research into medical records," and that the ministry's counts "have held up to U.N. scrutiny." The medical records in Gaza are the ministry's own hospital records. On this record, the UN tolls and the ministry's counts are not established as coming from separate record systems, so the agreement of the pairs shows consistency between two counts. Whether it also shows that two separate sources confirm each other remains open.

## What did Israel's Foreign Ministry count for the 2014 war?

Israel's Foreign Ministry counted **2,125** deaths in the 2014 Gaza war, as Associated Press printed it on 26 October 2023. The Gaza Ministry of Health counted 2,310. Each figure is a party's own count, and neither is independently verified. The 185-death gap is the widest of the four pairs AP printed, and it is the only pair that sets one party's count against the other's.

**Two parties' own counts for the 2014 Gaza war**

**DEATHS; EACH PARTY'S OWN REPORTED TOTAL, NOT INDEPENDENTLY VERIFIED**




*Source: Huynh, Chin and Spiegel, 2024, correspondence, relaying the published pair.*

Huynh, Chin and Spiegel state the comparison in a separate sentence from the 1.5% to 3.8% range: "A comparison between the Gaza MoH and Israeli Foreign Ministry mortality figures for the 2014 war yielded an 8·0% discrepancy." That sentence closes on reference marker 2, the AP explainer. A gap of 185 is 8.0% of the Gaza ministry's 2,310 and 8.7% of Israel's 2,125. As with the earlier range, the printed figure uses the Gaza ministry's count as its base.

For 2014, AP printed three numbers: 2,310 from the Gaza ministry, 2,251 from the UN and 2,125 from Israel's Foreign Ministry. The UN toll falls between the two party counts. It sits 59

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below the Gaza ministry's count and 126 above Israel's. Of the two parties, the Gaza ministry's count is closer to the UN toll.

On the record available here, the 8.0% figure has a narrow basis. It is one war, two parties and two totals, published in a press explainer that gives no definitions for either count. The pair does not show whether the two governments counted the same population, used the same cut-off date or applied the same inclusion rules for people who died later of injuries. Each total is the issuing government's own reporting, and the earlier record contains no third count built from separate records that could decide between them.

## When did the ministry stop counting only hospital records?

The Gaza Ministry of Health's own lists show a second, non-hospital stratum. Records labelled as notification by relatives rose from 2,478 in the list to 29 March 2024 to **5,817** in the list to 30 June 2024. The March list sets its Gaza City hospital coverage at 10 November 2023. These are the ministry's own figures as a party to the war, not independently verified.

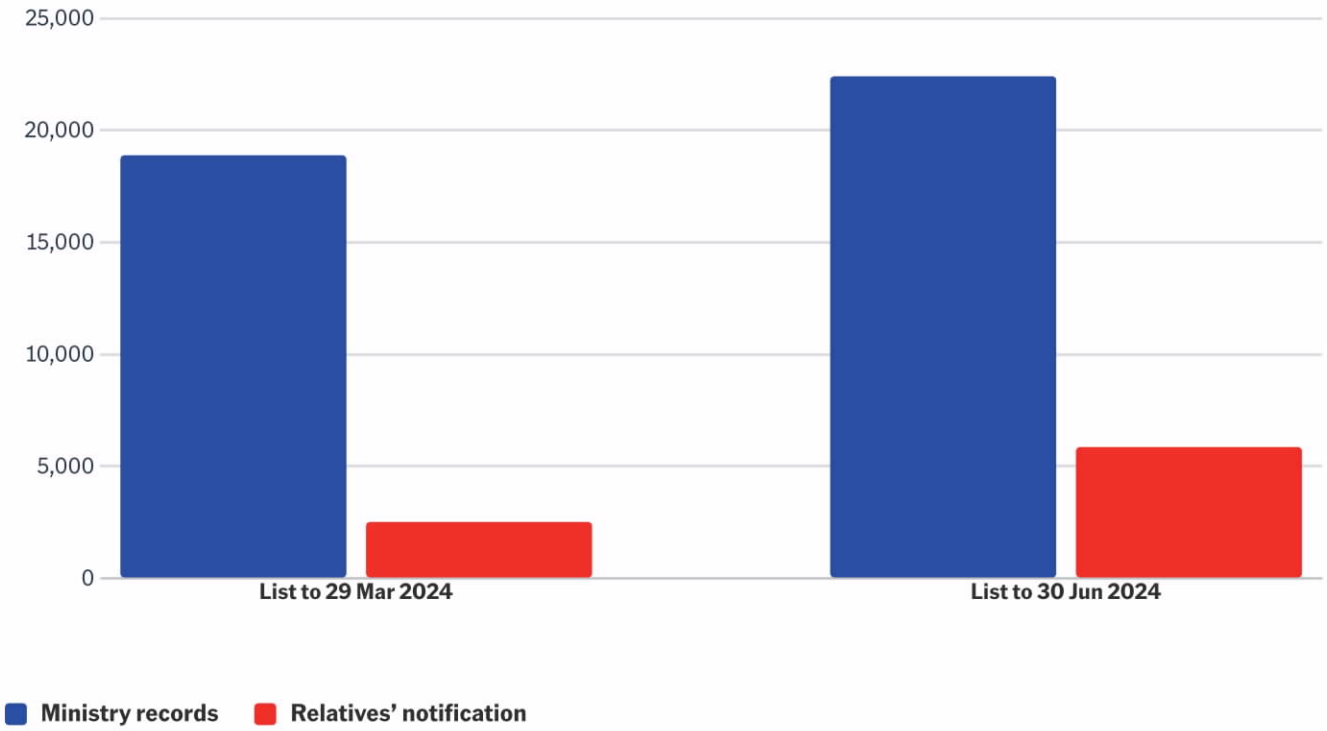
The ministry's published named lists carry a source column with two labels. The first, "سجلات وزارة الصحة," means Ministry of Health records. The second, "تبليغ ذوي الشهداء," means notification by the martyrs' relatives. The list to 29 March 2024 holds 21,323 records: 18,845 ministry records and 2,478 relatives' notifications. Its closing footnote fixes coverage of ministry-registered deaths at 10 November 2023 for Gaza City and at 29 March 2024 for the south, except Nasser hospital, which runs to 14 February 2024. The list to 30 June 2024 holds 28,185 records: 22,368 ministry records and 5,817 relatives' notifications.

**Records in the ministry's named lists, by source label**

LISTS TO 29 MARCH AND 30 JUNE 2024; THE MINISTRY'S OWN PROVENANCE LABELS, A PARTY'S FIGURES

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*Source: Ministry of Health, Gaza, named lists posted 3 April and 24 July 2024.*

The ministry also stated the gap in its own coverage. On 7 January 2024 it said that victims in Gaza City and North Gaza after its information system stopped in November were not counted. Jamaluddine and colleagues (2025) describe the channel that added relatives' reports: a rolling online mortality survey that the ministry launched on 1 January 2024.

The Washington Institute for Near East Policy, a Washington-based research institute, wrote in 2024 that the ministry had begun incorporating deaths identified through media reports after hospitals in the north stopped functioning. The two published lists that carry a source column use only the two labels above, and no media label appears in either.

The schema changes between rounds. The list to 30 April 2024 holds 24,682 records but drops both the source column and the date of birth, and it adds an address column. For that round, the split between the two channels cannot be read from the document.

## How far did a peer-reviewed estimate run above the wartime count?

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Jamaluddine and colleagues estimated **64,260** traumatic-injury deaths in Gaza between 7 October 2023 and 30 June 2024 (95% CI 55,298 to 78,525). Their peer-reviewed capture-recapture analysis appeared in The Lancet on 9 January 2025. The Gaza Ministry of Health, a party to the war, reported 37,877 deaths for the same date, a count not independently verified.

Capture-recapture estimates a total from how often the same people appear across separate lists. The study combined three lists. The first was ministry hospital morgue records, with 22,368 identified decedents. The second was the ministry's online mortality survey, with 5,817 individual decedents. The third was obituary pages on social media, gathered by hand. The authors averaged alternative statistical models across the overlaps between the three lists.

The first two inputs match the ministry's own provenance labels exactly. The ministry's list to 30 June 2024 divides into 22,368 ministry records and 5,817 relatives' notifications, the same two figures. The estimate is therefore built on the two strata of the ministry's document plus one outside list. The study and the ministry are not two separate counts of the same deaths. The authors describe two of the three inputs as self-reported.

The 41% under-reporting the paper states is a share of its estimate, not a multiplier. The gap of 26,383 is 41% of 64,260. Multiplying 37,877 by 1.41 would give a figure the paper does not contain. The study also excluded 9,692 unidentified decedents in the ministry's 30 June 2024 update, 26% of the ministry's cumulative total at that date, and 930 people reported missing in the survey list.

**Deaths to 30 June 2024: reported count and estimate**

**ESTIMATE COVERS TRAUMATIC INJURY ONLY; 95% CI 55,298 TO 78,525**




*Source: Jamaluddine and colleagues, 2025; Ministry of Health, Gaza, daily report of 30 June 2024.*

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The scope is narrow. The paper states that its rate ratio holds "even when ignoring non-injury excess mortality." The "more than 70,000" attributed to the study in press coverage is the authors' own extrapolation in the paper's research-in-context box. It applies the same under-reporting rate to the ministry's October 2024 figure of 41,909 and is worded "probably exceeded 70 000." It is not the capture-recapture estimate. The interval is wide: its upper bound is 23,227 above its lower bound.

## How has the ministry revised its total after publication?

The Gaza Ministry of Health added **280** records to its cumulative total on 30 August 2025. It described them as records completed and approved by a judicial committee following relatives' notifications and the missing-persons file, not as new deaths. This is the ministry's own figure as a party to the war, not independently verified.

| Date posted | Records added | Basis the ministry stated |
|---|---|---|
| 23 March 2025 | **233** | Completed and approved by the judicial committee |
| 30 August 2025 | **280** | Completed and approved by the judicial committee |
| August 2026 | **160** | Approved by the martyrs' approval committee |

Source: Ministry of Health, Gaza, media office channel, messages 6377, 6900 and 7600. A party's own statements.

The ministry also revises dates within the list. On 29 July 2024 it stated that a date of death had been registered either on the family's report or on the date the body reached the hospital. It said a committee was formed to audit the actual dates, and the committee found that some people who were under 18 when they died had been registered months later.

The ministry's own reconciliation is off by one day. On 24 July 2024 it gave 28,185 records with complete data and 9,715 whose data was not yet complete, as of 30 June 2024. Those two figures sum to 37,900, the total in the daily report of 1 July 2024. The 30 June report gives 37,877. Subtracting 28,185 from 37,877 leaves 9,692, the unidentified count Jamaluddine and colleagues excluded, not the 9,715 the ministry stated.

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The same one-day offset appears in the Palestinian Ministry of Health's Health Annual Report, Palestine 2024. It gives 45,553 deaths and 108,379 injuries for the period between 7 October 2023 and 31 December 2024. Those are the figures in the Gaza ministry's daily report of 1 January 2025. The report of 30 December 2024 gives 45,541, and no daily report was issued on 31 December. A ministry figure for the end of a period matches the next morning's report in both cases.

The ministry defines its two counts differently. Its general total counts everyone who reached the hospitals. Its complete-data count covers only the people whose records it has finished. Records can therefore move from the first count into the second months after the death. As a result, the difference between a named list and a cumulative total on the same date does not give a count of unidentified people.

## Does the reported share of children match Gaza's pre-war age structure?

Children were **30%** of the dead in 2023 to 2025 in the Palestinian Ministry of Health's Health Annual Report, Palestine 2025, against a stated total of 71,271. That is a party's count, not independently verified. The Palestinian Central Bureau of Statistics (PCBS), also a party to the events, projected children under 18 at 47% of Gaza's population at mid-2023.

**Children among the dead and in the pre-war population**

**MINISTRY SHARE OF MARTYRS, 2023 TO 2025, AGAINST THE PCBS MID-2023 PROJECTION; EACH PARTY'S OWN FIGURE**




*Source: Ministry of Health, Gaza, 2024 to 2026 (Health Annual Report 2025, Graph 2); PCBS, 2023.*

The same graph in the annual report gives women 16%, the elderly 7% and men 47%. The report draws on the Gaza ministry's own reports, so it is a second ministry publication of the

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same count, not a separate check. In an earlier statement, on 23 March 2025, the ministry's Director General gave 15,613 children among 50,021 dead, which is 31.2% of that total.

The PCBS share is a projection, not a count. It represents 1,046,400 children out of a projected 2,226,544 residents, projected from the 1 December 2017 census, and PCBS labels the figures "Revised Estimated." It is also pre-war. PCBS later revised Gaza's population downward because of deaths, missing persons, departures and fewer births, by 6% on its own wording and to a figure 10.0% below the pre-war projection by mid-2025. A share of children among wartime deaths, set against the 47%, compares a wartime count with a pre-war base.

Jamaluddine and colleagues (2025) measure a different category on a different base. They report that 59.1% of the 28,257 deaths with age and sex data were women, children under 18 and people aged 65 and over. That combined share applies to its own 28,257 deaths and cannot be read as a share of the 64,260 estimate.

The composition of the dead is published in these sources as cumulative shares. None of the publications cited here gives an early-war against late-war breakdown that would show how the share of children changed over time.

## Do survey-based estimates point above or below the ministry's count?

A household-survey estimate by Spagat, Pedersen, Shikaki, Robbins, Bendavid, Hegre and Guha-Sapir put violent deaths in Gaza from 7 October 2023 to 5 January 2025 at **75,200**. The estimate is a medRxiv preprint, relayed by Crawford (Costs of War, Brown University, 7 October 2025). It is above the Gaza Ministry of Health's own reported total for the same period.

**Reported count and survey estimate, around January 2025**

MINISTRY TOTAL AT 1 JANUARY 2025 (A PARTY'S COUNT); SURVEY WINDOW ENDS 5 JANUARY 2025

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*Source: Ministry of Health, Gaza, daily report of 1 January 2025; Crawford, 2025, relaying a preprint estimate.*

The closest ministry figure is 45,553 in its daily report of 1 January 2025, a party's count not independently verified. That is four days before the survey window closes, so the two figures do not share an end date. Read with that offset, the survey estimate is about 29,600 deaths above the ministry's total. The same preprint, as Crawford relays it, puts indirect deaths, from causes such as disrupted care, at 4,540 to 12,500 over the same window. These figures belong to the preprint's authors. Crawford's paper did not produce them.

Crawford reports the direction in these words: "Recent analysis by public health experts suggests that the number of fatalities reported by the Gaza Ministry of Health, which faces many obstacles to making a full account of the deaths, may be a significant undercount of the violent deaths." Crawford's paper is a university research report, not peer-reviewed, and it collects no casualty data of its own.

Crawford also compiles the ministry's own count of 67,075 killed and 169,430 injured to 3 October 2025. The figures pass from the ministry to a UN dashboard and then to the paper. The paper's "more than 10%" refers to killed and injured combined, 236,505 people, against a pre-war population of about 2.2 million. It is not a share of the population killed.

Both estimates in this report point the same way. The capture-recapture estimate (Jamaluddine and colleagues, 2025) and the household-survey preprint both sit above the ministry's contemporaneous totals, using different methods over different windows. The survey estimate does not depend on the ministry's lists, while the capture-recapture estimate is built partly on them.

## Methodology and limitations

The evidence falls into five source types, each labelled where it first appears.

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- **Official records of a party.** These are the Gaza Ministry of Health's named lists to 29 March, 30 April, 30 June and 31 August 2024; its daily statistical reports; its statements about completeness and exclusions; and the Palestinian Ministry of Health's annual reports for 2024 and 2025. The ministry publishes these only through its media office channel. The four list documents were read from a public mirror whose file size, record counts and columns match the ministry's own descriptions.
- **Official statistics of a party.** These are the population projections and age structure from the Palestinian Central Bureau of Statistics, published in 2023.
- **Peer-reviewed research.** This is the capture-recapture study by Jamaluddine and colleagues (2025).
- **Journal correspondence.** This is the Lancet letter by Huynh, Chin and Spiegel (2024), which was editorially reviewed and not peer-reviewed.
- **Reports, a preprint, press and policy analysis.** These are Crawford's university report (2025, not peer-reviewed); the preprint by Spagat and colleagues, as Crawford relays it; AP's explainer, which is international press; and the Washington Institute's analysis, which is named only for the position it states.

The UN figures in the pre-2023 pairs are tolls published by the UN humanitarian office. They reach this report only through AP. They are reported as AP printed them, and they are not used as evidence in their own right.

The percentages for the earlier wars, 2.55% for 2014 and the alternative-base figures of 1.6%, 2.6%, 4.0% and 8.7%, are the Institute's arithmetic on the printed pairs, and the base is named each time. A search of the biomedical and preprint literature and the open web on 10 September 2026 found no peer-reviewed study comparing a pre-2023 ministry count with another body's count. The nearest item, Vaktskjold and colleagues (2016), reviews non-war mortality records in Gaza for July to September 2014 and makes no comparison between two bodies' counts.

Five limits apply to the current war:

- The capture-recapture interval is wide, at 55,298 to 78,525.
- The capture-recapture estimate covers traumatic injury only.

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- Two of its three input lists are strata of the ministry's own document.
- The survey estimate has not completed peer review in the form relayed here.
- The PCBS age share is a projection from the 2017 census, made before the war.

## Conclusion

Over time, how far has Gaza's one reported number sat from other counts? Before 2023, it sat close: 55, 59 and 4 deaths from the UN's tolls in 2008, 2014 and 2021, and 185 from Israel's own count in 2014. Since 2023, the distance has grown to tens of thousands of deaths, with both published estimates running above the Gaza Ministry of Health's own reported totals.

The record supports several firm points. The well-known 1.5% to 3.8% figure is accurate arithmetic on three wars' pairs, published as a percentage in a 2023 letter without a citation marker, and it uses the ministry's own count as its base. The widest pre-2023 gap is the 2014 pair between the two parties' own counts. In the current war, the ministry's method changed in ways its own documents record. Hospital coverage for Gaza City ended on 10 November 2023, relatives' notifications grew from 2,478 to 5,817 records in three months, and approval committees added records long after the deaths. Against that changing count, a peer-reviewed estimate reached 64,260 traumatic-injury deaths, and a preprint survey reached 75,200 violent deaths. In the ministry's own publications, which are a party's figures, children were 30% of the dead, against a pre-war projected 47% of the population.

The question the record raises concerns verification. For past wars, accuracy rests on three pairs drawn partly from the same hospital records. For the present war, the strongest test is an estimate built in part from the ministry's own lists. What would a count of Gaza's dead need, in records, access and outside review, before a society could treat it as checked by a source other than the body that produced it?

## Frequently Asked Questions

### Does the ministry's list record when each person died?

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No. The four lists to 29 March, 30 April, 30 June and 31 August 2024 carry name, identity or document number, age, sex and, in three of the four, date of birth, but none has a date-of-death column (Ministry of Health, Gaza, 2024 to 2026). The ministry stated on 29 July 2024 that dates of death were registered on a family's report or on arrival at a hospital.

### Which deaths does the ministry's count leave out?

The ministry listed five exclusions on 7 January 2024 and has not withdrawn them. They are the missing and people trapped under rubble; unidentified people who reached hospitals; unidentified bodies handed over by Israel; burials by families that did not pass through a hospital; and deaths in Gaza City and North Gaza after its information system stopped in November 2023. Its daily report of 10 September 2026 records 831 bodies recovered from rubble since the ceasefire.

### Does the ministry separate combatants from civilians?

No. The ministry's lists contain no combatant or civilian field, and Crawford (2025) notes that the ministry publishes no such breakdown. The civilian share in Crawford's own table comes from Israeli military data reported in the press, and a footnote in the paper flags it as an assumption.

### Does the 64,260 estimate include deaths from hunger or disease?

No. Jamaluddine and colleagues (2025) estimate deaths from traumatic injury only, and exclude deaths from disrupted healthcare, food insecurity, failures of water and sanitation, and disease. Even on that narrower count, they report a rate ratio of 14.0 (95% CI 12.8 to 17.6) against all-cause mortality in 2022.

### How many people died in Gaza in a typical pre-war year?

Huynh, Chin and Spiegel (2024) relay a figure from the Palestinian Central Bureau of Statistics of an average of 4,884 registered deaths per year in Gaza in 2015 to 2019. That is peacetime civil registration and cannot be set directly against wartime hospital and morgue counts, whose reporting periods and sources differ.

### Where does the ministry publish its casualty lists?

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The Gaza Ministry of Health publishes them through its media office's messaging channel. Its government website has posted no file since 21 October 2023 (Ministry of Health, Gaza, 2024 to 2026). Its annual reports for 2024 and 2025 appear on a Ramallah-run ministry site.

### What is the ministry's most recent cumulative total?

The ministry's daily report of 10 September 2026 gives 73,670 cumulative deaths and 174,682 cumulative injuries. This is its own count as a party to the war, not independently verified. Of those deaths, 1,359 are recorded after the ceasefire of 11 October.

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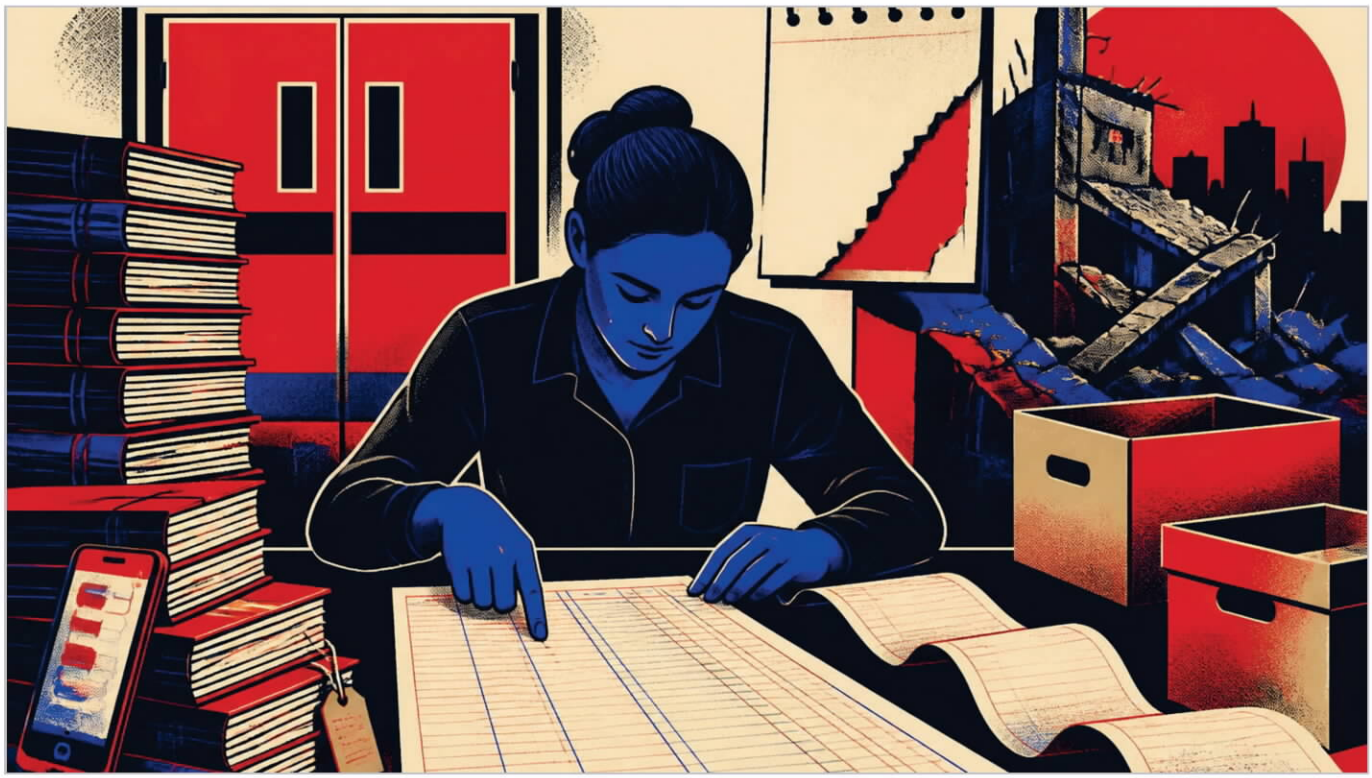


DATA REPORT BY THE HANOVER INSTITUTE NOVEMBER 9, 2026 UPDATED NOVEMBER 10, 2026

# Have errors been found in Gaza's death lists? The ministry's own corrections, record by record

*What the Gaza ministry's own corrections, list fields and a peer-reviewed Lancet estimate record about errors in its published fatality lists.*

Gaza Ministry of Health | Casualty Counts | Fatality Lists | Capture-Recapture | Data Quality



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Yes. On 29 July 2024 the Ministry of Health in Gaza, which operates under the Hamas-run authority and publishes its own count of the dead without independent verification, stated that a committee auditing dates of death had found decedents registered several months after they died, some of whom had been under 18 at death. The ministry's own published figures also carry checkable slips: its split of the count for 30 June 2024 sums to 37,900, the total it reported for 1 July. The one peer-reviewed statistical test of the lists, a capture-recapture study in The Lancet (Jamaluddine and colleagues, 2025), estimated 64,260 traumatic-injury deaths to 30 June 2024 against the ministry's own 37,877, a gap that runs toward undercounting rather than inflation.

## Key Findings

- The Gaza Ministry of Health, a party to the war reporting its own count, stated on 29 July 2024 that an audit committee found decedents registered months after death, and on 24 July 2024 counted 9,715 deaths whose data was not yet complete as of 30 June 2024 (Ministry of Health, Gaza, 2024 to 2026).
- The ministry's own split for 30 June 2024, 28,185 complete records plus 9,715 incomplete, sums to 37,900, the figure in its 1 July 2024 daily report, while its 30 June report gives 37,877; not independently verified (Ministry of Health, Gaza, 2024 to 2026).
- 5,817 of the 28,185 records in the ministry's list to 30 June 2024, or 20.6%, carry its own label for notification by relatives rather than hospital records, against 2,478 of 21,323 (11.6%) in the list to 29 March 2024; a party's own provenance field (Ministry of Health, Gaza, 2024 to 2026).
- A peer-reviewed capture-recapture study estimated 64,260 traumatic-injury deaths (95% CI 55,298 to 78,525) from 7 October 2023 to 30 June 2024, so 41% of the estimate was absent from the ministry's own reported total of 37,877 (Jamaluddine and colleagues, 2025).
- For the 2014 war, the Gaza ministry's count exceeded the Israeli Foreign Ministry's by 8.0% on the Gaza ministry's count as base, each a party's own figure, as reported in a Lancet correspondence letter that is not peer-reviewed (Huynh, Chin and Spiegel, 2024).

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## Has the Gaza ministry acknowledged errors in its own lists?

Yes: the Ministry of Health in Gaza stated on 29 July 2024 (message 5663) that dates of death had been registered on a family's report or on the day a body reached hospital, and that a committee formed to audit the actual dates found a number of decedents who had been under 18 at death but were registered several months later. The statement is a party's own account, not independently verified.

The Foundation for Defense of Democracies, a Washington policy institute, published an analysis on 9 April 2024 under the headline "Hamas-run Gaza Health Ministry admits to flaws in casualty data," and that framing, of the issuing body conceding defects in its own record, circulates widely. The ministry's own statements bear out the concession in a specific form. The 29 July correction concerns when deaths were dated, not whether the listed people died. On the ministry's own description, a death dated at registration rather than at the moment of death records the decedent as older than they were, so the committee's correction runs toward the child count.

The ministry also publishes a standing count of what its named list does not yet cover. Its post of 24 July 2024 (message 5651) gave **9,715** deaths whose data was not yet complete as of 30 June 2024, beside 28,185 records with complete data, and defined the two: the general count is everyone who reached the hospitals, and the complete-data count is everyone whose data the ministry has finished. Both are the ministry's own reported totals.

That distinction governs every later reading. A named list and a cumulative total are built differently, a point set out document by document in what the Gaza health ministry publishes about its own count. The ministry adds records to the cumulative total by administrative approval months after the deaths, so a later list can be longer than an earlier one without new deaths in between, and a total on a given date is never the same object as a list on that date.

What the ministry's own statements establish, then, is a self-reported correction to dates of death, a self-reported backlog of incomplete records, and a published definition separating the two counts. None of it is a count of erroneous entries: the ministry's posts cited here give no number of records corrected by the 29 July audit.

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## Who says names have vanished from the lists, and since when?

The Jewish Chronicle, a London weekly, and HonestReporting, a media-monitoring organization whose stated mission is countering what it describes as bias against Israel, reported in 2025, the latter through The Jerusalem Post, that about **3,400** identified deaths listed by Gaza's Ministry of Health in August and October 2024 were absent from its March 2025 update. Both accounts put more than 1,000 children among the absent records.

The lists do change between rounds, and the ministry's own channel records part of that movement. On 23 March 2025, in the same daily report that carried a cumulative 50,021 deaths, the ministry added 233 records it described as completed and approved by its judicial committee following family notifications and the missing-persons file (message 6377). It added 280 more on 30 August 2025 (message 6900) and 160 during August 2026 (message 7600), there attributing approval to a "martyrs' approval committee." These are the ministry's own reported additions, not independently verified, and they enter the total by administrative approval rather than as new deaths.

**Records the ministry added by committee approval**

**ADDITIONS TO THE CUMULATIVE TOTAL, NOT NEW DEATHS; MINISTRY'S OWN COUNT**




*Source: Ministry of Health, Gaza (2024 to 2026), messages 6377, 6900 and 7600; a party to the war reporting its own count, not independently verified.*

An absence between 2 rounds is a count of names, not of reasons. A record missing from a later list can reflect a removal, a merger of duplicate records, a corrected identity number, or a later list that is itself incomplete. The 2025 comparisons count absences; the ministry posts cited here document additions with stated reasons, and none of them gives a count of records removed.

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Matching names across rounds also depends on fields that do not stay fixed. The ministry's list to 30 April 2024 drops both the date of birth and the source column and adds an address column, while the lists to 29 March and 30 June 2024 carry no address. The identity column is headed الهوية (identity) in March and ر.الوثيقة (document number) in June and August 2024. A record compared across rounds is therefore compared across schemas, and which field anchors the match changes what counts as the same person.

## Which ministry totals carry the wrong date?

The Ministry of Health in Gaza's own split for 30 June 2024 sums to **37,900**, which is the total in its daily report of 1 July 2024 (message 5578), not the 37,877 its 30 June report gave (message 5576).

Both are the ministry's own counts, published by a party to the war and not independently verified, and the mismatch sits entirely inside its own documents.

The same one-day offset recurs in the ministry's national reporting. The Health Annual Report, Palestine 2024 gives 45,553 deaths and 108,379 injuries for the period from 7 October 2023 to 31 December 2024. Those are exactly the figures in the daily report of 1 January 2025 (message 6197). The ministry's 30 December 2024 report gave 45,541, and no report was issued on 31 December. In both cases the period-end figure matches the next morning's report.

| Ministry figure | Date it is printed against | Ministry document it matches |
|---|---|---|
| **37,900** (28,185 plus 9,715) | 30 June 2024 | Daily report of 1 July 2024; the 30 June report gives 37,877 |
| **45,553** deaths | 7 October 2023 to 31 December 2024 | Daily report of 1 January 2025; the 30 December report gives 45,541 |
| **13,319** children | Complete data to 7 October 2024 | Printed beside 43,587 at 11 December 2024 |

Source: Ministry of Health, Gaza (2024 to 2026), messages 5576, 5578, 5651, 6194 and 6197, and Health Annual Report, Palestine 2024, section 1.1; a party's own counts, not independently verified.

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The offset has a measurable consequence. Subtracting the 28,185 complete records from the 30 June total of 37,877 gives 9,692, which is the unidentified figure Jamaluddine and colleagues (2025) report for that update, while the ministry's own stated count of incomplete records is 9,715. A reader using the ministry's 30 June total and a reader using its 30 June split arrive at two different backlogs from the same day's publications.

The 2024 annual report adds a denominator slip of a different kind. It states 13,319 children, 7,216 women and 3,447 elderly people "with complete data till October 7, 2024," beside a complete-data total of 43,587 at 11 December 2024 and 45,553 at year end. Any share computed from those figures divides a numerator from October by a base from December. The three category counts also do not partition anything: they sum to 23,982, the report publishes no count for men, and its 1,057 healthcare workers overlap all three categories.

## Why do some birth dates on the list read as future years?

In the Ministry of Health in Gaza's list to 31 August 2024, its own record of 34,344 deaths across 649 pages and not independently verified, the oldest decedents carry 2-digit birth years: a birth date printed 01-01-27 sits beside an age of **97**.

Software that reads 2-digit years as this century renders that as 2027, a birth date after the death.

The Henry Jackson Society, a London policy institute, published a report in December 2024, "Questionable Counting," that described age errors in the ministry's lists, and it is often said that the lists contain impossible ages. The published fields show one documented way an apparent age error is produced. The same August list carries 01-01-24 beside an age of 100 and 01-01-22 beside an age of 101, which a naive reading turns into births in 2024 and 2022.

| Printed birth date | Age column | Read as this century |
|---|---|---|
| 01-01-27 | **97** | 2027 |
| 01-01-24 | **100** | 2024 |
| 01-01-22 | **101** | 2022 |

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Source: Ministry of Health, Gaza (2024 to 2026), list of martyrs with complete data to 31 August 2024; a party to the war reporting its own count, not independently verified.

The formats also differ by source within a single document. In the ministry's list to 29 March 2024, rows labelled as ministry records print full dates with slashes, in the form 30/03/1993, while rows labelled as notified by relatives print 2-digit years with dashes, in the form 13-02-97. A parser built for one format misreads the other, and the misreading is concentrated in one provenance stratum.

The age column is the check that the published fields supply. Read against the printed age, 01-01-27 can only be 1927, and the record is internally consistent. Read without it, the same row produces a decedent born in the future. The list to 30 April 2024 carries no date of birth at all, so the check works only on the rounds whose schema includes both fields.

The ministry's own statement of 29 July 2024 bears on the ages that remain. Because dates of death were recorded on a family's report or on arrival at hospital, an age computed at registration can exceed the age at death, which is the error the ministry says its audit committee found among decedents under 18. Both mechanisms, a 2-digit year misread downstream and a death dated late upstream, produce an age that does not match a person's life, and only the second originates in the ministry's own recording.

## How many listed deaths rest on a relative's report?

Of the 28,185 records in the Ministry of Health in Gaza's list to 30 June 2024, **5,817** carry the label تبليغ ذوي الشهداء, notification by the martyrs' relatives, rather than ministry hospital records. The label is the ministry's own provenance field, and the count is a party's own, not independently verified.

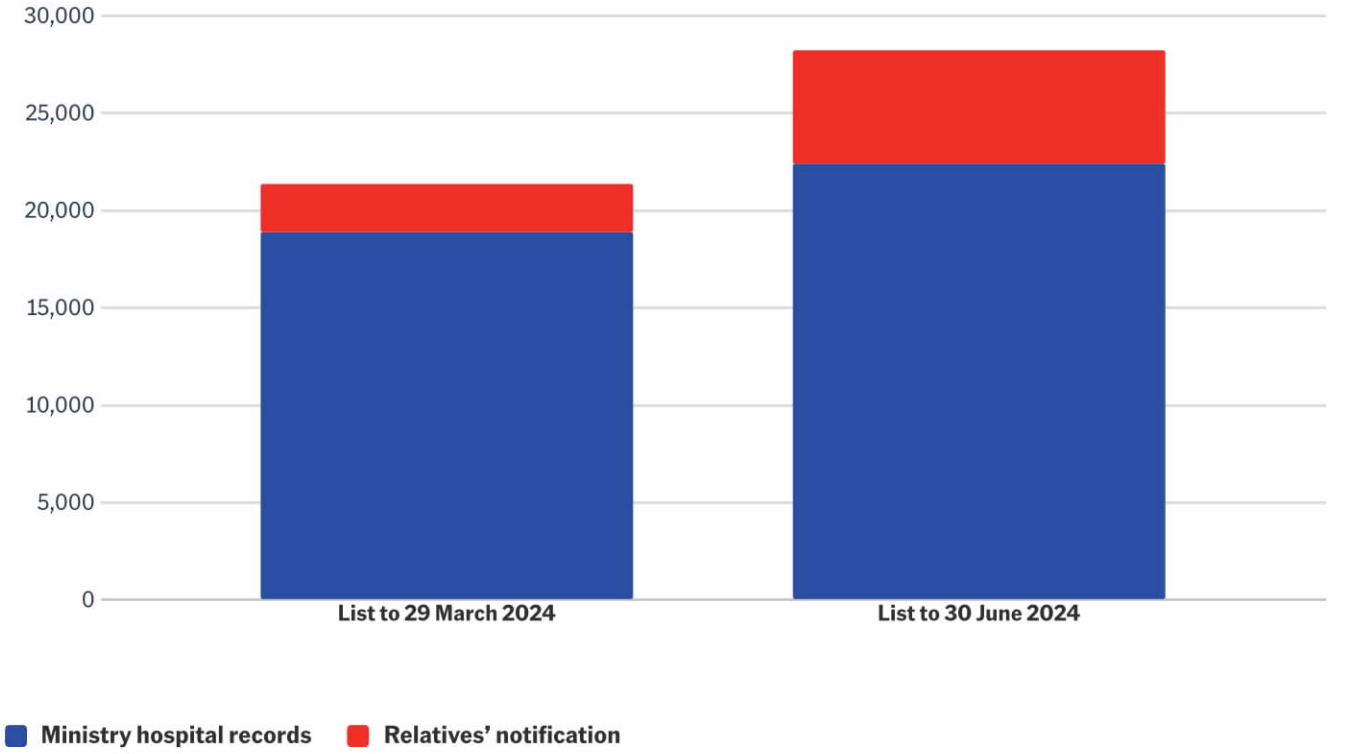
That is 20.6% of the June list. In the list to 29 March 2024, 2,478 of 21,323 records, or 11.6%, carried the relatives' label, and the other 18,845 were labelled ministry records. Both partitions sum exactly to their list totals, so the source column accounts for every record in each document.

**Provenance of records in two ministry lists**

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**RECORDS WITH COMPLETE DATA, BY THE MINISTRY'S OWN SOURCE LABEL**




*Source: Ministry of Health, Gaza (2024 to 2026), list documents posted 3 April and 24 July 2024; a party to the war reporting its own count, not independently verified.*

The base rate runs the other way from the premise. On the ministry's own labels, 22,368 of the 28,185 June records, or 79.4%, come from its hospital and morgue records. The relatives' stratum is the minority, though it grew between March and June 2024 as a share of the list.

Jamaluddine and colleagues (2025) identify what the relatives' stratum is. The study describes its 2 ministry input lists for the identical window as 22,368 identified decedents from hospital morgue records and 5,817 individual decedents from the ministry's rolling online mortality survey, launched on 1 January 2024, through which families report deaths. Those are precisely the 2 strata of the ministry's 30 June list.

A relative's report is a different evidentiary basis from a body received at a morgue, and the ministry flags it as such rather than merging it. The difference matters for the fields as well as the count: the 2-digit, dash-separated birth years in the March list sit in the relatives' rows, and the ministry's 29 July 2024 statement names the family's report as one of the 2 ways a

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date of death was recorded. The column that marks a record as resting on a relative's word is the same column that predicts which fields are weakest.

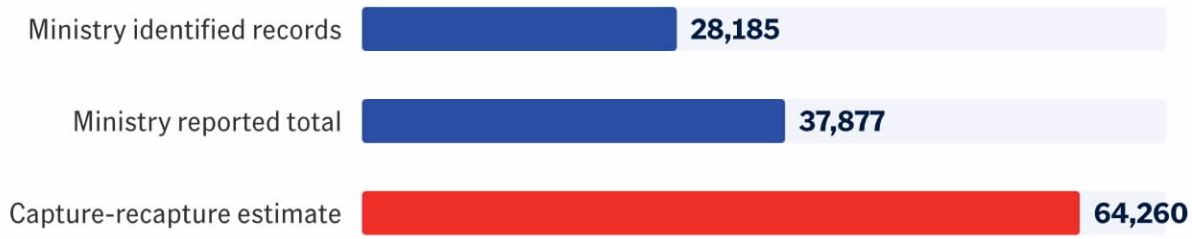
## Did the peer-reviewed test find too many deaths or too few?

Jamaluddine and colleagues (2025), a peer-reviewed capture-recapture study in The Lancet, estimated **64,260** deaths from traumatic injury in Gaza between 7 October 2023 and 30 June 2024 (95% CI 55,298 to 78,525). The Gaza Ministry of Health, a party to the war reporting its own count, had reported 37,877 by the same date.

Capture-recapture estimates a total from the overlap between independent lists: the fewer names that appear on more than one list, the more deaths no list has caught. The study combined 3 lists, the ministry's hospital morgue records, its online mortality survey, and obituary pages gathered from social media, and averaged alternative models over their overlap. The finding is too few, not too many, as set out in whether the Gaza health ministry undercounts or overcounts deaths.

**Ministry counts against the capture-recapture estimate**

**GAZA, 7 OCTOBER 2023 TO 30 JUNE 2024; ESTIMATE 95% CI 55,298 TO 78,525**




*Source: Jamaluddine and colleagues, 2025, The Lancet, peer-reviewed; ministry figures are Ministry of Health, Gaza (2024 to 2026), a party's own count, not independently verified.*

The study's headline 41% is a share of its own estimate. The gap between 64,260 and 37,877 is 26,383 deaths, which is 41% of 64,260 and 70% of 37,877; the ministry count was not low "by 41%" in the sense of multiplying 37,877 by 1.41. The interval is wide, and its lower bound of 55,298 still exceeds the ministry's reported total.

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Three limits travel with the estimate. It counts traumatic injury only, excluding deaths from disease, food insecurity and the collapse of health care. It excluded the 9,692 unidentified decedents in the ministry's 30 June update, 26% of the ministry's cumulative total, along with 930 people reported missing from the survey list. And 2 of its 3 input lists are the 22,368 and 5,817 strata of the ministry's own 30 June document, so the study is an academic estimate built on the ministry's records, not a count of the dead made separately from them.

Within those limits, the test bears on the direction of error. Duplicates, misdated deaths or wrongly attributed records would inflate a list; missed deaths deflate it. The single peer-reviewed measurement places the true traumatic-injury toll above the ministry's figure, with errors of both kinds possible inside that net result.

## How far did Israel's own 2014 count differ from the ministry's?

The Gaza ministry's count of deaths in the 2014 war differed from the Israeli Foreign Ministry's by **8.0%**, according to a Lancet correspondence letter by Huynh, Chin and Spiegel (2024), which was editorially reviewed and not peer-reviewed. Both underlying figures are a party's own count, relayed by an Associated Press explainer by Isabel Debre of 26 October 2023.

The pair AP printed is 2,310 deaths on the Gaza ministry's count and 2,125 on Israel's, a difference of 185. That is 8.0% of the Gaza ministry's figure and 8.7% of Israel's, and only the first reproduces the letter's number. In the one comparison on record against Israel's own published count, the Gaza ministry's total was the higher of the two.

| Measure, 2014 war | Figure | Source |
|---|---|---|
| Gaza ministry count, a party's own | **2,310** | Associated Press (Debre, 2023) |
| Israeli Foreign Ministry count, a party's own | **2,125** | Associated Press (Debre, 2023) |
| Discrepancy, Gaza ministry as base | **8.0%** | Huynh, Chin and Spiegel (2024) |

The letter's companion range, a discrepancy of 1.5% to 3.8% between ministry reporting and United Nations analyses in previous conflicts, rests on a sentence that carries no citation marker in either the journal's web text or its typeset PDF. The range reproduces from the

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2021 and 2008 pairs in the same AP explainer, again only with the ministry's count as denominator; AP itself prints no percentage. The UN figures in those pairs are post-war tolls of the UN humanitarian office, OCHA, and AP's pairs omit the November 2012 conflict, so "previous conflicts" covers 3 wars, not every one.

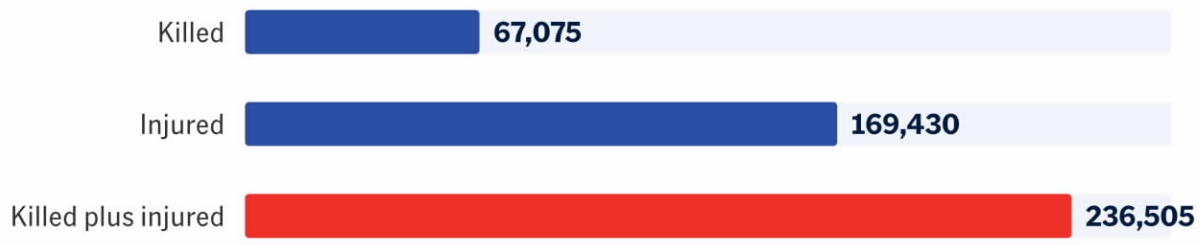
The letter's own measurement is narrower. It compared cumulative reported deaths over 35 days, 7 October to 10 November 2023, finding 11,078 Gazans and 101 UNRWA staff, and wrote that the ministry's rate of 5.3 deaths per 1,000 residents was lower than the 7.8 per 1,000 among UNRWA staff. Those are rates over 2 different populations. The authors added that ministry mortality "might have been under-reported" in the period, and their title, "No evidence of inflated mortality reporting," is an absence claim rather than a verification.

A search of the biomedical and preprint literature on 10 September 2026 located no peer-reviewed study comparing a pre-2023 ministry count with any other body's count. The comparison circulates as a percentage; as a study, it has not been carried out.

## Which errors enter after other bodies relay the count?

Crawford (2025), a Costs of War report from Brown University that is not peer-reviewed, gives **67,075** killed in Gaza to 3 October 2025. The figure is the Gaza Ministry of Health's own count, not independently verified, taken from a United Nations dashboard, so the chain runs from ministry to dashboard to paper, and an error at any link is not the list's.

**Killed, injured and their sum, Gaza**
**7 OCTOBER 2023 TO 3 OCTOBER 2025; THE SUM IS NOT A DEATH TOLL**




*Source: Crawford (2025), Costs of War, not peer-reviewed, relaying the Ministry of Health, Gaza's own count, not independently verified.*

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Crawford adds the ministry's 67,075 killed and 169,430 injured to reach 236,505 casualties, and reports that sum as more than 10% of Gaza's pre-war population of about 2.2 million. The 10% is a share of casualties, killed and injured together. Restated as a share of Gaza's population killed, it overstates the ministry's own death count more than threefold, an error produced in the relay, not in the list. The paper separately reports a later population estimate of 2.1 million, and the 2 denominators are not interchangeable.

The paper's civilian share of about 80% does not come from the ministry, which publishes no combatant breakdown. Crawford's own footnote derives it from a Guardian report of Israeli military data through May 2025 and flags the assumption, so a civilian proportion attributed to the ministry's lists cites a field the lists do not contain.

Relays of the peer-reviewed estimate drift the same way. The "more than 70,000" figure attached to Jamaluddine and colleagues (2025) in press coverage is not their capture-recapture result. It is the authors' own extrapolation in the paper's Research in context box, applying the same under-reporting rate to the ministry's October 2024 figure of 41,909, worded "probably exceeded 70 000." Their 41%, a share of the 64,260 estimate, is also read as a multiplier on the ministry's 37,877.

The Lancet letter by Huynh, Chin and Spiegel (2024) undergoes the same drift. Its title records an absence of evidence of inflation, and its text allows for under-reporting; restated as a finding that the ministry's count was verified, it reverses the direction of what the letter wrote. Each of these is a documented misreading that enters after the ministry publishes, attributable to the step that introduced it.

## Methodology and limitations

The evidence draws on 3 source types. The primary record is the Gaza Ministry of Health's own publication: 4 name-by-name list documents covering deaths to 29 March, 30 April, 30 June and 31 August 2024; daily statistical reports at the dates cited; the ministry's statements of 7 January, 24 July and 29 July 2024 and its additions of 2025 and 2026; and the Health Annual Report, Palestine 2024 and 2025. All were read on 10 September 2026. Every ministry figure is a party's own count and none is independently verified.

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The peer-reviewed tier is Jamaluddine and colleagues (2025), a 3-list capture-recapture study whose interval is wide and which counts traumatic-injury deaths only. Huynh, Chin and Spiegel (2024) is Lancet correspondence, editorially reviewed and not peer-reviewed, and its pre-2023 range carries no citation. Crawford (2025) is a university research project report, not peer-reviewed, compiling counts it did not measure. Press and policy-institute publications, The Jewish Chronicle, HonestReporting through The Jerusalem Post, the Foundation for Defense of Democracies, the BBC and the Associated Press, are named as the holders or relays of specific claims and dated, and their figures are carried as those publishers report them.

Retrieval shapes what is checkable. The ministry's website at moh.gov.ps holds 2,536 files, the newest dated 21 October 2023 and none a casualty list; the lists are posted only to the ministry media office's Telegram channel, which serves message text but no files. The list documents were therefore read from a public mirror of the posted files and matched against the ministry's own stated record counts, page counts and column sets, and for the March file against its stated file size. Ages and birth dates were read against each other row by row rather than parsed mechanically. Records are reported in aggregate, and no decedent is named.

## Conclusion

So have errors been found in the fatality lists issued by Gaza's Hamas-run health ministry? Yes, and the first body on record documenting some of them is the ministry itself, a party to the war whose counts are not independently verified, through its 29 July 2024 statement that an audit found decedents registered months after death.

The documented errors are specific and mixed in direction. The ministry's own 30 June 2024 split sums to 37,900, its 1 July total, and its 2024 annual year-end figure is the next morning's report. Its August 2024 list prints birth years like 01-01-27 that only the age column rescues. 5,817 of its June records rest on a relative's report, by its own label. The Jewish Chronicle and HonestReporting counted about 3,400 names absent from a 2025 round, while the ministry's own channel records committee additions of 233, 280 and 160. Against all of that, the only peer-reviewed test put traumatic-injury deaths at 64,260, above the ministry's own 37,877,

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and Israel's own 2014 count sat 8.0% below the ministry's. Several of the most repeated errors, the 10% read as deaths, the 41% read as a multiplier, enter only after other bodies relay the figures.

A list that is corrected in public, round after round, by the party that compiles it, leaves a trail of its own revisions, and a toll that no one corrects leaves none. When the errors in a count of the dead are documented in both directions at once, and the one statistical test places the total higher, what would it take for the argument over the lists to turn into a ledger of their changes?

## Frequently Asked Questions

### Does the ministry's list record a date of death for each person?

No. The 4 list documents read for 2024 carry serial number, name, an identity or document number, date of birth, sex, age and in most rounds a source column, and the phrase تاريخ الاستشهاد (date of martyrdom) appears in no column header (Ministry of Health, Gaza, 2024 to 2026). The ministry's own 29 July 2024 statement explains that dates of death were recorded on a family's report or on arrival at hospital.

### What does the ministry say its count leaves out?

On 7 January 2024 (message 4739) the Gaza ministry, reporting its own count, listed 5 exclusions: the missing and those under rubble, the unidentified who reached hospitals, the unidentified bodies Israel returned, families' own burials outside hospitals, and deaths in Gaza and North Gaza after its information system stopped in November 2023. The statement has not been withdrawn in the ministry's published channel.

### Has the ministry revised a single-incident death toll?

The BBC reported in 2023 that the ministry first gave 500 deaths for the 17 October 2023 explosion at Al-Ahli hospital and later revised its own figure to 471. The BBC also reported a US intelligence estimate of 100 to 300 deaths, likely at the low end. That revision concerns one incident's count, not the named lists.

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### Where does the ministry publish its lists?

The ministry's own website has published no file since 21 October 2023, so its lists appear only on its media office's Telegram channel, with corroborating national reports on site.moh.ps (Ministry of Health, Gaza, 2024 to 2026). The interactive platform it now names, sehatty.ps, returned an error on the path the ministry publishes when checked on 10 September 2026.

### How does the ministry break the dead down by age and sex?

The ministry's Director General stated on 23 March 2025 that 15,613 of 50,021 dead were children, the ministry's own count, and it publishes separate lists for children, women, the elderly and orphans alongside each combined list. Its Health Annual Report, Palestine 2025 gives children 30%, women 16%, the elderly 7% and men 47% of 71,271 deaths to the end of 2025, again its own figures.

### Has the count kept rising since the ceasefire?

The ministry's daily report of 10 September 2026 gave 73,670 cumulative deaths, its own count, including 1,359 since the ceasefire of 11 October and 831 bodies recovered from rubble. Recovered bodies enter the total as they are found, so part of any post-ceasefire rise reflects deaths that occurred earlier.

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The Hanover Institute for Public Policy studies the inputs fueling antisemitism in the United States and publishes what the evidence shows. Its work is content analysis, computational social science, and other data-driven research, and its reports take no policy positions.

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DATA REPORT BY THE HANOVER INSTITUTE NOVEMBER 9, 2026 UPDATED NOVEMBER 10, 2026

# Does "ZOG" claim Jews control the US government? The term's origins and what Americans believe

*The ADL defines ZOG as a white supremacist acronym for Jewish control of the US government. A 2022 survey put a related power belief at 20%.*

Antisemitic Conspiracy Theories | ZOG | White Supremacy | Public Attitudes | Online Recommendation



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Yes. The Anti-Defamation League, an advocacy organization, defines ZOG in its hate-symbol database as "a white supremacist acronym for 'Zionist Occupied Government,' which reflects the common white supremacist belief that the U.S. government is controlled by Jews." Conspiracy Watch (2024) dates the acronym's first appearance to a 1976 text.

That leaves two plain questions: how far does the claim reach, and how many Americans hold anything like it? The named sources disagree on reach. The ADL limits it to the government, the Forward (2024) extends it to "the government, banks and media," and Conspiracy Watch (2024) extends it to "world domination." The closest American measurement concerns power, not government. In a 2022 ADL survey fielded by NORC, 20% of 4,007 US adults rated "Jews have too much power in the United States today" somewhat or mostly true.

## Key Findings

- The Anti-Defamation League (undated entry, retrieved November 9, 2026), an advocacy organization, defines ZOG as reflecting "the common white supremacist belief that the U.S. government is controlled by Jews." The entry lists 3 slogans built on the acronym.
- Conspiracy Watch (2024), an anti-conspiracism monitor, dates the acronym's first appearance to a 1976 text by Eric Thomson. The Forward (Fox, 2024) credits The Turner Diaries, a 1978 novel, with popularising it in neo-Nazi circles.
- In an Anti-Defamation League (2023) survey of 4,007 US adults, fielded by NORC in September and October 2022, 20% rated "Jews have too much power in the United States today" somewhat or mostly true. None of the survey's 14 trope statements asks about the government.
- Among Malay adults in Kuala Lumpur, attitudes toward Israel were the strongest correlate of belief in a Jewish conspiracy theory, with a standardized beta of 0.56 (Swami, 2012, peer-reviewed).
- In a 2025 audit by the Institute for Strategic Dialogue, which is not peer-reviewed, a TikTok profile posing as a 15-year-old boy was shown antisemitic conspiracy theories within about an hour.

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## Does the ZOG acronym allege Jewish control of the US government?

Yes. The Anti-Defamation League, an advocacy organization, defines ZOG in an undated entry of its Hate on Display database (retrieved November 9, 2026). It calls ZOG "a white supremacist acronym for 'Zionist Occupied Government,' which reflects the common white supremacist belief that the U.S. government is controlled by Jews." The same entry lists **three** slogans the acronym generates: "Smash ZOG," "Kill ZOG" and "Death to ZOG."

The definition settles what the acronym alleges. Its expansion names a government, and the ADL's gloss names who is said to control it. The acronym says "Zionist," while the entry's own wording is "controlled by Jews." In each of the three slogans, ZOG stands in place of the state itself, as the thing to be smashed or killed. It does not stand for a lobby, a party or a single policy.

The ADL describes the belief as "common" among white supremacists. That is the ADL's characterisation, not a measured share. The entry carries no count of how many people hold the belief, how often the acronym appears, or where it appears. It also gives no coinage date and no first user, so the term's origin rests on other named sources.

The word "secretly" does not appear in the ADL's definition, which describes control rather than concealment. The element of secrecy enters through a different named description. The Forward (Fox, 2024) calls ZOG a variation on a conspiracy theory "alleging that a secret cabal of Jews runs the government, banks and media." The two descriptions differ in more than the word "secret," and they differ on which institutions the alleged control covers.

The ADL's hate-symbol entries are reference definitions written by an organization with an advocacy mission. The definition above is quoted as the ADL's own wording and is labelled by that source type wherever it appears.

## Who coined ZOG, and when did it start circulating?

Conspiracy Watch, a French anti-conspiracism monitor, wrote in a briefing note last updated August 5, 2024, that "the acronym 'ZOG' first appeared in a **1976** text by American neo-Nazi

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Eric Thomson." On that account, the term began in neo-Nazi writing, the setting the ADL's "white supremacist" label also points to. The first-use attribution is Conspiracy Watch's alone.

The step from coinage to circulation runs through a novel. Conspiracy Watch (2024) states that the acronym "is used several times in The Turner Diaries (1978)." The novel was written by William Luther Pierce under the pseudonym Andrew MacDonald. The Forward (Fox, 2024) gives the same novel a larger role, writing that ZOG "originally gained popularity in neo-Nazi circles after its use in The Turner Diaries."

The three sources make different claims and are cited for different things:

- Conspiracy Watch names a first appearance, 1976, and an author, Thomson.
- The Forward names no coinage author and credits the 1978 novel with popularising the term.
- The ADL entry gives neither a date nor a first user.

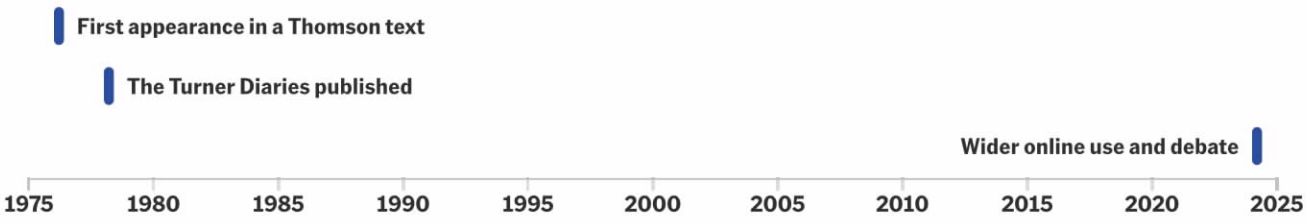
The 1976 date rests on Conspiracy Watch's attribution, and none of the other sources cited confirms it. The longer lineage of the ZOG conspiracy, including the older texts behind it, is traced separately.

The sources agree on the setting. In August 2024 the Forward wrote that the acronym "had historically remained relatively confined to neo-Nazi and white supremacist circles." It then entered wider online use that month, in a debate over the term that the Forward's headline framed as a question about criticism of US support for Israel. That gives the acronym a span of 48 years in the named record. It runs from Conspiracy Watch's 1976 date to the Forward's August 2024 account, and throughout it both sources place the term inside the same circles.

**Three dated points in the acronym's record**
**FIRST APPEARANCE, POPULARISING NOVEL, WIDER ONLINE USE**

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*Source: Conspiracy Watch, 2024 (1976, 1978); Fox, 2024, the Forward (1978 popularisation, 2024 online use).*

## Does ZOG name the government alone, or banks and media too?

The Forward (Fox, 2024) describes ZOG as "a 1970s variation on the age-old antisemitic conspiracy theory alleging that a secret cabal of Jews runs the government, banks and media." That names **three** institutions, where the Anti-Defamation League's definition names one, the US government.

Conspiracy Watch (2024) scopes the term wider still. Its briefing note links the acronym to "the idea of a Jewish plan for world domination as set out in the false document known as the Protocols of the Elders of Zion." On that reading, ZOG is a national instance of a global claim, and the US government is one site of the alleged control rather than its whole extent.

| Source | Alleged reach of control | Source type |
|---|---|---|
| Anti-Defamation League (undated) | The US government | Monitoring or advocacy organization |
| Fox, 2024 (the Forward) | Government, banks and media | US press |
| Conspiracy Watch (2024) | "World domination," per the Protocols | Monitoring organization |

Source: Anti-Defamation League, undated; Fox, 2024; Conspiracy Watch, 2024.

The three descriptions also differ from the acronym in their subject. The acronym's own expansion says "Zionist." All three sources gloss that word as Jews:

- The ADL writes "controlled by Jews."
- The Forward writes "a secret cabal of Jews."

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- Conspiracy Watch writes "a Jewish plan."

This gap between the word in the acronym and the word in the definitions is part of the documented record of the term. A measured study, set out below, found attitudes toward Israel tracking belief in a Jewish conspiracy theory.

The Forward's August 2024 piece sits at that gap: its headline asks whether neo-Nazi terms are "really the only way to criticize U.S. support for Israel," which records that by August 2024 the acronym was being used in a public argument about US policy toward Israel. In that argument, the acronym's wording and the definitions' wording diverged in practice.

## How many Jews live in the United States?

Israel's Central Bureau of Statistics counted **6.3 million** Jews living in the United States at the end of 2023. On the Bureau's own count, that is 40% of a world Jewish population of 15.7 million. This is the official national-statistics figure for the population that the ZOG acronym alleges controls the US government, and it is published by Israel's government statistics bureau.

The Bureau's 2024 release, issued for Holocaust Day, sets the American figure beside the other large communities at the end of 2023:

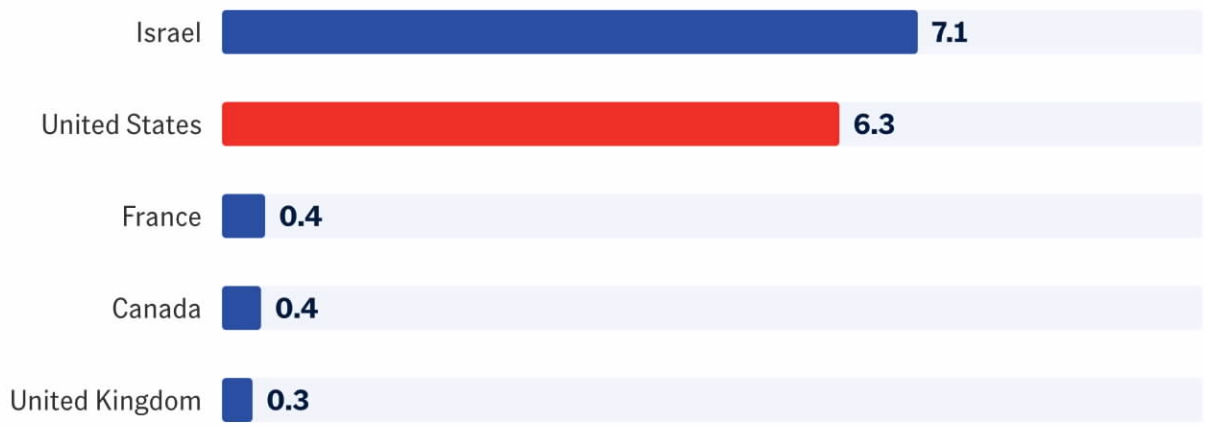
- Israel: 7.1 million, 45% of the world total.
- France: 440,000.
- Canada: 398,000.
- The United Kingdom: 312,000.

On these figures, the United States and Israel together hold 13.4 million of the 15.7 million, about 85% of the world total. The next three communities, France, Canada and the United Kingdom, hold about 1.15 million combined.

**Largest Jewish populations, end of 2023**
MILLIONS OF PEOPLE; CORE DEFINITION OUTSIDE ISRAEL

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*Source: Central Bureau of Statistics, 2024, official record (Israel's national statistics bureau).*

The Bureau's note carries a definitional caveat that applies to the American number. Outside Israel, the Bureau counts a "core" Jewish population, which is a narrower definition than the one it applies within Israel. The 6.3 million is therefore a core count. A broader definition, one taking in people of Jewish parentage who do not identify as Jewish, would yield a different total, and the Bureau's release does not publish that alternative figure.

The release also does not give the American figure as a share of the US population. It reports shares of the world Jewish total only, so 40% is the United States' portion of world Jewry, not the Jewish portion of Americans. No US share is computed here from this source.

The count is demographic. It records how many people the Bureau counts as Jewish and where they live. It carries no measure of office-holding, influence or institutional control, and it neither supports nor bears on the allegation in the acronym. It establishes only the size of the group the allegation names, as recorded by an official statistics bureau on its own stated definition.

## What share of Americans say Jews have too much power?

In a survey by the Anti-Defamation League's Center for Antisemitism Research, fielded by NORC in September and October 2022, **20%** of 4,007 US adults rated "Jews have too much power in the United States today" somewhat or mostly true. The ADL, an advocacy

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organization, published the result in 2023 from NORC's AmeriSpeak probability panel, weighted to the US population.

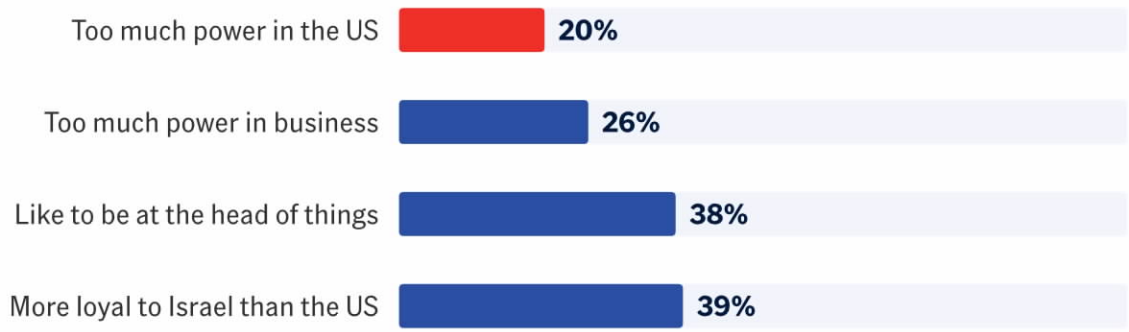
It is often said that belief in Jewish control is confined to white supremacist movements, the circles where Conspiracy Watch (2024) and the Forward (Fox, 2024) place the ZOG acronym. On the ADL's 2022 measure, the related belief in Jewish power is held by one in five American adults. That share is far larger than any movement those two sources describe.

The same survey recorded higher agreement on neighbouring items:

- 26% thought Jews have too much power in business.
- 38% thought Jews always like to be at the head of things.
- 39% thought Jews are more loyal to Israel than to the United States.

These items are not exclusive, so a respondent could agree with several, and the shares cannot be summed.

**Agreement with four anti-Jewish trope statements**
**US ADULTS, N = 4,007, SEPTEMBER TO OCTOBER 2022**




*Source: Anti-Defamation League, 2023, advocacy organization survey fielded by NORC on a probability panel.*

Two features of the instrument shape how the 20% reads. First, "agreed" means a rating of "Somewhat True" or "Mostly True," so the figure combines firm and partial assent. Second, the topline removed the "Unsure/Don't Know" option, which leaves respondents without a

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neutral exit, and ADL's own methodology appendix carries caveats on comparisons with its earlier waves.

The survey measures attitudes, while ADL's incident tallies count reported events under ADL's own definitions. These are separate products, and the 20% is not combined with or compared against any incident count.

## Has any survey asked whether Jews control the US government?

The Anti-Defamation League's 2022 survey, fielded by NORC, tested **14** anti-Jewish trope statements, and none of them asks whether Jews control the US government. The instrument combined the 11 statements of the ADL Index, asked since 1964, with three statements added for this wave.

The nearest item is the one reported above, "Jews have too much power in the United States today." That wording measures power in the country at large. It names no institution, and it does not use the word "control" or the word "government." A respondent who agreed with it may have had business, culture, politics or nothing specific in mind, and the item does not separate these.

The difference matters for the question at hand because the ADL's definition of ZOG is specific: it concerns "the U.S. government." The survey's business item, at 26%, shows that respondents rate institution-specific wording differently from the general power item, at 20%. It follows that a government-specific item could produce a figure different from either, and the instrument does not record one.

| Survey item | Institution named | Agreement, 2022 |
|---|---|---|
| Too much power in the United States | None | **20%** |
| Too much power in business | Business | **26%** |
| Control of the US government | Not asked | Not measured |

Source: Anti-Defamation League, 2023, advocacy organization survey fielded by NORC.

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The one national attitude instrument in the evidence assembled here therefore measures a general belief in excessive Jewish power, not the specific allegation the acronym encodes. The 20% is the closest checkable American figure on the premise, and it is reported as a measure of power rather than of government control. The two are different quantities, and no share of Americans who believe Jews control the US government appears in this record.

The ADL Index items have been asked since 1964, which gives the instrument a long run of comparable wording on the power item. The three statements added in 2022 extended the instrument, but none of them introduced government as a named institution. As a result, the survey's 14 statements leave the acronym's core claim untested in the American population.

## What predicts belief in a Jewish conspiracy theory?

In two surveys of Malay adults in Kuala Lumpur, Swami (2012, peer-reviewed, Frontiers in Psychology) found attitudes toward Israel to be the strongest predictor of belief in a Jewish conspiracy theory, with a standardized beta of **0.56**. The sample is not American, and the fieldwork is now more than a decade old. The study measured belief in a conspiracy theory directly, using a 12-item scale.

Study 2 (n = 314) produced a regression model that accounted for 39% of the variance, adjusted. After attitudes toward Israel, the next predictors were:

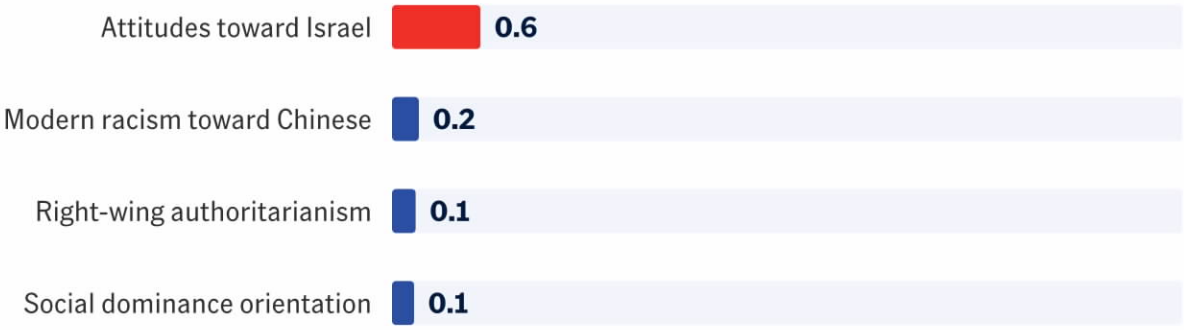
- modern racism toward the Chinese, at 0.17;
- right-wing authoritarianism, at 0.15;
- social dominance orientation, at 0.14.

Study 1 (n = 368) found that belief in the Jewish conspiracy theory was only weakly associated with general conspiracist ideation, at r = 0.22. Once the ideological variables were accounted for, general conspiracist ideation was no longer a significant predictor.

**Predictors of belief in a Jewish conspiracy theory**
STANDARDIZED BETAS, MALAY ADULTS, KUALA LUMPUR, STUDY 2 (N = 314)

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*Source: Swami, 2012, peer-reviewed, Frontiers in Psychology.*

These are associations in cross-sectional survey data. The study does not establish that attitudes toward Israel produce the belief, or the reverse. It reports that, in this population and period, the two moved together more closely than the belief moved with a general tendency toward conspiracy thinking.

The finding bears on the acronym's wording. ZOG says "Zionist" where the definitions from the ADL, the Forward and Conspiracy Watch say "Jews." Swami's data place attitudes toward Israel, rather than general conspiracism, at the centre of the measured association with a Jewish conspiracy theory. The study did not test the ZOG acronym, did not sample Americans, and cannot show whether the same pattern holds in the United States today. The relationship between anti-Zionism and measured antisemitism in other populations is set out separately.

The study is useful for a different reason: it is a peer-reviewed measurement of what tracks the belief, rather than a description of the belief. On the record assembled here, it is the only such measurement.

## Where do teenagers encounter claims of Jewish control online?

The Institute for Strategic Dialogue reported in 2025 that a TikTok profile posing as a 15-year-old boy, set up with an interest in male-lifestyle-influencer content, was shown antisemitic conspiracy theories within **about an hour**. The report is a structured organizational audit, not a peer-reviewed study.

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It ran 10 TikTok profiles posing as 15-year-olds, plus Rumble, over 14 days and collected more than 5,500 recommended videos.

The audit traced the route rather than only the endpoint. Stickers, sounds and comment sections connected benign videos to overt antisemitic content. That content included Holocaust memes, neo-Nazi imagery and far-right codes. The profiles did not search for the material; the recommendation feeds supplied it, starting from interests that had no stated connection to Jews or politics.

Rumble differed from TikTok in timing and in how explicit the content was. The Institute for Strategic Dialogue (2025) found that Rumble surfaced more overt antisemitic content than TikTok from the outset, in its Editor's Picks section. That content included slurs, Holocaust distortion and conspiracies about Jewish control. On Rumble, then, claims of Jewish control did not have to be reached through a chain of recommendations, because they were present on first view.

The audit records the general claim of Jewish control, and its published findings do not report a count of the ZOG acronym itself. Its evidence therefore concerns the belief the acronym encodes, not the acronym's vocabulary. It also shows exposure, not adoption: it records what the feeds served to test profiles, not what any teenager came to believe.

This finding sits beside the Forward's 2024 account of the acronym, which described ZOG as "relatively confined to neo-Nazi and white supremacist circles" before that year. The ISD audit locates the broader idea of Jewish control in mainstream recommendation feeds that serve teenage accounts. That is a different setting from the movement literature, and the audit dates it to 2025.

## Methodology and limitations

The evidence here comes from four source types, each labelled where it is used.

- **Monitoring or advocacy organizations.** These supply the definitions and the dating: the Anti-Defamation League's hate-symbol entry, which is undated and was retrieved

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November 9, 2026, and Conspiracy Watch's briefing note, last updated August 5, 2024. Both are reference characterisations, not measurements.

- **US press.** The Forward (Fox, 2024) is cited for its account of the term's popularisation and its August 2024 spread online.
- **Official record.** Israel's Central Bureau of Statistics (2024) supplies the population count, which uses a "core" definition outside Israel and mixes reference periods across its tables.
- **Measurement.** Two attitude surveys and one audit supply the measured figures: the ADL's 2022 survey fielded by NORC (n = 4,007, probability panel, weighted), Swami (2012, peer-reviewed, n = 368 and n = 314), and the Institute for Strategic Dialogue's 2025 recommender audit.

Several points remain open in the record. The 1976 first-use attribution to Eric Thomson rests on Conspiracy Watch alone, and no peer-reviewed or scholarly confirmation was retrieved. The Forward credits The Turner Diaries with popularising the term but names no coinage author. The ADL survey removed the "Unsure/Don't Know" option, and ADL's appendix caveats its comparison with 2019. Swami's samples are Malaysian and date from 2012, and the associations he reports are cross-sectional. The ISD audit is organizational rather than peer-reviewed, uses test profiles rather than real users, and does not count the acronym. No source cited here measures how often ZOG itself appears on any platform.

## Conclusion

So does ZOG claim that Jews secretly control the US government? Yes. On the Anti-Defamation League's definition, the acronym encodes exactly that belief, and the Forward (Fox, 2024) supplies the element of secrecy with its phrase "a secret cabal."

The record assembled here draws a consistent picture across its sources:

- The acronym is old. Conspiracy Watch (2024) dates it to 1976, and a 1978 novel carried it into wider use.
- It is explicit about its target. Each of the ADL's three slogans treats the state as the thing to be destroyed.

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- Its sources agree on who is meant, even where they disagree on how far the alleged control reaches, from the government alone to "world domination."
- Its general form is widely held. In 2022, 20% of American adults rated Jews as having too much power, in a survey whose 14 statements never named the government.
- Its route to new audiences is short. In the 2025 ISD audit, a teenage profile reached antisemitic conspiracy content within about an hour.

One feature recurs through the whole record: the acronym says "Zionist," every definition says "Jews," and in Swami's Kuala Lumpur samples, attitudes toward Israel tracked belief in a Jewish conspiracy theory with a beta of 0.56. When a word for a political movement serves as the label for an old claim about Jewish power, and that label now travels in arguments about American policy and in feeds served to fifteen-year-olds, does the substitution make the claim easier to repeat without recognising what it is? On the evidence here, the vocabulary has shifted and the survey instruments have not followed it, so that question remains unmeasured.

## Frequently Asked Questions

### Does the ADL say ZOG is used outside white supremacist movements?

Yes. The Anti-Defamation League states that the term originated with white supremacists and is "also occasionally used by some anti-Israel activists in the United States, particularly since the Hamas-led terror attacks of October 7, 2023." The entry gives no count of that use, so "occasionally" is the ADL's own characterisation.

### Did use of the ZOG theme change after October 7, 2023?

Conspiracy Watch (2024) writes that the theme "received a boost" after October 7, 2023 and the war in Gaza. The briefing note does not quantify that boost, so the claim stands as the monitor's own description rather than a measured trend.

### Who was William Luther Pierce?

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Pierce wrote The Turner Diaries (1978) under the pseudonym Andrew MacDonald, according to Conspiracy Watch (2024) and the Forward (Fox, 2024). The Forward identifies him as the founder of the National Alliance, a neo-Nazi organization.

### What share of Americans agreed with at least one anti-Jewish trope in 2022?

In the Anti-Defamation League's 2022 survey fielded by NORC, 85% of US adults rated at least one of the 14 trope statements somewhat true or more. That threshold is low by design, since a single item is enough to count.

### Did agreement with anti-Jewish tropes rise between 2019 and 2022?

On the ADL's comparison, 20% of US adults agreed with six or more of the 11 original Index statements in 2022, against 11% in 2019. ADL's own methodology appendix caveats that comparison, because the 2022 topline removed the "Unsure/Don't Know" option.

### Who was surveyed in the ADL's 2022 attitude study?

NORC at the University of Chicago drew 4,007 US adults from its AmeriSpeak probability panel and weighted the results to the US population, according to the Anti-Defamation League (2023). The sample included an oversample of 1,292 respondents aged 18 to 30.

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DATA REPORT BY THE HANOVER INSTITUTE NOVEMBER 9, 2026 UPDATED NOVEMBER 10, 2026

# How does Israel fund farm outposts? Inside the government's own 2005 review

*Israel's own 2005 review named the ministries that financed unauthorized outposts. What its counts, the land instruments and Oslo II show.*

West Bank Outposts | Settlement Funding | Sason Report | Israeli Land Law | Oslo II



The Israeli government's own review of unauthorized outposts, summarized in English by the Prime Minister's Office on 10 March 2005, records that the Ministry of Construction & Housing spent **NIS 71,870,000** on them from 2000 to 2004. That is the ministry's own reported total and, on the summary's account, a floor.

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When a fence, a herd and a few caravans appear on a West Bank hilltop without a cabinet decision, the practical question is whose budget put them there: that review, written by attorney Talya Sason, names the housing ministry, the Ministry of Defense, the Civil Administration and the World Zionist Organization's Settlement Division. Its published counts carry no farm category.

## Key Findings

- The Ministry of Construction & Housing reported spending NIS 71,870,000 on unauthorized outposts from 2000 to 2004, its own reported total, which the government-commissioned Sason review says understates the ministry's working schemes (Prime Minister's Office of Israel, 2005).
- Of the 140 caravans placed in the territories under the state's 2003 acquisition, 90 went to unauthorized outposts, and a further 64 were conveyed to outposts between 18 August and 5 December 2004, on government data published by a party to the events (Prime Minister's Office of Israel, 2005).
- Of the 105 unauthorized outposts known to the review in March 2005, a count it says "probably does not reflect the true number," 26 stood on State land, a figure published by a party to the events (Prime Minister's Office of Israel, 2005).
- A 1979 government resolution, adopted after the High Court's unanimous Elon Moreh judgment of 22 October 1979, confined settlements to State land, and the 2005 review defines an outpost as a site with no government decision behind it (Prime Minister's Office of Israel, 2005; Israeli Supreme Court, 1979).
- The Oslo II Interim Agreement of 28 September 1995 defines "the Settlements" as those in Area C, where Israel transferred only civil powers "not relating to territory" (Israel and the PLO, 1995).

## Which state bodies pay for outposts, by Israel's own review?

The Prime Minister's Office of Israel published in March 2005 the summary of an opinion it had commissioned from attorney Talya Sason, and that summary records **NIS 71,870,000** spent by the Ministry of Construction & Housing on unauthorized outposts from 2000 to 2004. The figure is the ministry's own reported total, stated by its Rural Building Administration, and the summary says it does not reconcile with the ministry's working schemes.

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The Sason summary (Prime Minister's Office of Israel, 2005) names three sets of bodies in the financing and servicing of unauthorized outposts: the Ministry of Construction & Housing, through its Rural Building Administration; the Ministry of Defense and its Civil Administration; and the Settlement Division of the World Zionist Organization. Its central finding is a single passage: "The problem is State and public authorities took part in breaking the law. They are the ones who financed construction without a resolution by the political echelon, in contrary to government resolutions, with no legal planning status, sometimes not on State owned land, sometimes on private Palestinian property or on survey land."

The review was commissioned by the government whose ministries it examined, and the Foreign Ministry posted the English text. Its data carry a stated gap. The outpost information came from the Infrastructure Department of the Civil Administration, which, Sason writes, did not deliver all of it. The shekel figure is therefore a floor in two senses: a self-report from the spending ministry, and a total built on a partial list.

## How long has state money for outposts been on the official record?

The Israeli government's own review counted **105** unauthorized outposts in March 2005 and found that state authorities financed outpost construction, a finding published by a party to the events. The Sason summary (Prime Minister's Office of Israel, 2005) states that state and public authorities paid for outposts that no cabinet had approved.

The finding that ministries paid for outposts built without a government decision has stood on the government's own record since 10 March 2005, when the Foreign Ministry posted the English summary of a review the government itself had commissioned.

The base rate sits in the same document. The figure of 105 was the number "that I know of today," in Sason's words, and the summary immediately adds that it "probably does not reflect the true number of outposts in the area." It is a floor. Of those 105, the summary dates 71 to before March 2001 and 24 to afterwards, and 10 have an establishment date the author had "yet to find out." Those 10 undated sites mean the two dated groups cannot be read as the whole.

The 2005 counts are broken down by land status and by date, not by use, so the review cannot be read for the share of outposts that were farms. The farm category in the current reporting is a later distinction, drawn by the bodies that produced the later figures. For the wider

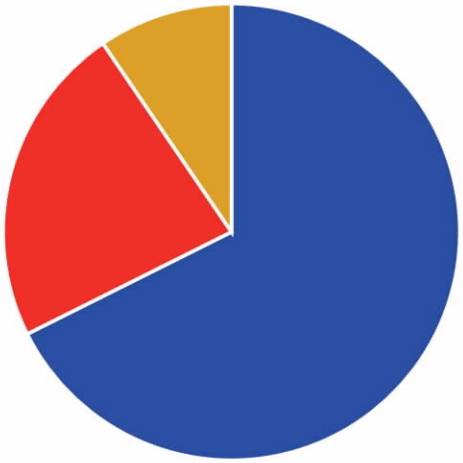
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record on outposts in Israel's own reviews and court rulings, see Israel's own record on unauthorized outposts.

**When the 105 known outposts were established**

UNAUTHORIZED OUTPOSTS KNOWN TO THE SASON REVIEW, MARCH 2005; 105 IS A FLOOR



Established before March 2001 Established after March 2001 Date not yet established

*Source: Prime Minister's Office of Israel, 2005, Sason summary; Israeli government data, a party's own count.*

## Why do budget lines rarely name an outpost?

The 2005 Sason review defines an unauthorized outpost by its characteristic A: "There was no government decision to establish it, and in any case no authorized political echelon approved its establishment." Since a **1979** government resolution, adopted after the High Court of Justice's Elon Moreh ruling, Israeli settlements were to be established "only on State land." An outpost sits outside the decision requirement by definition.

A budget line in Israel's system attaches to a decision, a program or a body. An outpost, as the Sason summary (Prime Minister's Office of Israel, 2005) defines it, has no decision to attach to. Spending that reaches it therefore travels under a heading that names something else. The one official figure in the summary illustrates the point: the NIS 71,870,000 was reported through the Rural Building Administration of the Ministry of Construction & Housing, a general administrative heading, and the summary reconstructs it as outpost spending only after the fact.

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The 1979 test has two sources that are often merged. The High Court of Justice, in HCJ 390/79 Dweikat v. Government of Israel, decided unanimously, 5 to 0, on 22 October 1979, declared Order of Possession 16/79 invalid as to the petitioners' lands and ordered the civilian settlers removed from them (Israeli Supreme Court, 1979). Deputy President Landau, writing the leading opinion, applied a dominant-purpose test and found that "the military consideration was subordinate to the primary, political decision to build the settlement."

The judgment did not lay down the State-land rule. Landau wrote that taking private land for a civilian settlement "is potentially justified under Article 52 of the Hague Regulations" where military needs in practice prompted it. The State-land rule is a government resolution taken after the ruling, which the Sason summary reports. A court judgment and an executive decision are different record types.

What the record shows is narrow and dated. The government's own 2005 definition places outposts outside any cabinet decision. The government's own 2005 finding records that ministries financed them "without a resolution by the political echelon." Together the two place outpost spending under headings that name a body or a program rather than a site.

## How did housing caravans reach outposts through state purchasing?

The Sason summary, published by the Prime Minister's Office in 2005, records that **90 of the 140 caravans** placed in the territories under the state's 2003 acquisition went to unauthorized outposts. The counts come from Israeli government data supplied to the review, a party's own reported figures, and the summary attaches no shekel value to them.

A caravan is an in-kind transfer. The state buys a housing unit through procurement and a body places it on a site, so the expenditure appears as a purchase rather than as a grant to the site that receives it. The Sason summary (Prime Minister's Office of Israel, 2005) records a second batch: a further 64 caravans conveyed to unauthorized outposts between 18 August and 5 December 2004. That window of under four months falls after the 2003 acquisition, and the summary reports the two counts separately.

**Caravans counted in the Sason summary**

COUNTS AS THE SUMMARY REPORTS THEM; THE 2004 BATCH IS SEPARATE FROM THE 2003 ACQUISITION

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*Source: Prime Minister's Office of Israel, 2005, Sason summary; Israeli government data, a party's own count.*

The counts have three limits. First, they carry no money value, so they cannot be added to the NIS 71,870,000 reported by the Ministry of Construction & Housing, and the summary does not say whether that figure includes the caravans. Second, the definition of an outpost in the summary covers a site "not attached to an existing settlement, but rather at least a few hundred meters distant from it as the crow flies." Caravans placed in unauthorized neighborhoods inside or adjoining recognized settlements therefore fall outside the 90 and the 64. Third, the counts come from the same incomplete Civil Administration data the summary describes elsewhere.

The caravan counts give a shape to the funding question that a cash total cannot. Housing is the first thing an outpost needs, and on the government's own account, 90 of the 140 caravans placed in the territories under the 2003 acquisition went to unauthorized outposts, sites that no cabinet had approved.

## Is land itself part of the support an outpost receives?

Of the 105 unauthorized outposts the Sason review knew of in March 2005, **26** stood on State land, on the land-status count the Prime Minister's Office published. That is a party's own figure, drawn from Civil Administration data. The summary sorts the remainder into survey land, Palestinian private property and mixed land, and leaves part of it unresolved.

The full breakdown in the Sason summary (Prime Minister's Office of Israel, 2005) is 26 on State land, 7 on survey land, 15 on Palestinian private property, and 39 on "mixed" land, "part State, part survey, part owned by Palestinians." The four categories account for 87 outposts. The remaining 18 stood on land "which I failed yet to resolve its nature," in the summary's words. The summary never totals the three non-State categories, and the unresolved 18 mean any such total is a floor.

**Land status of the 105 known outposts**

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**UNAUTHORIZED OUTPOSTS KNOWN TO THE SASON REVIEW, MARCH 2005**



State land · Survey land · Palestinian private property · Mixed land · Unresolved by the author

*Source: Prime Minister's Office of Israel, 2005, Sason summary; a party's own count. Unresolved is 105 minus 87.*

Whether a parcel counts as State land is decided by older instruments. The Ottoman Land Code of 1858, in F. Ongley's unofficial English translation of 1892, divides land into five classes. Among them is "Arazi Mirie. Crown lands, belonging to the state exchequer," and Article 6 defines dead land (mevat) as waste land beyond earshot of a village, "about a mile and a half" (Ottoman Empire, 1858). On how West Bank land becomes State land, the Code's articles are the starting point.

Military Order 59 of 31 July 1967, signed by the Commander of IDF Forces in the West Bank Area, defines Government Property by ownership on 7 June 1967 by the Hashemite Kingdom of Jordan or another enemy state. Its Article 2 reads, in Hebrew: "הממונה רשאי ליטול את החזקה ברכוש ממשלתי ולנקוט כל צעד הנראה לו דרוש לכך" (in a working rendering, "The Custodian may take possession of Government Property and take any step he deems necessary for that") (Commander of IDF Forces in the West Bank Area, 1967). The 1967 text contains no declaration procedure.

## Which authority governs the land where farming outposts sit?

The Oslo II Interim Agreement, signed by Israel and the PLO on **28 September 1995**, defines "the Settlements" in Article XII(5) as "in the West Bank the settlements in Area C." Under

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Article XVII(4)(a), Israel, "through its military government," holds authority over areas outside the Palestinian Council's territorial jurisdiction. That allocation matches the bodies the 2005 review names: the Ministry of Defense and its Civil Administration.

The Agreement, quoted here from the text the Israeli Ministry of Foreign Affairs published as a party to it (Israel and the PLO, 1995), defines Area C residually in Article XI(3): "areas of the West Bank outside Areas A and B." Areas A and B are defined by red lines and shading on a map, so Area C is whatever the map leaves. Article XI(2) sets out what moved in Area C: "Israel will transfer to the Council civil powers and responsibilities not relating to territory." Land, planning and zoning in Area C remained with Israel's military government.

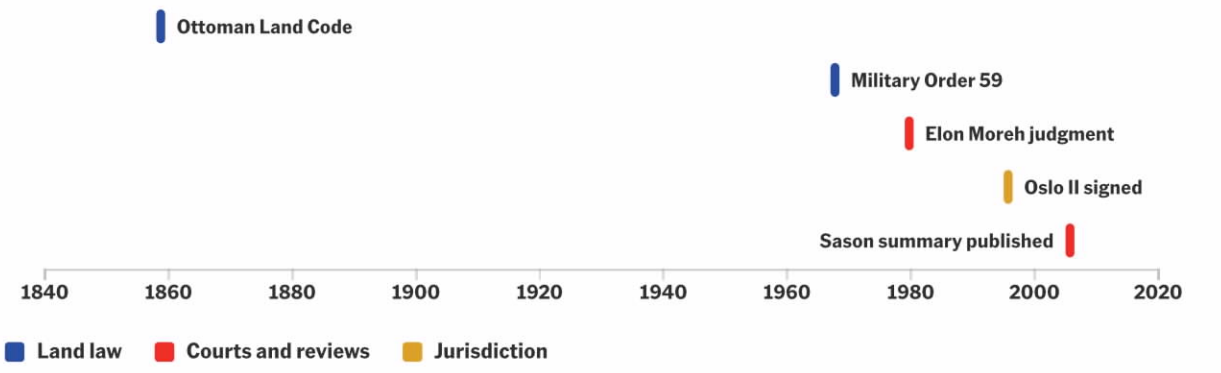
That is why a civilian ministry's housing purchase or an agricultural grant reaches an Area C site through a military administration. The Ministry of Defense and the Civil Administration appear in the Sason summary (Prime Minister's Office of Israel, 2005) as bodies servicing outposts because the Agreement left territorial authority in Area C with them. Background on jurisdiction under the Interim Agreement covers the clauses in full.

The Agreement also set a schedule. Three further redeployments were to follow "each to take place after an interval of six months," completing within 18 months of the Council's inauguration. Annex I Article I(5) provides that "the Israeli Civil Administration will be dissolved" after that inauguration. That is what the text promised in 1995. The Sason summary of March 2005 names the Civil Administration as a functioning body, which dates its continued operation a decade later.

Article XXXI(7) binds both parties equally: "Neither side shall initiate or take any step that will change the status of the West Bank and the Gaza Strip pending the outcome of the permanent status negotiations."

**The instruments behind outpost land and authority**

DATED TEXTS GOVERNING LAND STATUS AND JURISDICTION




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*Source: Ottoman Empire, 1858; Commander of IDF Forces in the West Bank Area, 1967; Israeli Supreme Court, 1979; Israel and the PLO, 1995; Prime Minister's Office of Israel, 2005.*

## Methodology and limitations

The evidence was drawn from five primary or official records.

The official records are:

- The English summary of the Sason opinion, posted by Israel's Foreign Ministry on 10 March 2005 (Prime Minister's Office of Israel, 2005). This is a government-commissioned review of the government's own conduct, so its counts are a party's own figures.
- The High Court of Justice judgment in HCJ 390/79 of 22 October 1979 (Israeli Supreme Court, 1979). It was read in the Cardozo Israeli Supreme Court Project's unofficial English translation, made from a Hebrew text prepared by Nevo Press; the Hebrew governs.
- Military Order 59 of 1967, read in Hebrew in the Military Advocate General's published Collection of Proclamations, Orders and Appointments. English renderings of it are working translations, since no official English text exists, and the order has nine later amendments.
- The Ottoman Land Code of 1858, quoted from F. Ongley's unofficial 1892 translation as revised by Horace E. Miller.
- The Oslo II Interim Agreement, in the English text published by the Israeli Foreign Ministry as a party.

The Sason summary is not the full opinion, which is in Hebrew and much longer. Its outpost data came from the Civil Administration, which, the author states, did not deliver all of it. Its 105 outposts and its land-status counts are floors, and its definition excludes unauthorized building inside or adjoining recognized settlements. Its counts are not broken down by use, so they give no farm share.

No official total of state spending on outposts dated after March 2005 appears among the records cited here, so the NIS 71,870,000 for 2000 to 2004 is the only spending figure the report carries.

## Conclusion

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So whose budget put the fence, the herd and the caravans on the hilltop? On the Israeli government's own 2005 review, a party's own account, several budgets did, and none of them named the hilltop. The Ministry of Construction & Housing reported NIS 71,870,000 for 2000 to 2004, its own total and a floor. 90 of 140 caravans from the 2003 acquisition went to outposts. Only 26 of the 105 known outposts stood on State land. The Defense Ministry and its Civil Administration serviced sites in an Area C that the 1995 Agreement left under Israel's military government.

The portrait the records draw is consistent. An outpost is defined by the decision no one took. Its housing arrives as procurement and its land arrives with an unresolved title. Its cash arrives under a general heading such as rural building. The last official tally is dated March 2005, and its author called her own count of outposts something that "probably does not reflect the true number."

That leaves a question about public accounting in a democracy that spends through ministries. If a site exists outside every cabinet decision and is paid for under headings that never name it, which institution of the state that pays is positioned to count what it costs? And what changes for voters, courts and the people living beside these farms when the last official answer on the record is two decades old?

## Frequently Asked Questions

### How far from a settlement must a site be to count as an outpost in the 2005 review?

The Sason summary (Prime Minister's Office of Israel, 2005) counts a site as an outpost only if it is "at least a few hundred meters distant" from an existing settlement "as the crow flies." Unauthorized construction inside or adjoining recognized settlements is therefore outside its count of 105.

### How many outposts did the state evacuate after the review period began?

Ministry of Defense data supplied to the Sason review record that "81 outposts were evacuated so far, only a few of them were manned." This is the ministry's own figure and covers only outposts established after March 2001. The summary notes that some were "occupied again and not yet evacuated," so the 81 cannot be set against the 105.

### What happened to the delimitation orders issued against outposts?

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The same Ministry of Defense data in the Sason summary record 13 delimitation orders issued and 12 appeals against them granted. The summary gives no further breakdown of those cases.

### Is the full Sason opinion available in English?

No. The Foreign Ministry posted an English summary on 10 March 2005, and the full opinion exists only in Hebrew and runs much longer. Detail that is not in the summary cannot be attributed to it.

### Did the 1979 Elon Moreh ruling ban settlement on private land?

No. Deputy President Landau wrote that taking private land for a civilian settlement "is potentially justified under Article 52 of the Hague Regulations" where military needs in practice prompted it (Israeli Supreme Court, 1979). The order fell on the facts of that requisition. The Court also left Article 49(6) of the Fourth Geneva Convention undecided.

### Can farmland under Ottoman law be lost for lying fallow?

Article 68 of the 1858 Code, in Ongley's unofficial translation, provides that arable land left fallow "for three successive years" without valid excuse "becomes the right of Tapu." The former holder may then recover it "for its equivalent value (Bedel Misl)" (Ottoman Empire, 1858). The article does not say the land reverts to the state.

### Is there an official English text of Military Order 59?

No. The Military Advocate General's Collection prints the 1967 order in Hebrew and Arabic only (Commander of IDF Forces in the West Bank Area, 1967). Its index lists nine amendments, the last being Order 1508, so the 1967 booklet is not the text in force.

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DATA REPORT BY THE HANOVER INSTITUTE NOVEMBER 9, 2026 UPDATED NOVEMBER 10, 2026

# Who accuses Israel of genocide? The court case, the states and Israel's reply

*One state has filed a genocide case against Israel; others use the word in motions, speeches and scholarship. The dated record, with Israel's own counts.*

Genocide Convention | Gaza | South Africa v. Israel | International Law | Humanitarian Aid



The genocide accusation against Israel that stands on a court record is South Africa's Application under the 1948 Genocide Convention, signed at The Hague on

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28 December 2023 and filed the next day. It is a state party's pleading, not a finding (Republic of South Africa, 2023). The word is also used in other capacities: by Ireland's Dáil in a non-binding motion of 7 November 2024, by Brazil's president at a press conference on 5 June 2025, and by a scholar in a peer-reviewed article of 9 May 2024. Lists of accusers usually arrive as one line, and the record separates them into an applicant, a legislature, a head of state and a scholar. Beside them it places the accused state's own published position and counts, including 74 criminal investigations opened as at 3 August 2024 by the IDF's own count.

## Key Findings

- South Africa's Application of 28 December 2023 runs to 151 numbered paragraphs and grounds the Court's jurisdiction, at paragraph 17, in Article IX of the Genocide Convention. It is a state party's own pleading, not a finding (Republic of South Africa, 2023).
- Six states, Canada, Denmark, France, Germany, the Netherlands and the United Kingdom, argued in a declaration of 15 November 2023 in The Gambia v. Myanmar for a more holistic test of genocidal intent. Nimer Sultany's peer-reviewed article applies that reading to Gaza and concludes that "the threshold of intent is met" (Sultany, 2024).
- Israel's Ministry of Foreign Affairs, in a paper updated to 2 November 2023, states that "compliance is conduct-oriented, not result-oriented." This is the accused party's own statement of its legal position (Israel Ministry of Foreign Affairs, 2023, Key Legal Aspects).
- COGAT's truck-level record counts 32,946 trucks between 21 October 2023 and 31 May 2024, a party's own operational count that has not been independently verified. Its dashboard records that "no aid entered the Gaza Strip between March 2 to May 19 2025" (COGAT, 2026).
- The IDF Military Advocate General's Corps reports 74 criminal investigations opened as at 3 August 2024. This is the IDF's own count of investigations opened, not of findings or convictions (Israel Defense Forces, Military Advocate General's Corps, 2024).

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## Which state has taken a genocide accusation against Israel to court?

The Republic of South Africa filed an Application against Israel in the Registry of the International Court of Justice on **29 December 2023**, a day after its Agent signed it at The Hague (Republic of South Africa, 2023). The case is entered as General List No. 192. The Application is a pleading by a state party: it records what South Africa alleges, not what any court has determined.

The document runs to 151 numbered paragraphs. Jurisdiction is set out in Section II, the facts in Section III and the request for provisional measures in Section VI. Paragraph 17 states the legal basis in one sentence: "Therefore, pursuant to Article 36 (1) of the Court's Statute and Article IX of the Genocide Convention, the Court has jurisdiction to hear the claims submitted in the present Application by South Africa against Israel."

The pleading also sets out the treaty history it relies on. Paragraph 9 dates Israel's ratification of the Convention to 9 March 1950 and South Africa's accession to 10 December 1998. Paragraph 11 records that "Neither South Africa nor Israel has entered any reservation to Article IX." On the pleading's own account, both states had accepted the Court's jurisdiction over Convention disputes long before the filing.

South Africa frames its case in its own words at paragraph 2. There it places "the acts of genocide in the broader context of Israel's conduct towards Palestinians during its 75-year-long apartheid, its 56-year-long belligerent occupation of Palestinian territory and its 16-year-long blockade of Gaza." Those characterisations are South Africa's own and are carried here as the applicant's allegations.

**The treaty dates South Africa's Application pleads**

RATIFICATION, ACCESSION, SIGNATURE AND FILING, AS STATED IN THE APPLICATION

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*Source: Republic of South Africa, 2023, Application, paragraphs 9 and 11; a state party's own pleading.*

## Who else calls it genocide, and since when?

Ireland's Dáil passed a non-binding motion on **7 November 2024** agreeing that "genocide is being perpetrated before our eyes by Israel in Gaza," as the Press Association reported for BreakingNews.ie that day (BreakingNews.ie, 2024). A motion is a statement by a legislature, with no court process attached. The same report quotes the Tánaiste as saying that Ireland does not impose unilateral domestic sanctions.

A head of state used the word seven months later. Speaking beside France's president in Paris on 5 June 2025, Brazil's president, Luiz Inácio Lula da Silva, called the war in Gaza "um genocídio premeditado," a premeditated genocide, as Poder360 reported (Poder360, 2025). Both statements are dated illustrations, not a count. Lists of "recognising" states that circulate online mix speeches, motions and support for South Africa's case, and the dated statements by individual states need reading one by one.

The scholarly position is on record under a name and a date. Nimer Sultany, Reader in Public Law at SOAS University of London, argued in a peer-reviewed article in the Journal of Genocide Research, published online on 9 May 2024, that "the threshold of intent is met, and Israel violated the Genocide Convention" (Sultany, 2024). His article measures nothing; the casualty figures in it are relayed from other bodies and are not carried here.

Advocacy organisations set out their positions in their own documents, under their own standards of proof, and none of them is a court. One organisation's position is examined in a separate report on Amnesty International's findings. The distinction matters because the capacities differ in what they can produce. A motion records a chamber's position on a date, a

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president's phrase records a remark, and an article records an argument. Only the applicant's pleading sits before a court that can reach a judgment on the merits.

## What did South Africa ask the Court to order?

South Africa's Application requested **nine** provisional measures at paragraph 144. At paragraph 148 it reserved "the right to revise, supplement or amend the terms of this Application, as well as the grounds invoked" (Republic of South Africa, 2023). That request is the applicant's own. What the Court then indicated is a separate record, with its own text and its own recorded votes.

The Court's order of 26 January 2024 indicated six measures, and every one opens "The State of Israel shall." The first requires Israel to "take all measures within its power to prevent the commission of all acts within the scope of Article II of this Convention," and lists four of them: killing members of the group, causing serious bodily or mental harm, "deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part," and measures intended to prevent births. Four of the six measures carried by 15 votes to 2 and two by 16 to 1, on a bench of 17.

The order states the standard it applied, and paragraph 30 sets the limit: "the Court is not required to ascertain whether any violations of Israel's obligations under the Genocide Convention have occurred. Such a finding could be made by the Court only at the stage of the examination of the merits." Paragraph 54 states what was found plausible: "the right of the Palestinians in Gaza to be protected from acts of genocide and related prohibited acts identified in Article III, and the right of South Africa to seek Israel's compliance." Read together, the two paragraphs record a finding about rights at an interim stage. They contain no finding that genocide was occurring.

The two 16-to-1 measures, on preventing and punishing "direct and public incitement to commit genocide" and on enabling humanitarian assistance, drew the vote of Judge ad hoc Aharon Barak, the judge Israel chose for the case. The Court modified its measures twice more in 2024. Its order of 28 March reaffirmed the January measures by 14 votes to 2 on a bench of 16. Its order of 24 May reaffirmed them by 13 votes to 2 on a bench of 15. The majorities fall because the bench shrank: Judge ad hoc Moseneke ceased to sit after a South

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African national was elected to the Court, and Judge Tomka did not sit in May. Thirteen of 15 is a larger share of the bench than 15 of 17.

## Why does the case name only Israel as respondent?

Paragraph 17 of South Africa's Application grounds jurisdiction in **Article IX** of the Genocide Convention, a clause that covers disputes between the Contracting Parties to the Convention (Republic of South Africa, 2023). The case therefore has two parties, South Africa and Israel. The Court spelled out the consequence for third parties in its order of 28 March 2024.

Paragraph 44 of that order reads, in full: "With regard to the measures requested by South Africa addressed to States or entities not parties to the present proceedings, the Court recalls that: 'the judgment in a particular case by which disputed rights may be adjudged by the Court to belong to the Applicant or to the Respondent has, in accordance with Article 59 of the Statute of the Court, "no binding force except between the parties"... accordingly the Court may, for the preservation of those rights, indicate provisional measures to be taken by the parties, but not by third States or other entities who would not be bound by the eventual judgment to recognize and respect those rights'... The Court thus cannot, in the exercise of its power to indicate provisional measures in the present case, indicate the first three provisional measures sought by the Applicant." The March order states that its French text is authoritative, so this English wording is a translation of the governing text.

The three requests set aside at paragraph 44 would have reached beyond Israel. The first asked that "All participants in the conflict must ensure that all fighting and hostilities come to an immediate halt, and that all hostages and detainees are released immediately." The other two were addressed to "All Parties to the Convention." In January, South Africa had also asked that "The Republic of South Africa and the State of Israel shall each" take reasonable measures to prevent genocide, and the Court did not indicate that measure in its mutual form either.

On this record, every measure the three orders indicate is addressed to the State of Israel, and none to a Palestinian party, because no Palestinian party is before the Court. The orders' reasoning does address armed groups in Gaza. Paragraph 85 of the January order states that the Court "is gravely concerned about the fate of the hostages abducted during the attack in

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Israel on 7 October 2023 and held since then by Hamas and other armed groups, and calls for their immediate and unconditional release." The March and May orders each repeat the call. The list of named respondents follows from Article IX and Article 59.

## Which states argued for a lower bar to prove intent?

Six states, Canada, Denmark, France, Germany, the Netherlands and the United Kingdom, asked the Court in a Joint Declaration of Intervention of **15 November 2023** in The Gambia v. Myanmar to assess genocidal intent "in a more holistic way," as Nimer Sultany records in his peer-reviewed article (Sultany, 2024). Their declaration concerned Myanmar. Sultany then applies its reasoning to Gaza.

The standard at issue is the "only reasonable inference" requirement: where intent is inferred from conduct, genocidal intent must be the only reasonable inference available. Sultany describes the six states' argument that the Court "should lower this high legal requirement of 'only reasonable inference' from the materials and instead assess genocidal acts and intentions in a more holistic way." He calls it a "high legal requirement" and makes the case for the six states' reading. His conclusion follows from it: "If this interpretation is applied consistently, without double standards, the conclusion should be that the threshold of intent is met, and Israel violated the Genocide Convention."

He also separates two obligations that are often run together: "States are under a positive obligation to prevent when there is a 'serious danger' of genocide, whereas complicity consists in assisting the perpetrator with the knowledge that the perpetrator is engaged in genocide." On military language, the argument of his article is that military goals can conceal genocidal intent, and that the "collateral" and proportionality vocabulary "masks indiscriminate attacks."

Marko Milanovic approaches the same standard from the other direction, in a post on EJIL:Talk!, the blog of the European Journal of International Law, published on 18 September 2025. The post is named-author commentary and is not peer-reviewed (Milanovic, 2025). He traces the test to criminal law: "The notion of an 'only reasonable inference' comes to international law from the jurisprudence of the first modern ad hoc criminal tribunals." On his reading it follows from proof beyond reasonable doubt, so it does not bind bodies working

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to a lower standard: "Other fact-finders are not bound to apply a high standard of proof or ORI, for genocide or other international crimes alike. This includes formal fact-finding bodies, like a UN CoI, but also governments, NGOs, academics, or ordinary people."

The two authors differ on what the test is. Sultany argues the bar should be lowered for the Court itself. Milanovic argues that commissions, governments and organisations were never held to it. Milanovic's own view, that one can "rationally choose to believe that Israel is committing genocide or crimes against humanity in Gaza without requiring proof beyond a reasonable doubt," is his named position on a contested question.

## What legal standard does Israel say governs its conduct?

Israel's Ministry of Foreign Affairs, in a paper updated to **2 November 2023**, states that "compliance is conduct-oriented, not result-oriented," so that an attack causing "more collateral damage than expected" does "not necessarily indicate a violation" (Israel Ministry of Foreign Affairs, 2023, Key Legal Aspects). This is the accused party's own statement of its legal position. It is not a finding of compliance.

The same paper sets out Israel's targeting rule in one sentence: "the IDF only targets persons who are members of organized armed groups or civilians directly participating in the hostilities." On treaty status, it says that Israel "abides by all applicable rules of customary international law, including those embodied in conventions to which it is not a party (such as the 1977 Additional Protocols to the Geneva Conventions)." On warnings, it says that "the IDF does not assume that there are no civilians in areas or sites where advance warnings had been given." On legal review, it says that "IDF legal advisers are not subject to the IDF chain of command on professional matters, but report directly to the Military Advocate General."

A second Ministry document, its Frequently Asked Questions updated to 8 December 2023, gives Israel's own counts of its warnings (Israel Ministry of Foreign Affairs, 2023, Frequently Asked Questions). It reports "over 15 million text messages," "over 12 million pre-recorded phone calls," "over 4.5 million leaflets" and "over 45,000 individual phone-calls." Each is a floor and cumulative to that date. The four channels overlap, so they cannot be added into a number of warnings or of people warned. The same document says proportionality is "to be applied to each and every attack independently," and describes a "Civilian Harm Mitigation

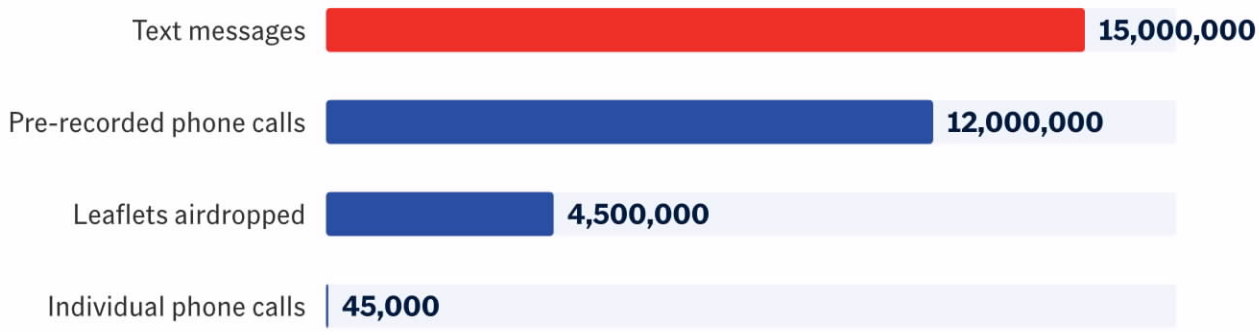
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Unit" that "constantly monitors in real time the implementation of these evacuation recommendations."

**Warning channels Israel reports using in Gaza**

**EACH COUNT IS A FLOOR, CUMULATIVE TO 8 DECEMBER 2023; CHANNELS OVERLAP AND ARE NOT SUMMED**




*Source: Israel Ministry of Foreign Affairs, 2023, Frequently Asked Questions; a party's own counts, not independently verified.*

Both documents are a party's own published position, dated within the first ten weeks of the war, and they predate South Africa's filing.

## What does Israel's own aid record count since the accusation?

COGAT, the Israeli Ministry of Defense unit that coordinates civilian matters in the territories, records **32,946** trucks entering through its crossings between 21 October 2023 and 31 May 2024, one row per truck (COGAT, 2026). This is a party's own operational count at its own crossings and has not been independently verified. It bears on the conditions-of-life act that the January order listed, and it is a count of entries. It is not a measure of conditions.

The record sorts every truck into one of five content classes. Food accounts for 22,281 trucks, or 67.6% of the 32,946, on the Institute's own tally of COGAT's published rows. COGAT's dashboard notes that "mixed aid" and "shelter equipment" trucks "may also contain food items." The record also carries a tonnage column, headed "Estimated weight (tons)," which

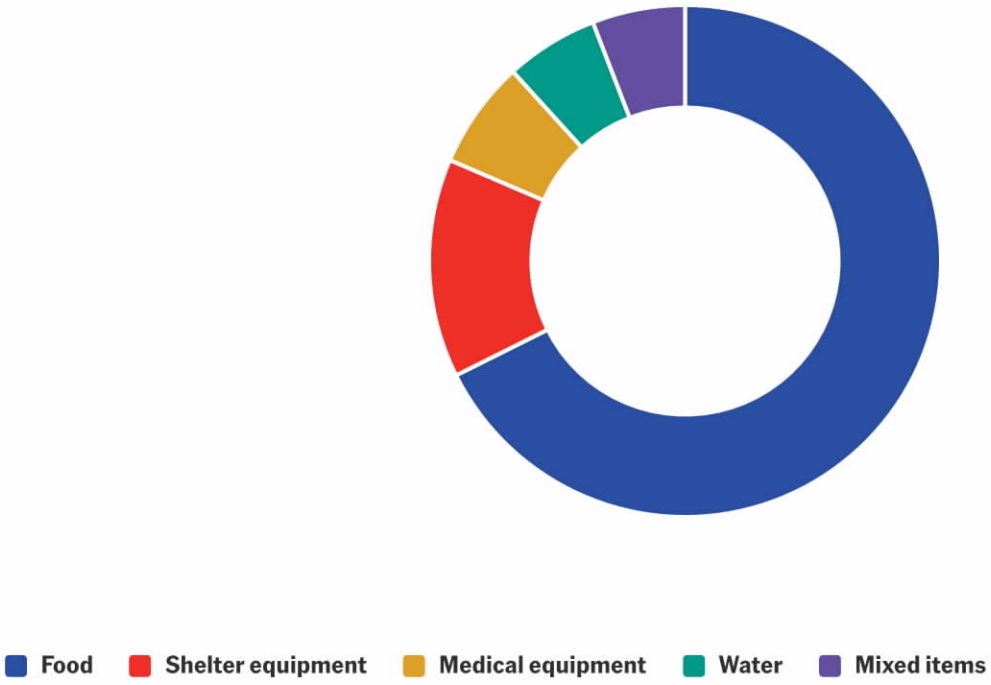
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COGAT says rests on "the self-declaration of humanitarian organizations and private sector providers." The truck count is a tally made at inspection, and the tonnage is a sum of shippers' declarations. Tonnage is not carried here.

**Trucks by content class, 21 October 2023 to 31 May 2024**

**32,946 TRUCKS; THE FIVE CLASSES ARE EXCLUSIVE AND SUM TO THE TOTAL**




*Source: COGAT, 2026, truck-level workbook; the Institute's tally of a party's own published rows, not independently verified.*

COGAT's own dashboard records an interval of no entries in a single line: "According to the directive from the political echelon, no aid entered the Gaza Strip between March 2 to May 19 2025." That is the accused party's own statement of eleven weeks with nothing entering.

Israel's Permanent Mission to the Multilateral Organizations in France gave a larger total, as Israel's reported count. It stated that "more than 106,000" aid trucks had entered Gaza since 7 October 2023, as of 14 September 2025 (Israeli Ministry of Foreign Affairs, Permanent Mission of Israel to the Multilateral Organizations in France, 2025). The two figures cover different periods and are published by different arms of the same government. Neither

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supports a daily average: the crossings do not operate on Saturdays, and the 2025 nil period sits inside any war-long span.

## What has Israel's military prosecutor opened since the accusations?

The IDF Military Advocate General's Corps reports **74** criminal investigations opened into conduct in the Gaza war as at 3 August 2024 (Israel Defense Forces, Military Advocate General's Corps, 2024). This is the IDF's own count of its own processes, published by a party to the events. It counts investigations opened. It does not count findings, indictments or convictions.

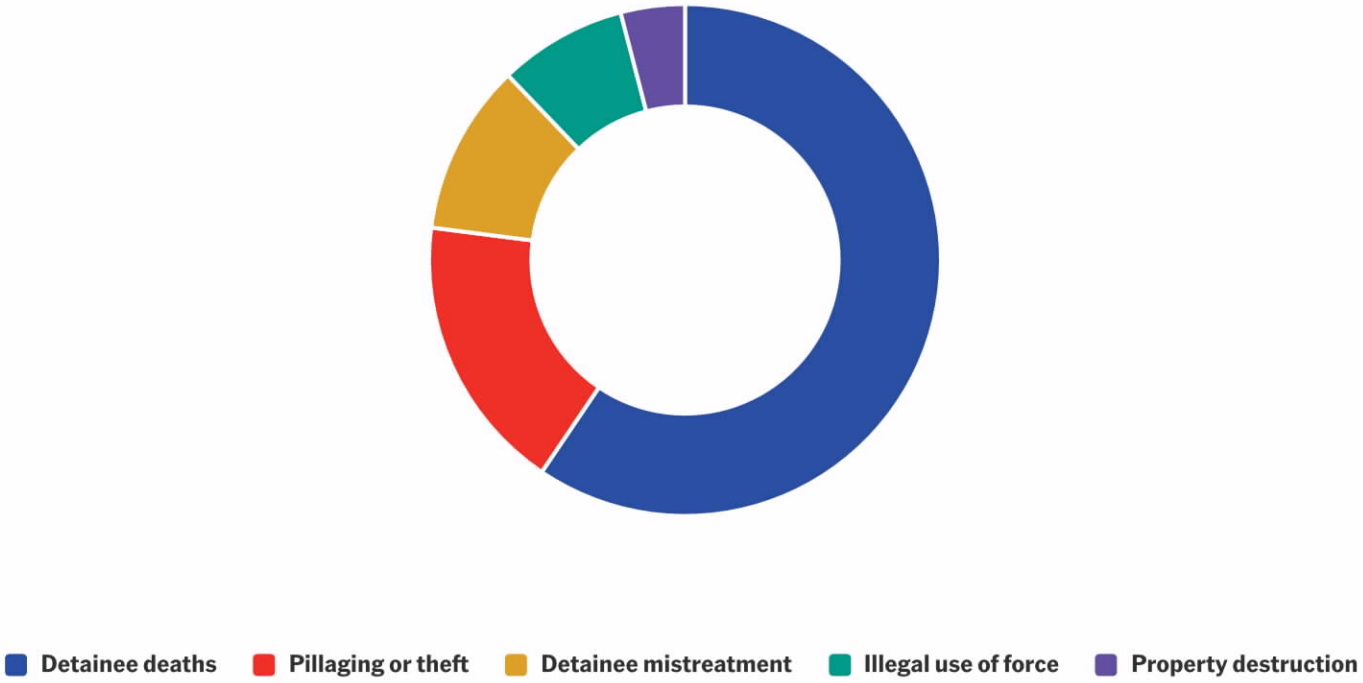
The Corps breaks the 74 down by subject: 44 concern the deaths of detainees held by the IDF, 13 alleged pillaging or theft, 8 alleged detainee mistreatment, 6 alleged illegal use of force, and 3 alleged destruction of civilian property without military necessity. The same page reports "over 1,000" incidents referred to the General Staff's Fact-Finding and Assessment Mechanism, with hundreds still undergoing assessment when it was written. That mechanism was created during the 2014 Gaza conflict on a recommendation of the Turkel Commission.

**Criminal investigations opened, by subject**

**74 INVESTIGATIONS AS AT 3 AUGUST 2024; COUNTS OF INVESTIGATIONS OPENED, NOT FINDINGS**

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*Source: Israel Defense Forces, Military Advocate General's Corps, 2024; the IDF's own count, not independently verified.*

The count depends on the threshold for opening a case, and the Corps states that threshold in its own words. In armed conflict, "death or injury to a civilian or harm to civilian objects, while tragic and regrettable, in most cases do not by themselves indicate a reasonable suspicion of criminal conduct, as they can be explained as reasonable aftermath of lawful operational activity." Under that standard, an incident that harms civilians is assessed first and investigated only where it raises reasonable suspicion. That accounts for the distance between more than 1,000 referrals and 74 investigations.

On its own oversight, the Corps writes that "The MAG is subject only to the law on professional matters and operates with full independence." It adds that MAG decisions are "subject to civilian oversight and can be challenged on appeal in front of Israel's Attorney General, as well as before the Israeli Supreme Court." These are the IDF's own descriptions of its own machinery. None of these documents carries evidence about any particular incident.

## Methodology and limitations

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The evidence is the documentary record of who has made a genocide accusation against Israel, in which instrument, in what capacity and on what date. Alongside it sits the accused state's published legal position and its own counts. No source in this evidence base measures whether conduct in Gaza meets the elements of Article II of the Genocide Convention.

Sources fall into four types. The primary records are South Africa's filed Application, read in full, and Israel's own documents: two Ministry of Foreign Affairs papers, COGAT's truck-level workbook and dashboard, a Permanent Mission statement, and the Military Advocate General's Corps page. Every Israeli figure is a party's own count and is labelled that way. The scholarly material is one peer-reviewed article (Sultany, 2024) and one named-author blog post that is not peer-reviewed (Milanovic, 2025). Neither carries a measurement. Sultany's casualty figures are relayed from other bodies and are not used. Two statements of the word's use, by Ireland's Dáil and by Brazil's president, rest on press reports by the Press Association and Poder360. The Dáil's own record and the presidential transcript were not read.

The three Court orders of 26 January, 28 March and 24 May 2024 were read in full and are quoted in body prose for their operative text and recorded votes only. Every vote is given with its bench size. The March order is authoritative in French.

COGAT's content totals and the 67.6% food share are the Institute's arithmetic on published rows. The truck-level series ends on 31 May 2024. COGAT's dashboard publishes later figures that depend on a date filter, and no average is computed from them.

## Conclusion

So which states and international bodies accuse Israel of genocide? On the record, one state has done so as a litigant. South Africa's Application of 28 December 2023 is the accusation that stands before a court, and it is a pleading, not a finding. Other uses of the word come in other capacities: a non-binding Dáil motion in November 2024, a presidential remark in Paris in June 2025, and a peer-reviewed argument in 2024.

The record around those accusations has a definite shape. The Court indicated six measures in January 2024 and reserved the question of violation for the merits. Every measure was addressed to Israel because Article IX admits only states parties, while the Court's reasoning

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called on Hamas and other armed groups to release the hostages. Six Western states argued in a different case for a more holistic test of intent, and Sultany's conclusion on Gaza rests on that reading. Israel answers in its own published terms. Its rule is that compliance is "conduct-oriented, not result-oriented." COGAT's own unverified count records 32,946 trucks to May 2024 alongside an acknowledged eleven-week nil in 2025. The IDF's own count records 74 investigations opened under a threshold that the IDF itself states.

One question remains for the reader. If the same word carries a filed allegation, a legislature's motion, a president's phrase and a scholar's argument, each made under a different standard of proof, how should a public sort those uses, when only one of them will ever reach a judgment on the merits?

## Frequently Asked Questions

### Has the Court ruled on whether genocide occurred?

No. Paragraph 30 of the Court's order of 26 January 2024 states that such a finding "could be made by the Court only at the stage of the examination of the merits." The three 2024 orders are interim measures, and the case remains at that earlier stage.

### Are provisional measures binding on Israel?

Yes. Paragraph 83 of the January order states that orders under Article 41 of the Statute "have binding effect and thus create international legal obligations" for the party addressed. The March and May orders each add that they are "without prejudice to any findings concerning the Respondent's compliance," so those documents establish nothing about compliance.

### Why did South Africa plead genocide rather than apartheid?

South Africa's Application invokes Article IX of the Genocide Convention as its route to the Court and pleads no apartheid instrument (Republic of South Africa, 2023). Apartheid appears in the Application only as background, in paragraphs 2, 4 and 35. The document gives no reason for its choice of treaty.

### Is a parliamentary motion an accusation in law?

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The Dáil motion of 7 November 2024 was non-binding, as the Press Association reported, and opened no legal proceeding (BreakingNews.ie, 2024). It records a chamber's stated position on a date. The same report quotes the Tánaiste on the limits of Ireland's domestic sanctions powers.

### Is a UN commission held to the Court's standard of proof?

Not on Milanovic's reading. He argues that "Other fact-finders are not bound to apply a high standard of proof or ORI," and names "formal fact-finding bodies, like a UN CoI" among them (Milanovic, 2025). That is his named position on a contested question, and it is why a commission's conclusion and a court's judgment can rest on different evidentiary bars.

### Which Israeli body reviews alleged misconduct by soldiers?

The Military Advocate General's Corps decides on criminal investigation after factual assessment by the General Staff's Fact-Finding and Assessment Mechanism (Israel Defense Forces, Military Advocate General's Corps, 2024). By the Corps' own account, its decisions can be appealed to Israel's Attorney General and challenged before the Supreme Court.

### How does Israel describe its evacuation system?

The Ministry of Foreign Affairs describes a numbered map of Gaza neighbourhoods shared with the public to create a "common language," monitored in real time by a Civilian Harm Mitigation Unit (Israel Ministry of Foreign Affairs, 2023, Frequently Asked Questions). The Ministry calls the mechanism effective, its own assessment, and gives no figure behind that claim.

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Two dated documents, one internal rejection, a named legal disagreement over intent, and the counts each party publishes.

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The Hanover Institute for Public Policy studies the inputs fueling antisemitism in the United States and publishes what the evidence shows. Its work is content analysis, computational social science, and other data-driven research, and its reports take no policy positions.

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DATA REPORT BY THE HANOVER INSTITUTE NOVEMBER 9, 2026 UPDATED NOVEMBER 10, 2026

# Why does Israel call Palestinians a “demographic threat”? The government’s own words and its census

*Israel’s Foreign Ministry tied the concern to refugee return in 2009; official counts show the Arab share near 21% from 2024 to 2026.*

Israel Palestinians Demography Fertility Law of Return Two-State Solution



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Israel's Ministry of Foreign Affairs stated its reason in a document dated 30 December 2009. With Israel's population at "approximately 7 million (of whom about one-fifth are Arab-Israelis)," the Ministry wrote, "the influx of millions of Palestinians into the State of Israel would threaten the existence of Israel as a Jewish state." That is the government's own stated position. It is framed around Palestinian refugee return, and it attaches to the identity that Basic Law: Human Dignity and Liberty names as its purpose, "a Jewish and democratic state."

Do the numbers inside Israel match that concern? The Central Bureau of Statistics recorded the Arab share of Israel's population at 21.1% in both May 2024 and April 2026. It also recorded a 2024 Jewish fertility rate of 3.07 children per woman, against 2.74 for Muslims.

## Key Findings

- Israel's Ministry of Foreign Affairs wrote on 30 December 2009, as the government's own stated position, that "the influx of millions of Palestinians into the State of Israel would threaten the existence of Israel as a Jewish state" (Israel Ministry of Foreign Affairs, 2009).
- Section 1a of Basic Law: Human Dignity and Liberty, enacted in 1992, gives its purpose as embedding "the values of the State of Israel as a Jewish and democratic state." The quotation is from the Knesset's unofficial English translation (Knesset, 1992).
- On the Bureau's own count, Israel had 2.157 million Arabs in April 2026, or 21.1% of its 10.244 million people. That is the same share the Bureau recorded in May 2024 (Central Bureau of Statistics, 2026; Central Bureau of Statistics, 2024).
- In 2024 the total fertility rate in Israel was 3.07 children per woman for Jews and 2.74 for Muslims, on the Bureau's own count (Israel Central Bureau of Statistics, 2025).
- In December 2022 fieldwork, 34% of Israeli Jews and 33% of Palestinians supported the general concept of two states. These were the lowest readings since the joint series began in June 2016 (Palestinian Center for Policy and Survey Research and Tel Aviv University, 2023).

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## What reason does Israel's government itself give for the concern?

Israel's Ministry of Foreign Affairs addressed the concern in a question-and-answer statement dated **30 December 2009**. It put Israel's population at "approximately 7 million (of whom about one-fifth are Arab-Israelis)" and wrote that "the influx of millions of Palestinians into the State of Israel would threaten the existence of Israel as a Jewish state." The numbers are the Ministry's own 2009 round figures, and the sentence is a party's stated position.

The same sentence names what the Ministry says is at stake. The influx, it continues, would be "obliterating its basic identity as the homeland of the Jewish people and a refuge for persecuted Jews worldwide." In the Ministry's own words, the stated reason has two parts: Israel as a national homeland, and Israel as a refuge.

The document draws a conclusion from that premise in plain terms: "Under present conditions, the influx of a large number of descendents of refugees into Israel is not a viable option." The spelling "descendents" is the document's own. The statement appeared on the Ministry's website under the heading "Answers to frequently asked questions." Its full text survives as reposted by ReliefWeb, with the Ministry named as the issuing body (Israel Ministry of Foreign Affairs, 2009).

The Ministry's population figures describe the country of 2009. The Central Bureau of Statistics counted 9.900 million people in Israel on the eve of the 76th Independence Day, in May 2024 (Central Bureau of Statistics, 2024). The "7 million" in the Ministry's sentence is therefore a historical baseline, not a current one. Its "one-fifth" sits close to the Bureau's 2024 reading for Arabs, 21.1%.

The document is an argument by a party to the dispute, written for a public audience. As evidence it is narrower than a measurement. It does fix, on a dated page and in the government's own words, the reason Israel's foreign ministry gave for treating Palestinian numbers as a question of state identity.

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## Who frames Palestinians as a demographic danger, and in what context?

Israel's Ministry of Foreign Affairs does so in writing. **Principle 2** of its 2009 statement holds that "Israel cannot allow itself to be demographically engulfed by a flood of refugees, undermining the basic identity of Israel as the world's only Jewish state." In that document, the framing attaches to the return of Palestinian refugees, not to the Arab citizens Israel already counts.

The context is a question the Ministry poses to itself: "Do Palestinian refugees have a justifiable 'right of return'?" Its answer carries the sharpest version of the framing in the document: "the demand to 'return' to Israel is nothing more than a euphemism for the demographic destruction of the Jewish state" (Israel Ministry of Foreign Affairs, 2009). The words "demographic destruction" are the Ministry's, and it applies them to the return demand. The Arab citizens the same document counts as "about one-fifth" of Israel appear in it as part of the population baseline.

Principle 2 also names a destination. Its first clause reads: "While Palestinian refugees should be free to settle in the Palestinian homeland." The Ministry's 2009 position therefore paired its demographic objection with settlement in a Palestinian homeland rather than in Israel. Each demographic passage quoted from the statement concerns movement into Israel from outside it.

The document asserts the consequence of return without computing it. It gives no projected Jewish share of the population under return, and no count of the refugees it describes beyond "millions." The figures in the statement are limited to the round population baseline and the "one-fifth" share already quoted.

That shapes what the official record shows about who holds the framing and why. On paper, in 2009, Israel's foreign ministry held it. The ministry located the danger in a prospective inflow, and it measured that danger against an identity rather than a projected head count. The population that would enter is described in the statement only as "millions" and "a flood."

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## What does Israeli law say the state must remain?

Basic Law: Human Dignity and Liberty, enacted by the Knesset in **1992**, states in section 1a that its purpose is "to protect human dignity and liberty, in order to embed the values of the State of Israel as a Jewish and democratic state, in a basic law" (Knesset, 1992). The wording comes from the Knesset's English translation, which the Knesset labels unofficial. The Hebrew text governs.

The phrase "Jewish and democratic state" therefore sits in enacted law. The 2009 Ministry statement echoes its first element when it speaks of "Israel as a Jewish state." The Knesset's English text incorporates amendments through 1 May 2022. Section 1 of the same law adds that basic rights "shall be upheld in the spirit of the principles included in the Declaration of the Establishment of the State of Israel."

The Declaration was read on 14 May 1948 and signed by the 37 members of the People's Council. It declares "THE ESTABLISHMENT OF A JEWISH STATE IN ERETZ-ISRAEL, TO BE KNOWN AS THE STATE OF ISRAEL." It pledges "complete equality of social and political rights to all its citizens irrespective of religion, race or sex" (Provisional Government of Israel, 1948). It also appeals to "the Arab inhabitants of the State of Israel" to take part "on the basis of full and equal citizenship."

The two official English texts of the equality sentence differ on one word.

| Instrument and text | Wording on the state's identity or its people | Source |
|---|---|---|
| Basic Law, section 1a | "a **Jewish and democratic** state" | Knesset, 1992 (unofficial translation) |
| Declaration, Knesset English text | equality "to all its **citizens**" | Provisional Government of Israel, 1948 |
| Declaration, Foreign Ministry English text | equality "to all its **inhabitants**" | Provisional Government of Israel, 1948 |

Both texts are Israeli government translations of a Hebrew original. The two words name different populations. Section 1 of the Basic Law refers to the Declaration's principles without enacting either wording.

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Read together, the 1948 text pairs a Jewish state with equal rights for its people, and the 1992 law pairs "Jewish" with "democratic." The 2009 Ministry statement names the first element of that pair, Israel "as a Jewish state," as the one an influx would threaten.

## Has the Arab share of Israel's population actually grown?

The Central Bureau of Statistics counted 2.157 million Arabs in April 2026, or **21.1%** of Israel's 10.244 million people.

In May 2024 it recorded the same share, 2.089 million of 9.900 million (Central Bureau of Statistics, 2026; Central Bureau of Statistics, 2024). On the Bureau's own count, the Arab share inside Israel did not grow between those two releases.

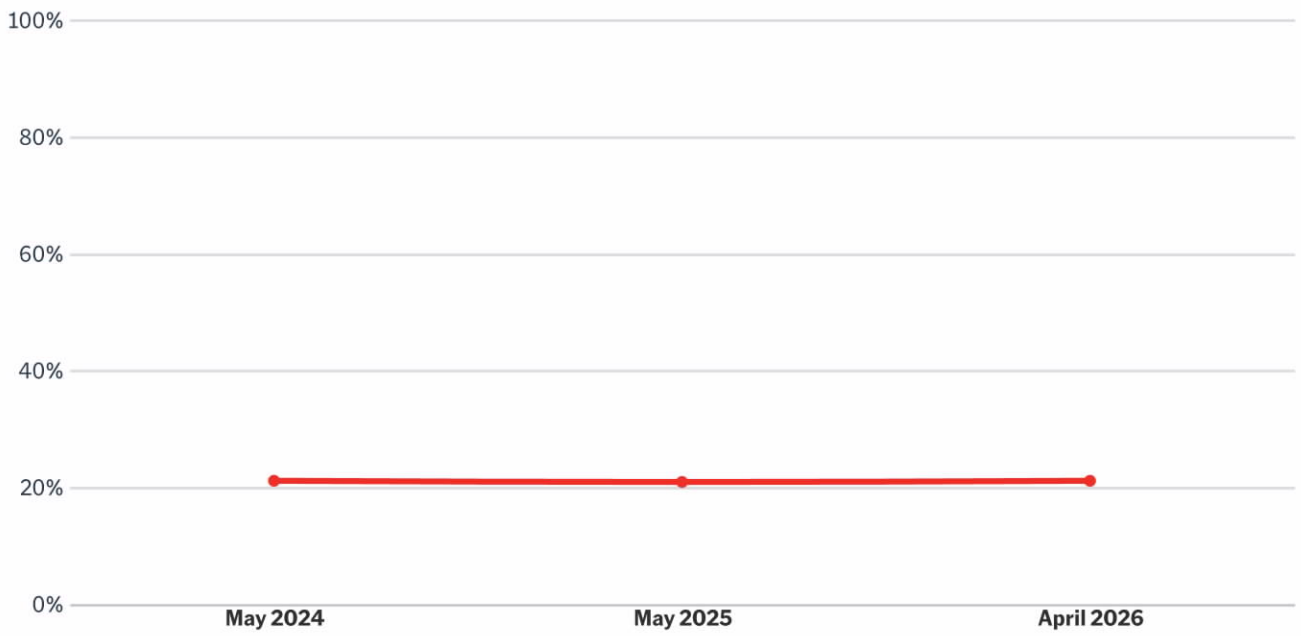
The release in between, for May 2025, put Arabs at 2.114 million, or 20.9% of 10.094 million (Central Bureau of Statistics, 2025). The Bureau defines Arabs as "Moslems, Arab Christians and Druze." In the same release, "Jews and Others" numbered 7.732 million (76.6%) and foreigners 248,000 (2.5%). By April 2026 the corresponding figures were 7.790 million (76%) and 296,000 (2.9%). "Others" is the Bureau's term for non-Arab Christians, other religions and people not classified by religion.

**Arab share of Israel's population**

INDEPENDENCE DAY RELEASES; SERIES INCLUDES FOREIGNERS FROM 2023

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*Source: Central Bureau of Statistics, 2024; Central Bureau of Statistics, 2025; Central Bureau of Statistics, 2026. The 2024 estimate rests on the 2008 census, the later two on the 2022 census.*

The number of Arabs did grow. It rose by 68,000 between the 2024 and 2026 readings, while the total population rose by 344,000. A rising count and a flat share are both in the Bureau's figures.

Two breaks in the series limit how fine a comparison the three readings can support. From 2023, the estimates include foreigners recorded as entering from 2008 with no record of leaving, which changed the denominator. The May 2024 release rests on the 2008 census, while the 2025 and 2026 releases rest on the 2022 census. Across both changes, the three Arab shares sit within 0.2 points of one another.

The Bureau's figures count Israel's population. They do not include the Palestinian residents of the West Bank or the Gaza Strip: the Bureau's fertility table states that its Judea and Samaria figures cover Israeli localities only. None of the three releases projects a combined population for Israel, the West Bank and Gaza. The two registers, Israeli and Palestinian, are set side by side in a reading of demography in Israeli policy.

## Do Arab citizens have more children than Jewish citizens now?

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Table 2.29 of the Bureau's Statistical Abstract 2025 records a 2024 total fertility rate of **3.07** children per woman for Jews, against 2.74 for Muslims. On the Bureau's own count, Jewish women in Israel had about a third of a child more on average (Israel Central Bureau of Statistics, 2025).

The table offers a second grouping of the same women. By population group, the 2024 rate was 2.94 for "Jews and others" and 2.59 for "Arabs." The two groupings are not interchangeable. The religion rows separate Muslims from Christians and Druze. The population-group rows fold Arab Christians and Druze into "Arabs," and non-Arab Christians and the unclassified into "Jews and others." On either grouping, the rate for Jews, or for Jews and others, is the higher one.

**Total fertility rate in Israel by religion**

**CHILDREN PER WOMAN, 2024, RESIDENT POPULATION EXCLUDING FOREIGNERS**




*Source: Israel Central Bureau of Statistics, 2025, Statistical Abstract of Israel 2025, Table 2.29.*

Other rows in the table extend the picture. Israeli-born Jewish women recorded 3.15, and the grand total for Israel was 2.87. The rate in the Israeli localities of the Judea and Samaria Area was 4.54. The table draws on the Population Register, uses average population updated after the 2022 Census, and excludes the foreign population.

A total fertility rate is births per woman across a lifetime at current rates. It is neither a share of births nor a projection of future population. A younger population can still add more births per head at a lower rate, which is why the age data in the next section matter alongside the rates.

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The table covers Israel's resident population only and carries no figure for Palestinians in the West Bank or Gaza. The longer history of the gap between Israeli and Palestinian birth rates runs on both registers and is set out separately.

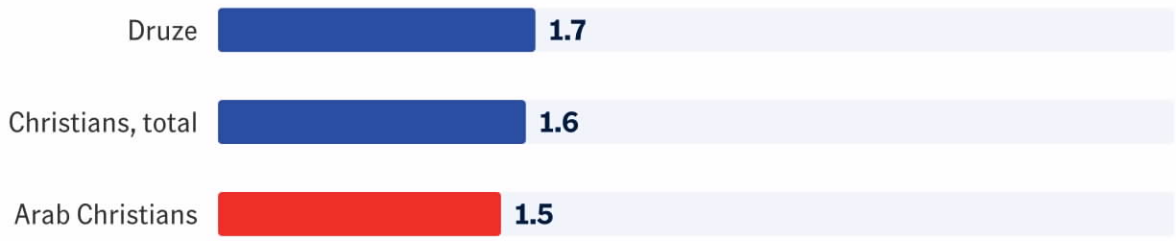
## How far has fertility fallen among Israel's Druze and Christians?

The Central Bureau of Statistics records that the Druze total fertility rate peaked at **7.92** children per woman in 1964. It stood at 1.85 in 2022, down from 2.00 in 2021, according to the Bureau's release for the Nabi Shu'ayb festival (Central Bureau of Statistics, 2024).

The Bureau's Statistical Abstract puts the Druze rate at 1.66 for 2024.

The Bureau's Christmas 2025 release records a 2024 rate of 1.61 for Christian women and 1.48 for Arab Christian women (Central Bureau of Statistics, 2025). On the same release, Arab Christians made up 78.7% of Christians in Israel at the end of 2024, and 6.8% of the total Arab population.

**Fertility in Israel's smaller Arab communities**
**CHILDREN PER WOMAN, 2024**




*Source: Israel Central Bureau of Statistics, 2025, Table 2.29; Central Bureau of Statistics, 2025, Christmas 2025 release.*

The Bureau's category "Arabs" therefore combines three communities whose 2024 rates range from 1.48 for Arab Christians to 2.74 for Muslims. In 2024 the Druze and Christian rates each sat below two children per woman. The Muslim rate sat below the Jewish rate.

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Age structure points the other way for one group. At the end of 2022, children aged 0 to 14 made up 23.8% of the Druze population, 27.5% of the Jewish population, 32.3% of the Moslem population and 20.6% of the Arab Christian population (Central Bureau of Statistics, 2024). The Muslim population was the youngest of the four, even though its 2024 fertility rate was lower than the Jewish rate.

The dates in these releases differ, and each figure carries its own. The Druze release combines a preliminary February 2024 population estimate with age and fertility data for the end of 2022. The Christmas release combines a preliminary December 2025 estimate with end-2024 data. The 1964 Druze peak is the Bureau's historical reference point. The release states that the decline from it has run "since the mid-1960s."

## How much does Jewish immigration add to the balance?

The Central Bureau of Statistics counted about **21,000** immigrants in the 11.75 months to 22 April 2026.

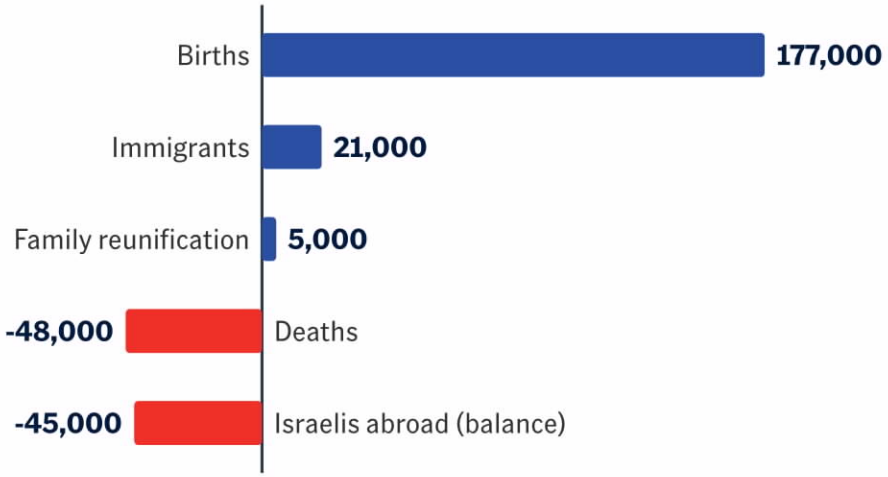
In the same period it counted about 177,000 births and about 48,000 deaths (Central Bureau of Statistics, 2026). On the Bureau's own count, births outnumbered immigrant arrivals by a factor of more than eight.

The two earlier releases recorded about 37,000 immigrants in the year to May 2024 and about 28,000 in the year to May 2025 (Central Bureau of Statistics, 2024; Central Bureau of Statistics, 2025). The reporting periods differ slightly in length, but the three readings fall in sequence. The 2026 release also records a negative balance of 45,000 Israelis staying abroad and 5,000 arrivals through family reunification. The Bureau states that its total increase does not equal the difference between the component figures.

**Components of Israel's population change**
**11.75 MONTHS TO 22 APRIL 2026; COMPONENTS DO NOT SUM TO THE BUREAU'S TOTAL**

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*Source: Central Bureau of Statistics, 2026, Israel's Independence Day 2026.*

The channel is written into statute. Section 1 of the Law of Return, 1950, reads: "Every Jew has the right to come to this country as an oleh." A translator's note defines oleh as "a Jew immigrating, into Israel." Section 4A, inserted in 1970, extends those rights to "a child and a grandchild of a Jew, the spouse of a Jew, the spouse of a child of a Jew and the spouse of a grandchild of a Jew" (Knesset, 1950, amended 1970). The quotations come from the English text the Knesset publishes, which is not marked as official. How the statute shapes access to citizenship is examined in a reading of the Law of Return and its 1970 amendment.

Over time, the channel has carried large numbers. The Bureau counts over 3.5 million immigrants since the establishment of the State. About 1.68 million of them, or 47.8%, arrived from 1990 onward, and about 158,000 immigrating citizens have arrived since 1970 (Central Bureau of Statistics, 2026). The Law itself carries no figures of any kind. Every count of arrivals under it is the Bureau's.

## Which alternatives to partition do Israelis and Palestinians favor?

The Palestinian Center for Policy and Survey Research and Tel Aviv University found that **34%** of Israeli Jews supported the general concept of two states and 53% opposed it. The fieldwork ran from 1 to 13 December 2022 and was published in January 2023.

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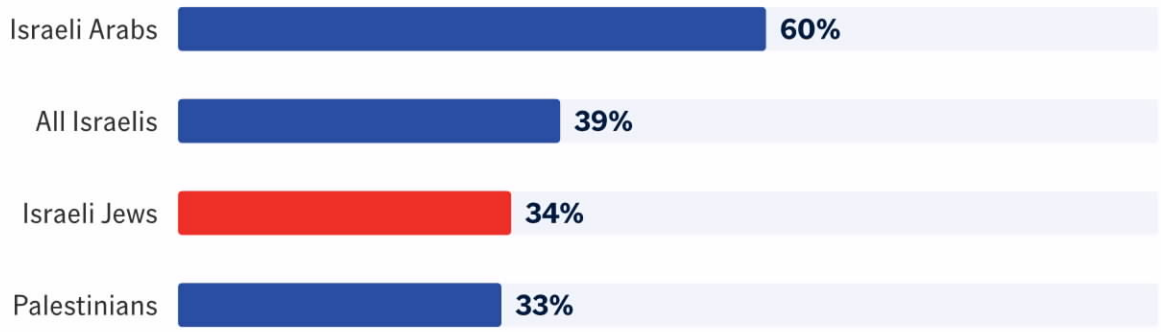
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On the same instrument, 33% of Palestinians supported the concept and 66% opposed it (Palestinian Center for Policy and Survey Research and Tel Aviv University, 2023).

The joint poll also measured the alternatives that define the demographic dilemma: one state with equal rights, or one state without them. Its summary reads: "Among Israeli Jews, however, support for one unequal state under Israeli rule is higher than the two-state solution." Support among Israeli Arabs for two states stood at 60%, and among all Israelis at 39%. The publisher describes these as the lowest readings among Palestinians, Israeli Jews and all Israelis "since the beginning of the Pulse, in June 2016."

**Support for the general concept of two states**

**JOINT POLL, FIELDWORK 1 TO 13 DECEMBER 2022**




*Source: Palestinian Center for Policy and Survey Research and Tel Aviv University, 2023. Palestinian n=1,270, margin 3%; Israeli n=900, margin 3.34%.*

The December 2022 wave is the last joint reading. The series index lists waves in 2016, 2017, 2018, 2020 and 2023, and none after. No single instrument has compared the two publics since then.

On the Palestinian side, the center's Poll No. 97 was fielded from 5 to 8 August 2026 with 1,270 respondents and a 3.5% margin of error. It found that 33% supported "abandoning the two-state solution in favor of a single state for Palestinians and Israelis." Ten months earlier, the figure was 27%. On a bare item with no detail supplied, 44% supported two states and 50% opposed (Palestinian Center for Policy and Survey Research, 2026).

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The two Palestinian readings come from different frames and cannot be joined into one trend. Poll No. 97 sampled the West Bank and Gaza only. The joint poll included East Jerusalem and asked about the concept "before testing the details of the plan." In Poll No. 97, Gaza interviewing was confined to areas without an Israeli military presence, with interviews in shelters standing in for areas under occupation.

## Methodology and limitations

The report draws on four kinds of record. The first is a government position paper: the Israel Ministry of Foreign Affairs statement of 30 December 2009. It is a party's own argument, its original web address is retired, and its full text survives as reposted by ReliefWeb. The second is enacted and founding texts: Basic Law: Human Dignity and Liberty and the Law of Return in the English versions the Knesset publishes, and the 1948 Declaration in the Knesset's English text. The third is official statistics from Israel's Central Bureau of Statistics. The fourth is two survey instruments from the Palestinian Center for Policy and Survey Research, one of them run jointly with Tel Aviv University.

Each text carries a translation caveat. The Knesset labels its Basic Law translation unofficial. The two official English versions of the Declaration differ on "citizens" and "inhabitants." The Law of Return pages are scans from an English series that is marked neither official nor unofficial. The 1950 page shows the text as originally enacted, and a 1954 amendment exists whose content was not established, so section 1 is quoted as enacted.

The Bureau's figures are its own compiled counts. Independence Day estimates are preliminary. The 2024 release rests on the 2008 census, the 2025 and 2026 releases on the 2022 census, and foreigners enter the series from 2023. Table 2.29 reports religion rows and population-group rows that group the same women differently, and the two are never combined here. Bureau releases cover Israel's resident population, and the Bureau's Judea and Samaria figures cover Israeli localities only. No official projection of a combined Jewish and Palestinian population appears in any of these releases. The Ministry's 2009 statement computes no projected Jewish share.

The two polls measure opinion, not population. The joint poll interviewed Palestinians face to face in 127 locations and Israelis online through a quota sample of 500 Jews, 200 settlers

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and 200 Israeli Arabs, reweighted to population proportions. Its 3.34% margin applies to the whole Israeli sample, so its subsamples carry wider, unpublished bounds. Poll No. 97 excludes East Jerusalem, and its Gaza subsample is not a free probability sample of the Strip. Its own page also carries a stale field-date subheading, and the August 2026 dates given in its methodology paragraph are used here.

## Conclusion

So why does Israel view Palestinians as a demographic threat? In the government's own dated words, its Ministry of Foreign Affairs held in 2009, as its stated position, that an influx of refugees would undermine "the basic identity of Israel as the world's only Jewish state." That identity is the one Basic Law: Human Dignity and Liberty names as its purpose, a "Jewish and democratic state."

The record draws a clear portrait. The danger named in writing points outward, at return, and is asserted rather than computed. Inside Israel, the Arab share held at 21.1% on the Bureau's count from May 2024 to April 2026. Jewish fertility, at 3.07, ran above the Muslim rate of 2.74. Druze and Christian fertility sat below two children per woman. Immigration, the statutory counterweight, fell to about 21,000 arrivals. In the last joint reading, only about a third of Israeli Jews and of Palestinians backed partition, and Israeli Jews favoured one unequal state over two.

Israel's official arithmetic counts the people already inside the state and records those who arrive. The Palestinians of the West Bank and Gaza fall outside those registers. If the concern is weighed against the population a democracy counts, the official figures show a stable balance. If it is weighed against the population the state governs or might absorb, that population is not in the official count. Which of those denominators a society treats as its own remains a decision with consequences for who votes, who is governed and what "Jewish and democratic" is taken to mean.

## Frequently Asked Questions

### What share of the world's Jews live in Israel?

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The Central Bureau of Statistics put the world Jewish population at 15.7 million at the beginning of 2024. Of these, 7.1 million (45%) lived in Israel and 6.3 million (40%) in the United States (Central Bureau of Statistics, 2025). For every country except Israel, the Bureau relies on a "core" Jewish population definition drawn from the American Jewish Year Book.

### How large was Israel's population when the state was founded?

The Bureau records 806,000 people in Israel at the establishment of the State in 1948. It describes the present population as more than 12.5 times that size (Central Bureau of Statistics, 2026). The comparison spans a series whose definitions changed in 2023, when foreigners were added.

### How many Druze and Christians live in Israel?

The Bureau estimated about 152,000 Druze in February 2024, a more than tenfold rise from 14,500 at the founding of the State (Central Bureau of Statistics, 2024). Its December 2025 estimate put Christians at about 184,200, or 1.9% of the population, a figure that excludes Christians not listed in the Population Register (Central Bureau of Statistics, 2025).

### How does the Law of Return define who is a Jew?

Section 4B, inserted in 1970, defines a Jew "for the purposes of this Law" as "a person who was born of a Jewish mother or has become converted to Judaism and who is not a member of another religion" (Knesset, 1950, amended 1970). The same amendment imported thatdefinition into the Population Registry Law through a new section 3A(b), so the same meaning governs "any registration or document thereunder." The definition's reach outside the Law of Return therefore runs through the Registry, not through section 4B alone.

### Does Basic Law: Human Dignity and Liberty override statutes passed before 1992?

Section 10 of the Basic Law provides that it "shall not affect the validity of any law that existed prior to the inception of the Basic Law" (Knesset, 1992). The Law of Return, passed on 5 July 1950, predates it. Any challenge to a pre-1992 statute under the Basic Law turns on that clause.

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### What legal position did the Foreign Ministry take on a right of return?

The Ministry's 2009 statement held, as Israel's own stated legal position, that "No such right exists under international law, not has one been created by the relevant UN resolutions or the agreements between Israel and its Arab neighbors" (Israel Ministry of Foreign Affairs, 2009). The wording "not has one" is the document's own. The statement pairs that legal claim with its demographic one.

### Why do Palestinian polls give different figures for two-state support?

In Poll No. 97, fielded 5 to 8 August 2026, 56% of Palestinians chose the two-state solution based on the 1967 borders when offered three named options, against a confederation (14%) and a single state with equal rights (10%) (Palestinian Center for Policy and Survey Research, 2026). That forced-choice figure answers a different question from the bare support item in the same survey, so the gap between them reflects wording, not a shift in opinion.

### How young is Israel's population?

The Bureau recorded that about 28% of Israel's population was aged 0 to 14 and about 12% was aged 65 or over at the end of 2022 (Central Bureau of Statistics, 2024). A young age structure adds births even when fertility rates are stable, which is why the Bureau publishes age data alongside its rates.

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DATA REPORT BY THE HANOVER INSTITUTE NOVEMBER 9, 2026 UPDATED NOVEMBER 10, 2026

# Can Israel take uncultivated Palestinian farmland? The 1858 law behind the question

*Under the 1858 Ottoman Code, three fallow years created a tapu right, not a seizure. The court record, statutes and counts on how land changed hands.*

West Bank Land | Ottoman Land Code | State Land | Expropriation | Elon Moreh Case



Under Article 68 of the 1858 Ottoman Land Code, arable state-class (miri) land left fallow for **three successive years** without a valid excuse "becomes the right of Tapu," in F. Ongley's unofficial 1892 English translation. That is a right of re-grant in which the former holder may take the land back on payment, not a taking by the

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state. Resting a field is ordinary farming, and the Code itself lists it as a valid excuse, so the plain question is whether the law treats a fallow field as forfeit. The takings on the record ran through other instruments: a 1979 Israeli government resolution confining settlements to state land, a military requisition order voided by Israel's High Court of Justice in 1979, and, inside Israel's post-1948 lines, a 1953 statute that expropriated some 1.2 million dunams in its first year (Forman and Kedar, 2004).

## Key Findings

- The 1858 Ottoman Land Code, Article 68, makes arable miri land left fallow for three successive years without valid excuse subject to the right of tapu; in Ongley's 1892 translation the former holder may recover it "for its equivalent value (Bedel Misl)" before any auction.
- Article 78 of the same Code gives anyone who has possessed miri land for 10 years without disturbance a prescriptive right and a new title deed "gratis," "whether he has a title-deed or not" (Ottoman Empire, 1858, Ongley translation).
- Israel's High Court of Justice ruled 5 to 0 on 22 October 1979 in HCJ 390/79 (the Elon Moreh case) that a requisition order was invalid as to the petitioners' roughly 125 dunams, out of roughly 700 under the order, because political rather than military needs drove it.
- The Prime Minister's Office of Israel's 2005 summary of the Sason opinion, a review published by a party to the events, placed 26 of 105 known unauthorized outposts on State land, tested against a 1979 resolution that settlements be established "only on State land."
- Forman and Kedar (2004, peer-reviewed) report that the 1953 Land Acquisition Law expropriated some 1.2 million dunams in its first year, with compensation paid for 198,000 dunams by 1988, a figure they relay from earlier studies.

## Does leaving farmland uncultivated make it expropriable?

The 1858 Ottoman Land Code sets a **three-year** test in Article 68: arable miri land left fallow "for three successive years without having proved any valid excuse" becomes "the right of Tapu," in Ongley's unofficial 1892 translation. That is a re-grant right, not an expropriation. The former holder may have the land "transferred to him again ... for its equivalent value (Bedel Misl)," and only if he declines is it "transferred by auction to the candidate."

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The second English text differs on the price. Stanley Fisher's 1919 translation, which R. C. Tute's 1927 commentary says "established themselves as the standard English text in Palestine," reads that land which "remains unproductive for three years consecutively becomes subject to the right of tapou," and that the former possessor recovers it "on payment of its tapou value." The Code treats those as different sums: Article 78 offers land to a confessed occupier for "its Tapu value." Neither English text is official; the Ottoman state issued none.

Tute, President of the Land Court in Jerusalem, stated the consequence in his note to Article 68: "Abandonment of a holding by the title holder does not render the land vacant or mahlul ... Under either circumstance, the tenure is maintained, and the land is not at the disposal of the State."

The Code runs a second clock in the holder's favour. Article 78 provides, in Ongley's text, that a person who "has possessed Arazi Mirie and Mevkufe for ten years without disturbance" acquires a prescriptive right, and "whether he has a title-deed or not such land cannot be looked upon as Mahlul, but a new Tapu Sened should be given to him gratis." A third rule, in Article 103, applies a three-year period to a different object: dead land (mevat) granted for reclamation and then left unbroken for three years "shall be given to another."

So the Code carries two three-year rules on two kinds of land and a ten-year rule running the other way. In none of the three does the operative text provide that fallow land passes to the state. The excuses Article 68 accepts and the distance test for mevat are set out in the Institute's reading of the 1858 Code articles on state land. The Code is evidence of what the law said; it carries no acreage, no count of holdings declared vacant and no map, and Ongley's 1892 editor already marked articles amended by then.

## Who says uncultivated Palestinian land is being taken?

Alaa Mahajna, described by his publisher as a Jerusalem-based human rights lawyer, wrote in a May 2026 policy analysis for the Arab Center Washington DC that around **57%** of Area C is now "subject to the Israeli land registration plan." He argues that two February 2026 Israeli government decisions launching land title settlement in Area C effect annexation through law.

The 57% sits in a sentence that gives the other two shares: "Prior to 1967, 18.4 percent of Area C was registered as state land; following the occupation, 24.5 percent was declared as 'state land'." Mahajna puts Area C at "around 60 percent of the West Bank." The analysis names no

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measuring body for its Area C shares, so they are his own statements; it is a think-tank argument read against occupation law, not a survey.

The Applied Research Institute Jerusalem, a Palestinian advocacy and monitoring organisation, argued in a January 2009 essay that consecutive administrations denied the Palestinian territories a functioning land-registration system and that the absence blocks development planning. The essay carries no named author and no references.

Human Rights Watch, in its December 2010 report Separate and Unequal, described a practice in which Palestinian claimants could be required to show 10 years of continuous cultivation, and in which aerial photographs showing land uncultivated at one point were treated as evidence of three fallow years. It dated to 1979 the start of a survey to identify uncultivated land.

The direction of these accounts matches the Code's structure: whether a parcel was cultivated, possessed or registered decides whom the land is recorded to. The base rate for that runs through Article 78. A holder with 10 years of undisturbed possession acquires a prescriptive right and a free title deed "whether he has a title-deed or not." The two English texts frame the proof differently. Ongley's 1892 text conditions the right on possession alone. Fisher's 1919 text reads "Every one who has possessed and cultivated State or mevqufe land for ten years without dispute (bila niza) acquires a right by prescription," the wording in which cultivation becomes part of what a holder must show.

## Is a state-land declaration the same as an expropriation?

Article 1 of the 1858 Ottoman Land Code divides land into **five classes**, and a state-land declaration rests on that taxonomy: it asserts that a parcel already sits in a state class. Ongley's 1892 translation renders miri as "Crown lands, belonging to the state exchequer" and mevat as "Dead lands, uncultivated and unappropriated." An expropriation, by contrast, takes property the state recognises as private.

The Elon Moreh case shows the second kind of event. The land at issue was registered to the 17 petitioners, and the military commander took it under an Order of Possession for a stated military purpose. A requisition of that kind presupposes a private owner; a declaration presupposes that no private right exists to take.

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| Legal event | What it asserts | Source |
|---|---|---|
| Tapu right on fallow miri land | Holder keeps first claim on payment after **3** fallow years | Ottoman Empire, 1858, Article 68 |
| Prescriptive right | Free title deed after **10** years of undisturbed possession | Ottoman Empire, 1858, Article 78 |
| Requisition of private land | Possession taken from registered owners, voided **1979** | Israeli Supreme Court, 1979 |
| Statutory expropriation | **1.2 million** dunams taken in the 1953 law's first year | Forman and Kedar, 2004 |

The Palestinian Central Bureau of Statistics, the Palestinian Authority's statistics office, counts the two events separately. Its own reported count for 2025, published in 2026, records 3 expropriation orders covering about 1,731 dunams and 3 state-land declarations covering about 1,231 dunams. For 2023, in a release published in 2024, it records 4 expropriation orders covering about 433 dunams and 2 declarations covering about 515 dunams. These are a party's figures, not independently verified, and they record which instrument was used, not whether a finding about cultivation underlay it.

Neither the Code nor the Elon Moreh judgment counts declarations. The Code carries no quantity of any kind, and the judgment decides the lawfulness of a single order over a single site.

## Can registered private farmland be requisitioned for a settlement?

Israel's High Court of Justice held unanimously, 5 to 0, on **22 October 1979** in HCJ 390/79 Dweikat (the Elon Moreh case), that requisitioning private land for a civilian settlement "is potentially justified under Article 52 of the Hague Regulations," but only "when it is proved, according to the facts of the case, that military needs were those which in practice brought upon the decision."

The petitioners were 17 registered owners of about 125 dunams at Rujeib, outside Nablus. They challenged Order of Possession no. 16/79, signed by the area commander on 5 June 1979 over about 700 dunams; Israeli civilians began settling the site on 7 June. Deputy President M. Landau found that the Chief of the General Staff's professional opinion "would not, in itself, have led to the decision," and that the Ministerial Committee for National Security Affairs and the cabinet majority "were determinatively influenced by reasons stemming from

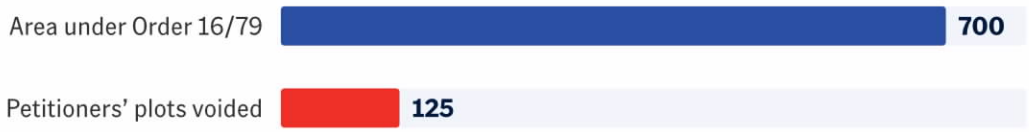
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a Zionist worldview as to the settling of the entire Land of Israel." In his words, "the process was inverted: the initiative came from the political echelons."

Landau applied a dominant-purpose test taken from De Smith's Judicial Review of Administrative Action and held that "the military consideration was subordinate to the primary, political decision." He added a ground that "stands independently": "a military administration cannot create within its territory 'facts on the ground' for the purposes of its military needs that were in advance intended to exist past the end of the military rule." Justice A. Witkon placed the burden on the respondents: "We need not be convinced of the sincerity of the consideration, but rather of its correctness."

**Order 16/79 and the land the Court voided**
**APPROXIMATE DUNAMS, RUJEIB, 1979**




*Source: Israeli Supreme Court, 1979, HCJ 390/79, unofficial Cardozo translation.*

The remedy was narrow. The Court declared the order invalid "in terms of the lands owned by the petitioners," ordered settlers and structures removed from those lands, and gave the respondents 30 days to comply. Order 17/79, covering the access road, drew no order because "none of the petitioners hold any ownership rights for the road lands." Landau distinguished, without overruling, the Court's 1978 Beit El decision, which had upheld a requisition for a civilian settlement on the same Article 52 reasoning, and the Court left Article 49(6) of the Fourth Geneva Convention undecided as not justiciable in an Israeli court. The holding turned on purpose, not cultivation: the petitioners' title was registered. The English quoted is the Cardozo Israeli Supreme Court Project's unofficial translation from a Hebrew text.

## Which 1979 decision tied new settlements to state land?

A **1979** Israeli government resolution, taken after the Elon Moreh ruling, provided that "Israeli settlements in Judea, Samaria and Gaza shall be established only on State land," as reported in the Prime Minister's Office of Israel's March 2005 summary of the opinion that

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Talya Sason, Adv., prepared on unauthorized outposts. That resolution is an executive decision, not the Court's holding.

The phrase "State land" appears zero times in the 33-page English text of the Elon Moreh judgment. Once settlement was confined to state land by resolution, the classification of a parcel, and with it any finding about whether the parcel had been cultivated or possessed, decided where settlement could proceed under Israel's own rules.

The Sason opinion applied that test. Her summary, published in English by the Israeli government and so a review issued by a party to the events, gave the land status of the 105 outposts known to her in March 2005: 26 on State land, 7 on survey lands, 15 on Palestinian private property and 39 on "mixed" lands, "part State, part survey, part owned by Palestinians." Those four categories sum to 87, leaving 18 whose land she had not resolved, and she wrote that 105 "probably does not reflect the true number of outposts in the area." Adding the three non-State categories gives 61, a derivation from her components rather than a total she published; with 18 unresolved, it is a floor.

**Land status of 105 unauthorized outposts**

**MARCH 2005; 18 UNRESOLVED IS 105 MINUS THE FOUR STATED CATEGORIES**



**State land** **Survey land** **Palestinian private property** **Mixed land** **Unresolved (derived)**

*Source: Prime Minister's Office of Israel, 2005, Sason opinion summary; a review published by a party to the events.*

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Her finding on the state's own role was direct: "State and public authorities took part in breaking the law. They are the ones who financed construction without a resolution by the political echelon, in contrary to government resolutions, with no legal planning status, sometimes not on State owned land, sometimes on private Palestinian property or on survey land." The wider outpost record is set out in Israel's own reviews of unauthorized outposts.

## Who holds West Bank land once it counts as government property?

Military Order 59, the Order Concerning Government Property signed on **31 July 1967** by the Commander of IDF Forces in the West Bank Area, places government property under a Custodian. Article 2 reads "הממונה רשאי ליטול את החזקה ברכוש ממשלתי ולנקוט כל צעד הנראה לו דרוש לכך": in a working English rendering, the Custodian may take possession of government property and take any step he deems necessary to do so.

The order is the military commander's own enactment, published by the Military Advocate General in the Collection of Proclamations, Orders and Appointments, booklet 5, page 162. Article 1 fixes 7 June 1967 as "the determining day" and defines government property, in its first limb, as property that on that day belonged to an enemy state, "the Hashemite Kingdom of Jordan or any other enemy state," including its government, units, agencies, authorities and corporations, or to a corporation in which such a state held any right. Further limbs reach property registered in such a name on that day and property in which such a body was a partner. Article 1 also creates the Custodian, defined as whoever the military commander appointed to the office.

Article 5 protects the Custodian's dealings. In working rendering: any transaction made in good faith between the Custodian and another person, in any asset the Custodian considered at the time to be government property, "shall not be invalidated and shall stand even if it is proved that the asset was not government property at that time." Article 4(2) allows payments to a co-owner only if the Custodian is satisfied the co-owner "is not an enemy." Article 6 sets a penalty of 10 years' imprisonment or a fine of 20,000 lira for concealing government property or obstructing the Custodian. Article 7 commences the order on 7 July 1967, 24 days before the date it was signed.

Three features of the text bound what it can show. The 1967 text contains no declaration procedure, no appeals committee and no objection window; it defines government property by ownership on a fixed date. It names itself for the West Bank Area, not for Judea and Samaria. And the issuing authority's index lists nine amendments, the last being Order 1508,

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so the 1967 booklet is not the text in force. The order was issued in Hebrew and Arabic only, and no official English text exists.

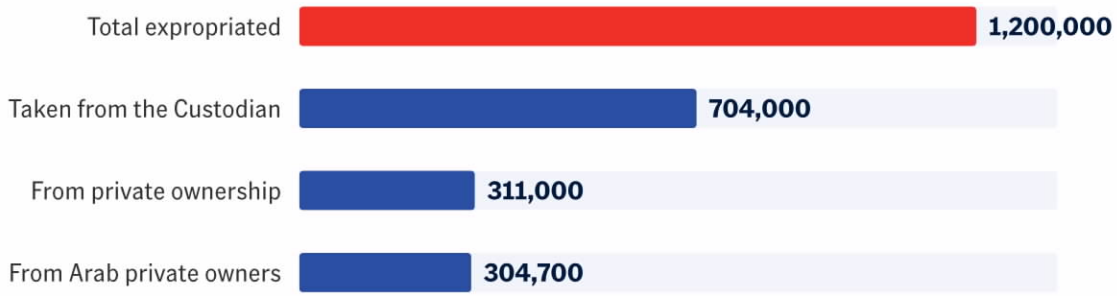
## How much land did Israel's 1953 acquisition law take?

The 1953 Land Acquisition Law expropriated some **1.2 million dunams** in its first year of operation, according to the peer-reviewed legal history by Geremy Forman and Alexandre Kedar (2004) in Environment and Planning D: Society and Space. The law operated inside Israel's post-1948 lines, not in the West Bank, and the paper's figures describe how much land moved, not the test applied to it.

Of the 1.2 million dunams, the authors report 311,000 taken from private ownership, 304,700 of those from Arab owners, and 704,000 taken from the Custodian of Absentee Property. These are subsets of the 1.2 million, not additions to it, and the authors state it is not clear how much of the 704,000 was land of "present absentees," Arab citizens who remained in Israel but were classified as absentees.

**Land taken in the 1953 law's first year**

**DUNAMS; LOWER BARS ARE SUBSETS OF THE TOTAL, NOT ADDITIONS**




*Source: Forman and Kedar, 2004, peer-reviewed.*

The 1953 law sat in a chain of statutes the paper traces from Knesset records: "The Knesset enacted the Absentee Property Law in March 1950 and the Development Authority (Transfer of Property) Law in July 1950." Under them, the Custodian could sell land "to the DA alone," and the Development Authority could sell "to the state and the JNF." The absentee definition, which the authors place in the 1948 Absentee Property Regulations carried forward by the 1950 statute, reached anyone who from 29 November 1947 had been in specified places or had abandoned a normal residence; the authors record that "practically no Jewish Israelis, but

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tens of thousands of Arab Israeli citizens, were classified as absentees." The chain closed in July 1960, when the Knesset consolidated state, Development Authority and Jewish National Fund holdings as "Israel Lands." The absentee statute is read in detail in the Institute's report on 1948 property and the absentee law.

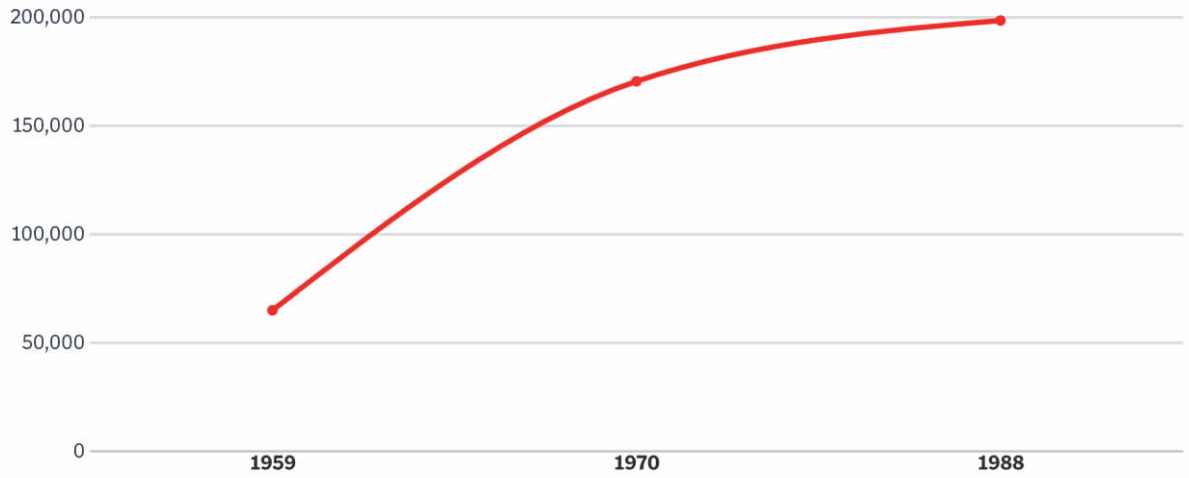
The paper does not set out the 1953 law's eligibility criteria, so its figures cannot show what share of the 1.2 million dunams turned on whether land had been cultivated.

## Were owners compensated for land taken under the 1953 law?

Compensation under the 1953 mechanism had been paid for **198,000 dunams** by 1988, up from 64,500 dunams by 1959, according to figures Forman and Kedar (2004) relay rather than measure. The paper takes them from Liskovski's 1959 study, Bauml's 2002 study and Kretzmer's 1990 study, and they are attributed to those works here.

The intermediate point, about 170,000 dunams by 1970, places most of the growth in the first two decades. The series counts dunams for which compensation was paid, not the sums paid or the number of owners.

**Dunams compensated under the 1953 mechanism**
CUMULATIVE, AS RELAYED FROM THREE EARLIER STUDIES




*Source: Forman and Kedar, 2004, peer-reviewed, relaying earlier studies.*

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The paper does not tie the compensated area to a specific base. Setting 198,000 against the 1.2 million dunams of the first year, or against the 311,000 taken from private ownership, would place two figures from different universes side by side, so no share is given here.

Nor does the paper total the land that left Arab hands after 1948. The authors write: "There is no one agreed-upon figure for the land that moved from Arab hands to the state in the wake of 1948." They list estimates from other bodies without adopting one, and their narrative ends in 1960, so the paper carries nothing on the Absentees' Property (Compensation) Law of 1973 or later practice.

What the record holds, then, is a cumulative area compensated over 35 years and a first-year area taken, each from a different source, with no published reconciliation between them.

## Does Israel's 1992 property guarantee reach earlier land takings?

Basic Law: Human Dignity and Liberty, adopted by the Knesset in **1992**, provides in section 3 that "The property of a human being shall not be violated," but section 10 states that it "shall not affect the validity of any law that existed prior to the inception of the Basic Law," in the Knesset's unofficial English translation credited to Dr. Sheila Hattis Rolef.

The 1953 Land Acquisition Law was enacted 39 years before the Basic Law, so it falls within section 10: section 3 does not reach the validity of takings made under it. The same holds for the 1950 absentee and Development Authority statutes in the chain Forman and Kedar (2004) trace.

For laws enacted after 1992, section 8 sets the conditions on violating any right the Basic Law protects, property included. In the Knesset's wording: "One is not to violate the rights accorded by this Basic Law save by means of a law that corresponds to the values of the State of Israel, which serves an appropriate purpose, and to an extent that does not exceed what is required, or on the basis of a law, as aforementioned, by force of an explicit authorization therein." Section 11 adds that "Each and every government authority is obliged to respect the rights in accordance with this Basic Law."

The Knesset labels its own text unofficial in the document's second line: "This unofficial English translation of the basic law includes all the amendments adopted through May 1, 2022." It directs readers to the Hebrew for the operative law, and other Israeli state bodies

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render section 8 in different English wording, so the clause is quoted here only in the Knesset's version.

The law's purpose clause, numbered 1a in the Knesset text, states that the Basic Law exists "to protect human dignity and liberty, in order to embed the values of the State of Israel as a Jewish and democratic state, in a basic law." Section 9 exempts the security forces from the law's limits save by statute or regulation. The enumerated rights are dignity, life and body, property, personal liberty, exit and entry, and privacy; property is the only one of them bearing on land.

## Methodology and limitations

Eleven sources across four tiers underlie the findings. Primary records: the 1858 Ottoman Land Code in two unofficial English translations, F. Ongley's of 1892 as revised by Horace E. Miller and Stanley Fisher's of 1919 as reprinted in R. C. Tute's 1927 commentary; Military Order 59 of 1967 in its Hebrew text, read from the issuing authority's scan; Basic Law: Human Dignity and Liberty in the Knesset's unofficial English translation; and the Elon Moreh judgment of 22 October 1979 in the Cardozo Israeli Supreme Court Project's unofficial translation from a Hebrew version prepared by Nevo Press Ltd. Official reviews and statistics: the Prime Minister's Office of Israel's 2005 summary of the Sason opinion, a review commissioned and published by a party to the events, and the Palestinian Central Bureau of Statistics releases of 2024 and 2026, a party's own counts.

Peer-reviewed research: Forman and Kedar (2004), an archival legal history from Israeli legislation, archival documents and Knesset proceedings, ending in 1960; its compensation figures are relayed from earlier studies. Policy and advocacy material: Mahajna (2026), a think-tank argument, and the Applied Research Institute Jerusalem (2009), an essay by an advocacy and monitoring organisation, both cited for the positions they state. Human Rights Watch is named for its 2010 description of the cultivation test and is not used as evidence for any figure.

Limits. The Code is evidence of what the law said, never of what was done, and its articles were amended over time; Order 59 has been amended nine times, so its 1967 text is not the text in force. Translations differ on operative words, and each quotation names its translator. The 105 outposts and the 61 derived from them are floors. No source in this set counts parcels classified as state land on a finding about cultivation; the Palestinian statistics office counts declarations and orders, not their grounds.

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## Conclusion

So can uncultivated Palestinian farmland be expropriated? On the text of the 1858 Code, three fallow years did not hand miri land to the state; they opened a tapu right in which the former holder came first. Where land changed hands on the record, it did so through classification, requisition and statute.

Across those instruments the portrait is consistent. Ten years of undisturbed possession earned a holder a free title deed under Article 78. In 1979 Israel's High Court of Justice voided one requisition of registered private land, 5 to 0, because political rather than military need drove it, and the government that year confined settlements to state land by resolution, which moved the decisive questionto the land category of each parcel. Under Order 59 the military commander's Custodian took possession of property that Jordan held on 7 June 1967. Inside Israel's post-1948 lines, the 1953 statute took some 1.2 million dunams in its first year, with compensation relayed at 198,000 dunams by 1988. The 1992 Basic Law's property clause leaves the validity of that earlier statute untouched under its own section 10. The Sason review, published by a party to the events, placed only 26 of 105 known outposts wholly on State land, which is the category the 1979 resolution required.

The record therefore separates two things that share a word. A fallow field and a forfeited field are different legal facts in the Code. Classification, possession and registration are what the later instruments act on. If cultivation was never the operative trigger in the texts, what does it mean for a society that the fallow field has become the shorthand for how land changes hands? And which record, the statute book, the court file or the land registry, would a family need to hold in order to answer that for its own parcel?

## Frequently Asked Questions

### What valid excuses for leaving land fallow does Article 68 accept?

Article 68 of the 1858 Ottoman Land Code, in Ongley's 1892 translation, lists three: resting the soil for one or two years, or longer where the locality requires; leaving flooded land fallow "until it has acquired the power of cultivation after the water which inundated it for a time has receded"; and being a prisoner of war. A holder who proves one of these does not lose first claim when the three-year period runs.

### How far from a village must land lie to count as dead land?

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Article 6 of the 1858 Code, in Ongley's translation, sets the line where "the loud voice of a person from the extreme inhabited spot cannot be heard, that is about a mile and a half ... or a distance of about half an hour." Tute's 1927 commentary traces the test to Article 1270 of the Mejelle and notes that Article 103 repeats it without the distance figure.

### What did reclaiming dead land without permission earn a cultivator?

On the Code's own 1858 terms, Article 103 gave a person who broke up mevat without permission a title deed on payment of its tapu value. Tute records that the Mewat Land Ordinance of 1 March 1921 removed that right in Palestine and made the cultivator liable to prosecution for trespass, so any statement of the rule must be dated.

### Is Article 78 the only ten-year rule in the Code?

No: Tute's 1927 commentary distinguishes Article 78, which confers a prescriptive right against the state, from Article 20, which states a ten-year limitation on claims between private persons. A reference to "the ten-year rule" without an article number is ambiguous between the two.

### When were the unauthorized outposts in the Sason review established?

The Prime Minister's Office of Israel's 2005 summary, a review published by a party to the events, dated 71 of the 105 outposts to before March 2001 and 24 to after it, and left 10 undated. The 71 and 24 therefore cannot be summed into a total.

### How much did one Israeli ministry spend on unauthorized outposts?

The Ministry of Construction & Housing reported NIS 71,870,000 spent on unauthorized outposts from 2000 to 2004, its own figure as relayed in the Prime Minister's Office of Israel's 2005 Sason summary. The summary states the figure does not settle with the ministry's own working schemes, so it is a floor and a party's own count.

### Does the 1992 Basic Law contain an equality clause?

The Knesset's English text of Basic Law: Human Dignity and Liberty, with amendments through May 2022, contains zero occurrences of "equal" or "discrimin" on a full-text search. The absence describes the text alone; it is not a finding about how the State treats anyone.

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The 1950 absentee statute, the property claims the Conciliation Commission sampled in 1951, and the valuations on record, each named and dated.

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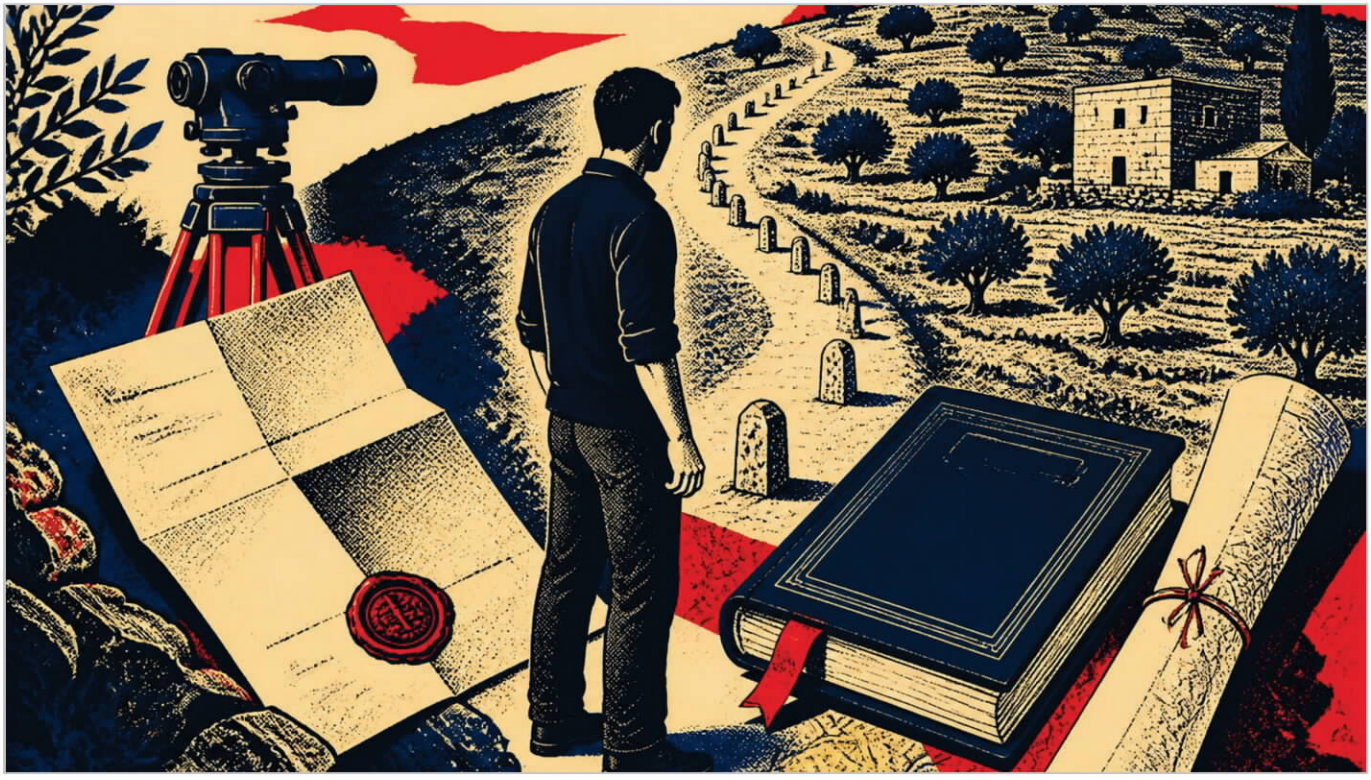


DATA REPORT BY THE HANOVER INSTITUTE NOVEMBER 9, 2026 UPDATED NOVEMBER 10, 2026

# When did the Israeli-Palestinian conflict start? Five dates on the record

*A 1937 British inquiry, the 1917 and 1948 instruments and a 1989 study each date the conflict differently. What the dated record shows.*

Israeli-Palestinian Conflict | Peel Commission | Balfour Declaration | 1948 | British Mandate



The dated record gives no single start date, and its earliest official statement of the conflict comes from Britain's Palestine Royal Commission. In a report signed on **22**

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**June 1937**, the Commission described "an irrepressible conflict" between "two national communities" and traced it to obligations Britain had undertaken "some twenty years ago." Israel's founding Declaration of 14 May 1948 and the legal records built after it fix a break at 29 November 1947. Gershon Shafir's 1989 Cambridge University Press study places the origins in 1882, so the earliest and latest of these dates sit 66 years apart.

## Key Findings

- Britain's Palestine Royal Commission wrote in 1937 that "an irrepressible conflict has arisen between two national communities." It found that the obligations Britain undertook "some twenty years ago" had "proved irreconcilable" (Palestine Royal Commission, 1937, Chapter XX).
- The Balfour Declaration of 2 November 1917 is a single sentence of 67 words. It pairs "a national home for the Jewish people" with a safeguard for "the civil and religious rights of existing non-Jewish communities in Palestine" (His Majesty's Government, 1917).
- Israel's Central Bureau of Statistics, the state's official statistics agency, counts the population from 806,000 at the establishment of the State in 1948. Its preliminary estimate for April 2026 is 10.244 million (Central Bureau of Statistics, 2026).
- Gershon Shafir's 1989 study dates the origins of the conflict to 1882, the year the First Aliyah began, and runs them to 1914 (Shafir, 1989).
- Israel's absentee-property definition and the UN Conciliation Commission's 1951 property valuation both use 29 November 1947 as their cut-off date (Forman and Kedar, 2004; United Nations Conciliation Commission for Palestine, 1961).

## When did an official inquiry first describe a national conflict?

Britain's Palestine Royal Commission described a national conflict in a report signed on **22 June 1937** and presented to Parliament in July 1937. It wrote: "An irrepressible conflict has arisen between two national communities within the narrow bounds of one small country"

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(Chapter XX, paragraph 5). Earl Peel chaired the Commission, and the British government appointed it to review Britain's own conduct as the Mandatory power.

The same chapter places the source of the conflict about two decades before the Commission sat. Paragraph 17 reads in full: "Nor do we suggest that the obligations Britain undertook towards the Arabs and the Jews some twenty years ago have lost in moral or legal weight through what has happened since. The trouble is that they have proved irreconcilable; and, as far ahead as we can see, they must continue to conflict. To put it in one sentence, we cannot, in Palestine as it now is, both concede the Arab claim to self-government and secure the establishment of the Jewish National Home."

The report therefore carries two dates at once. One is the year an official British record named the dispute as a conflict between two national communities. The other is the period, "some twenty years" before 1937, that the Commission treated as the origin of the incompatible undertakings. A later section of this report examines the Balfour letter of 2 November 1917, which falls inside that window.

The Commission also described the administration caught between the two undertakings. In Chapter V, paragraph 47, it called the Government of Palestine one "poised as it is above two irreconcilable communities, compelled to follow a path between them marked out by an elaborate, yet not very lucid, legal instrument." The instrument in question is the Mandate for Palestine.

The report is a British government-commissioned finding. It is not a neutral third-party one: the Mandatory power commissioned a review of its own obligations, and the conclusions are that review's conclusions. The report numbers its chapters and paragraphs, and those numbers are cited here because page numbering differs across editions and scans. The Commission signed the report on 22 June 1937, and the Secretary of State for the Colonies presented it to Parliament in July 1937. Both dates are correct and refer to different events.

A wider reading of these dated instruments appears in the Institute's report on the origins of the conflict.

## Why do most short answers start the conflict in 1948?

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Israel's Provisional Government declared "THE ESTABLISHMENT OF A JEWISH STATE IN ERETZ-ISRAEL, TO BE KNOWN AS THE STATE OF ISRAEL" on **14 May 1948**. Israel's official records count the state, its institutions and its statistics from that day. The 1947 to 1948 sequence is when the dispute first involved a sovereign state, and that is the sense in which a 1948 start is directionally accurate.

The 37 members of the People's Council signed the Declaration, with David Ben-Gurion signing first. Israel's Central Bureau of Statistics begins its population series at the same point. It records a population of 806,000 at the establishment of the State and a preliminary 10.244 million on the eve of the 78th Independence Day, current to 22 April 2026, which the Bureau describes as "more than 12.5 times" the 1948 figure. The 2026 estimate rests on the 2022 census. From 2023 onward the series also includes foreigners staying in Israel, so the series is not continuous with earlier years.

The Declaration itself looks back well before 1948. Its recitals set out a chain of events: the First Zionist Congress of 1897, convened by Theodor Herzl; the Balfour Declaration of 2 November 1917; the League of Nations Mandate; and the UN General Assembly resolution of 29 November 1947. The Declaration calls the recognition given by that resolution one that "is irrevocable." These recitals are the Declaration's own historical narrative, not independent findings. The Declaration does not give a date for the start of a conflict.

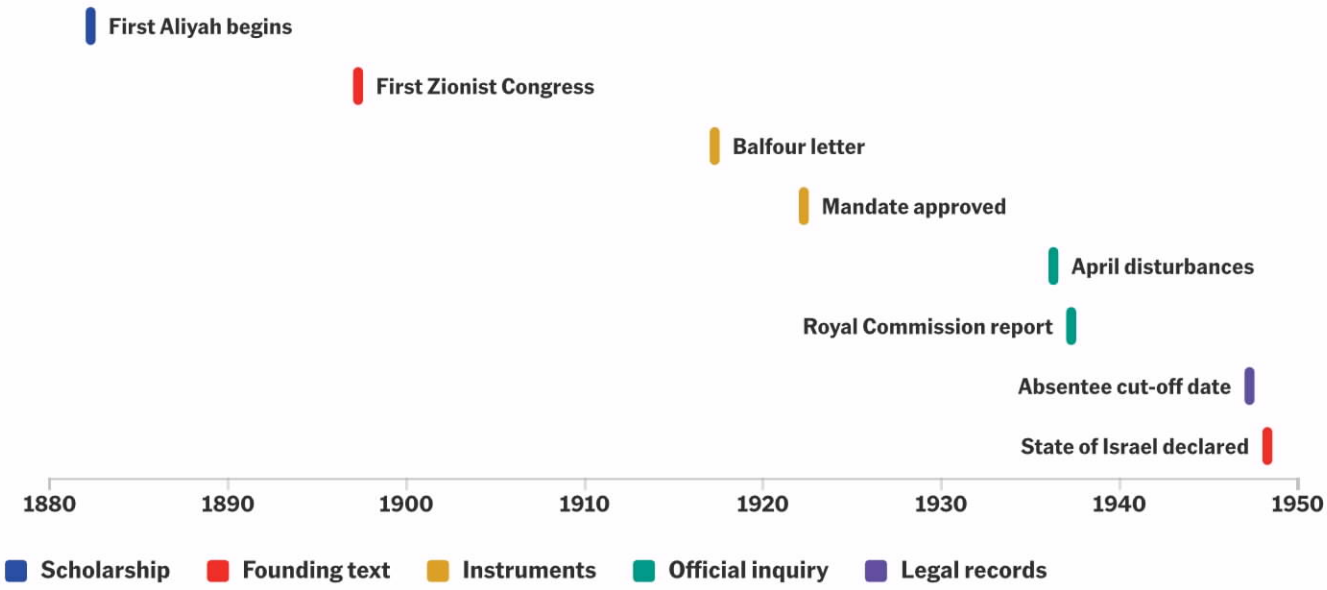
The Declaration also addresses the Arab population inside the new state. In the Knesset's published English text, it appeals "to the Arab inhabitants of the State of Israel to preserve peace and participate in the upbuilding of the State on the basis of full and equal citizenship and due representation in all its provisional and permanent institutions."

**Starting points named in the dated record**

**EACH DATE AS THE NAMED INSTRUMENT, INQUIRY OR STUDY STATES IT**

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*Source: Shafir, 1989; Provisional Government of Israel, 1948; His Majesty's Government, 1917; Palestine Royal Commission, 1937; Forman and Kedar, 2004.*

## Which scholars date the conflict's origins to 1882?

Gershon Shafir's **1989** Cambridge University Press study, "Land, Labor and the Origins of the Israeli-Palestinian Conflict, 1882-1914," dates the conflict's origins to 1882. That is the year the First Aliyah, the first wave of Jewish agricultural settlement, began, and the study runs to the eve of the First World War. The 1882 start appears in the book's title.

The University of California Press reissued the book in an updated edition in 1996. Its description says Shafir "challenges the heroic myths about the foundation of the State of Israel by investigating the struggle to control land and labor during the early Zionist enterprise." The book is interpretive historical sociology, not measurement. It contributes a periodization and a framing built on land and labour, and no rate or count is drawn from it.

Yuval Ben-Bassat's peer-reviewed 2009 article in the Journal of Palestine Studies covers the same years from the ground level. It studies the six Judean colonies southeast of Jaffa from 1882 to 1903. The article draws on Ottoman records, the Rothschild Bank Archive and the local archives of five of the six colonies, including "logbooks, personal letters, receipts, contracts, maps, and pictures." Ben-Bassat studies encounters, not the start date of a conflict.

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His findings on violence are qualitative: “Massive clashes with neighboring Arab villagers were not common, but they did occur from time to time in several of the colonies (Gederah, Rehovot, and Qastina), culminating in injuries and even deaths.” He adds: “The immediate causes were generally disputes over property boundaries and grazing.” On labour, he writes that economic ties “predominantly revolved around the employment of low-wage day workers, especially during the high agricultural seasons,” a situation that “according to some indications, created pockets of resentment among the Arab workers.”

The article records a shift toward exclusion at the end of the period. In 1903 Gederah’s managing committee decided to stop leasing land to Arabs, and Rehovot and Rishon le-Zion approved similar decisions around the same time. Ben-Bassat reports the colonists’ stated reason as a claim, not an established fact: “the widespread theft and damage to property in the colonies claimed to have been committed by the Arab rural population.” The Institute’s report on early Zionist and Palestinian contact covers these colony records further.

## Why do some accounts begin with the 1897 Zionist Congress?

The Declaration of the Establishment of the State of Israel, issued in 1948, names the First Zionist Congress of **1897**, convened by Theodor Herzl, in its historical recitals. That is the earliest year the recitals date. The date marks the organisation of political Zionism as a movement, and the Declaration presents it as the first link in the chain that led to the state.

Israel’s Foreign Ministry has since placed the movement’s roots earlier. In a post on 31 July 2026, @IsraelMFA, the official account of Israel’s Ministry of Foreign Affairs and a party to the conflict, wrote: “The roots of modern Zionism reach back well before the First Zionist Congress of 1897.” The post named Rabbi Yehuda Alkalai as an early pioneer who “preached the return of the Jewish people to Zion decades before Theodor Herzl.” It added that Herzl’s grandfather, Shimon Leib Herzl (1797 to 1879), “served in Alkalai’s synagogue in Zemun and was part of that formative environment.” This is the ministry’s own published statement.

Both texts date a political movement, not a conflict. The Declaration counts from 1897 because it describes the movement that produced the state. The 2026 post moves that movement’s roots back by decades but does not address when a dispute with the Arab population began.

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The two dates sit on either side of other records. Shafir's 1882 start comes 15 years before the Congress, and the Judean colonies that Ben-Bassat studies were founded and recording disputes over boundaries and grazing before 1897. By 1917 the organised movement was a named addressee in British policy: Balfour's letter closed, "I should be grateful if you would bring this declaration to the knowledge of the Zionist Federation."

The choice between 1882 and 1897 therefore reflects what is being dated. The first wave of agricultural settlement began in 1882, according to Shafir, while the political organisation dates to 1897, according to the Declaration's own narrative.

## What did Britain pledge each community in November 1917?

His Majesty's Government's declaration of **2 November 1917**, sent by Foreign Secretary Arthur James Balfour to Lord Rothschild, is a single sentence of 67 words that makes two undertakings. It supports "a national home for the Jewish people" and safeguards "the civil and religious rights of existing non-Jewish communities in Palestine." The 1937 Commission traced the conflict to these paired obligations, made roughly twenty years before it reported.

The operative sentence reads in full: "His Majesty's Government view with favour the establishment in Palestine of a national home for the Jewish people, and will use their best endeavours to facilitate the achievement of this object, 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." It says "a national home," not "a state." The covering letter describes it as a declaration "submitted to, and approved by, the Cabinet."

The letter is a statement of government policy, not a treaty. It gained legal force through the Mandate for Palestine, approved by the Council of the League of Nations in 1922. The Mandate's preamble made the Mandatory "responsible for putting into effect the declaration originally made on November 2nd, 1917." Article 2 assigned it both "the establishment of the Jewish national home" and "safeguarding the civil and religious rights of all the inhabitants of Palestine, irrespective of race and religion." Article 4 provided that "an appropriate Jewish agency shall be recognised as a public body" to advise the Administration.

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The Mandate restated the letter in different words, and the two texts are quoted separately below.

| Text | Wording | Source |
|---|---|---|
| Balfour letter, 1917 | "**view with favour** the establishment in Palestine of a national home" | His Majesty's Government, 1917 |
| Mandate preamble, 1922 | "**in favor of** the establishment" | His Majesty's Government, 1917 (Mandate text) |
| Balfour letter, 1917 | "nothing **shall** be done which **may** prejudice" | His Majesty's Government, 1917 |
| Mandate preamble, 1922 | "nothing **should** be done which **might** prejudice" | His Majesty's Government, 1917 (Mandate text) |
| Mandate Article 2, 1922 | "safeguarding the civil and religious rights of **all the inhabitants**" | His Majesty's Government, 1917 (Mandate text) |

The dual undertaking in this sentence is what the Royal Commission found in 1937 had "proved irreconcilable."

## Which outbreak of violence did Britain's 1936 inquiry set out to explain?

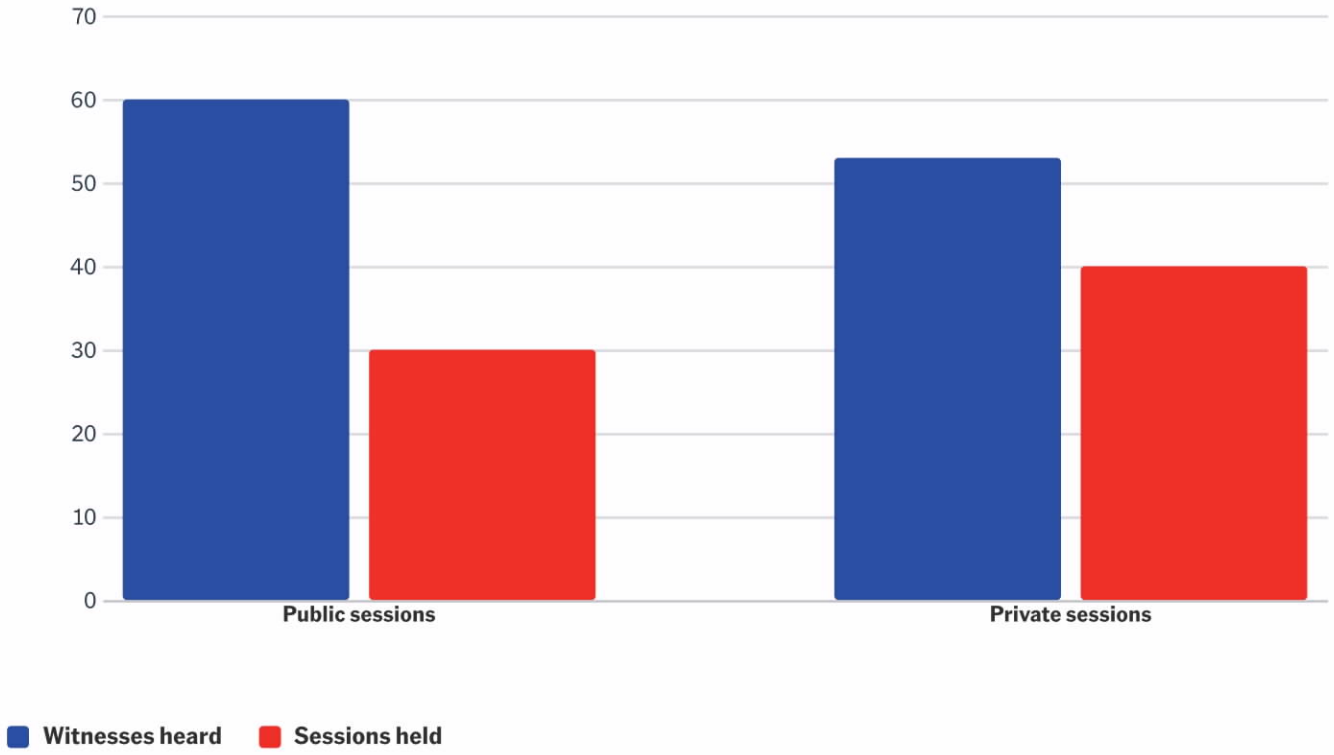
Britain's Royal Warrant of **7 August 1936** directed the Palestine Royal Commission "to ascertain the underlying causes of the disturbances that broke out in Palestine in April 1936." The April 1936 outbreak is the dated violence that an official British record identifies as the reason for the inquiry. The Commission's 1937 report is the result of that inquiry.

The Royal Warrant also directed the Commission to examine how the Mandate was being implemented "in relation to Britain's obligations towards the Arabs and the Jews respectively," and to recommend remedies. The Commission held all its formal sessions in Jerusalem from November 1936. It heard 60 witnesses at 30 public sessions and 53 witnesses at 40 private sessions.

**Witnesses and sessions at the Royal Commission hearings**
ALL FORMAL SESSIONS HELD IN JERUSALEM, FROM NOVEMBER 1936

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*Source: Palestine Royal Commission, 1937, Cmd. 5479.*

The Commission did not treat April 1936 as the start of the conflict. Its mandate was to find causes underlying the outbreak, and its answer, quoted in the first section, pointed back to the obligations of about 1917. In this record the 1936 violence is the occasion for the inquiry, and the twenty-year-old undertakings are its diagnosis.

The remedy it proposed followed from that diagnosis. Chapter XXII, paragraph 1 reads: "We return, then, to Partition as the only method we are able to propose for dealing with the root of the trouble." The close of Chapter XX reads: "Partition seems to offer at least a chance of ultimate peace. We can see none in any other plan." The plan called for treaties under which "two sovereign independent States would be established," one Arab and one Jewish, alongside a new Mandate for the Holy Places.

The partition plan was a recommendation and was never enacted. It records what a British government-commissioned inquiry proposed in 1937, not what Britain did.

## Why do the 1948 legal records count from November 1947?

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Israel's absentee-property law defined an absentee as anyone who, "on or after **29 November 1947** (the date of the United Nations General Assembly resolution to partition Palestine)," met its tests, according to Forman and Kedar's peer-reviewed 2004 legal history. That date falls five and a half months before the 14 May 1948 Declaration. Israel's land law therefore set its cut-off at the partition vote, not at the founding of the state.

Forman and Kedar place this definition in the 1948 Absentee Property Regulations. The Absentee Property Law, enacted by the Knesset in March 1950, replaced those regulations and carried the definition forward. The definition covered anyone who, from that date, had been "(a) a citizen or subject of one of the Arab countries at war with Israel; (b) in any of these countries, or in any part of Palestine outside the jurisdiction of the regulations; or (c) a citizen of Palestine who abandoned his or her normal place of residence."

The authors describe the result: "practically no Jewish Israelis, but tens of thousands of Arab Israeli citizens, were classified as absentees, assuming the paradoxical legal identity of 'present absentee'." A second statute, the Development Authority (Transfer of Property) Law of July 1950, completed the transfer mechanism. Under it, the Custodian of Absentee Property could sell only to the Development Authority, and the Authority could sell only to the state and the Jewish National Fund.

A UN body chose the same date for a different reason. The UN Conciliation Commission for Palestine's working paper A/AC.25/W/81/Rev.2, dated 2 October 1961, reports a valuation its Refugee Office made in September 1951. According to the paper, 29 November 1947 "was chosen because it was the last date before the exodus of refugees when land values in Palestine were reasonably stable." The Office rejected the Custodian's records as a basis for its estimate, because it would be "inappropriate to assess compensation entirely on the basis of information furnished by an interested party." It described its own figures as estimates that "must inevitably be regarded as approximate ones."

The two records serve different purposes but share one date. In Israel's legislation, 29 November 1947 marks the point after which a person's location or nationality determined the status of their property. In the Commission's valuation, it marks the last stable land market before displacement. Both treat the partition resolution, not the Declaration, as the dividing line. The Institute's report on the absentee law covers the property record in more detail.

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## Methodology and limitations

The evidence comes from three source types:

- **Official and primary records.** These are the Palestine Royal Commission's report (Command Paper Cmd. 5479, 1937); the Balfour letter of 2 November 1917 and the Mandate for Palestine, both read in the Avalon Project transcription at Yale Law School; the Declaration of the Establishment of the State of Israel, read in the Knesset's English text; the Central Bureau of Statistics' 2026 Independence Day release; and the UN Conciliation Commission's 1961 working paper.
- **Peer-reviewed research.** These are Ben-Bassat (2009) and Forman and Kedar (2004).
- **Scholarly book.** This is Shafir (1989), which is interpretive scholarship. The details cited here are verified from the publisher's records and three journal reviews published from 1990 to 1992, not from the book's own pages, so no passage of the book is quoted.

One further source is a party's own published statement: the @IsraelMFA post of 31 July 2026, labelled as the Israeli Foreign Ministry's statement.

The Royal Commission is cited by chapter and paragraph. Its report carries two correct dates: it was signed on 22 June 1937 and presented to Parliament in July 1937.

The Declaration's two official English texts differ on one word. The Knesset's text reads "citizens" where the Ministry of Foreign Affairs' text reads "inhabitants," and both are translations of the Hebrew original. The Central Bureau of Statistics' 2026 figures are preliminary. They rest on the 2022 census, and the series is not continuous before and after 2023.

The question of when the conflict started is a question of periodization, and the records disagree because each one dates a different event: a wave of settlement, a political congress, a government undertaking, an outbreak of violence, a legal cut-off, and a declaration of statehood. Of these records, only the Royal Commission's report addresses the conflict's origin directly, and it does so by reference to obligations made "some twenty years ago" rather than by naming a date.

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## Conclusion

The dated record does not settle on one starting point. A British government-commissioned inquiry named a conflict between "two national communities" in 1937. That inquiry was set up to explain the disturbances of April 1936, and it traced their causes to obligations made about twenty years earlier. Its answer pointed back to the period of the 67-word letter of 2 November 1917, which promised a national home to one people and protected the civil and religious rights of another in the same sentence.

On either side of that letter, the record moves the line in both directions. Shafir dates the origins to the settlements of 1882, and Ben-Bassat's colony logbooks from those years document disputes over boundaries and grazing. Israel's Declaration begins its own account with the Congress of 1897, and the Foreign Ministry's 2026 post pushes the movement's roots further back. Israel's land law and a UN commission both drew their line at 29 November 1947. The state, and the population series that begins at 806,000, start on 14 May 1948. Each of these dates is fixed in a document, and each document marks a different event.

That leaves the question of what counts as a beginning. It could be the first dispute recorded in a colony logbook, the first government sentence that bound two peoples' futures to one territory, or the first official page that called the result a conflict. The date a society chooses determines which grievance comes first in the account it tells.

## Frequently Asked Questions

### How much Jewish immigration did the Peel Commission recommend?

The Palestine Royal Commission recommended a "political high level" of Jewish immigration "fixed for the next five years at 12,000 per annum" (Chapter X, paragraph 97). Like the partition plan, this was a recommendation in a British government-commissioned report.

### What else did the 1937 partition plan propose?

The Palestine Royal Commission proposed ending the Mandate, replacing it "by a Treaty System in accordance with the precedent set in Iraq and Syria," and creating a new Mandate

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for the Holy Places (Chapter XXII, paragraphs 4 to 6). It also recommended a grant of £2,000,000 to the proposed Arab State (Chapter XXII, paragraph 27).

### How many immigrants has Israel received since 1948?

Israel's Central Bureau of Statistics recorded more than 3.5 million immigrants between 1948 and 2026. About 1.68 million of them, or 47.8%, arrived from 1990 onward (Central Bureau of Statistics, 2026). A further 158,000 or so immigrating citizens have arrived since 1970.

### How much land was Jewish-owned by 1948?

Forman and Kedar (2004) report that 1.5 million of Mandate Palestine's 26.3 million dunams were Jewish-owned by 1948. Israel's borders then enclosed 20.6 million dunams, of which about 13.5%, or 2.8 million dunams, was under formal state or Jewish ownership.

### How much land did the UN Conciliation Commission estimate was abandoned?

The Conciliation Commission's Refugee Office estimated in September 1951 that 16,324 square kilometres of abandoned land had passed into Jewish hands, valued at £P100 million, with 4,574 square kilometres of it cultivable (United Nations Conciliation Commission for Palestine, 1961). The figure measures abandoned land, not land that passed through Israel's absentee-property system.

### Who sold the land on which the Judean colonies were built?

Ben-Bassat (2009) writes that "about a dozen absentee landlords owned property in the region," and that these landlords, "in many cases Christians from nearby Jaffa," sold the colonists much of the land on which settlement there took place.

### Does Israel's 1948 Declaration promise equal rights?

In the Knesset's English text, the Declaration says the state "will ensure complete equality of social and political rights to all its citizens irrespective of religion, race or sex" (Provisional Government of Israel, 1948). The Ministry of Foreign Affairs' English text reads "all its inhabitants" in the same clause.

### What role did the Mandate give a Jewish agency?

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Article 4 of the Mandate for Palestine provided that "an appropriate Jewish agency shall be recognised as a public body for the purpose of advising and co-operating with the Administration of Palestine" (His Majesty's Government, 1917, Mandate text). No equivalent article named an Arab body.

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The 1950 absentee statute, the property claims the Conciliation Commission sampled in 1951, and the valuations on record, each named and dated.

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DATA REPORT BY THE HANOVER INSTITUTE NOVEMBER 9, 2026 UPDATED NOVEMBER 10, 2026

# What are Israel's war aims? The government's own words and counts

*Israel's own documents name two Gaza war aims: the hostages and Hamas's military capacity. Its counts, aid record and Knesset vote add detail.*

Israel | Gaza War | Hostages | Hamas | Official Records



Israel's government names two objectives for the Gaza war in its own documents, dismantling Hamas's military capabilities and returning the hostages, of whom its

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Foreign Ministry counted **48** still held on 14 September 2025, on Israel's own reported count. The same pairing runs from a Foreign Ministry paper of December 2023 to an IDF page of February 2026, and the October 2025 ceasefire plan, as the IDF describes it, wrote both aims into its first phase. Israel's own records also document what sits beside the two aims: a renewed offensive in March 2025 justified by the hostage aim, an eleven-week halt to aid entry by political directive, strike campaigns in Iran and Lebanon, and a Knesset declaration against a Palestinian state adopted 68 to 9, as CNN reported in 2024. Does the list a government publishes describe everything its own records show it pursuing?

## Key Findings

- 48 hostages remained in Gaza and 207 had returned or been recovered (148 alive, 59 deceased) as of 14 September 2025, on the Israeli Foreign Ministry's own reported counts, published by a party to the conflict and not independently verified (Israeli Ministry of Foreign Affairs, Permanent Mission of Israel to the Multilateral Organizations in France, 2025).
- "Over 13,000" people the IDF describes as terrorists had been eliminated in Gaza by 29 February 2024, day 146 of the war, on the IDF's own self-reported count, a floor and a contested classification (Israel Defense Forces, 2024).
- No aid entered Gaza between 2 March and 19 May 2025 "According to the directive from the political echelon," in the words of COGAT's own Aid Data dashboard, a party's own record (COGAT, 2026).
- Approximately 7,600 strikes across Iran and more than 1,100 across Lebanon had been carried out by 13 March 2026, on the IDF's own reported count, not independently verified (Israel Defense Forces, 2026).
- The Knesset voted 68 to 9 on the night of 17 to 18 July 2024 for a non-binding declaration opposing "the establishment of a Palestinian state west of the Jordan (river)" (CNN, 2024).

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## Which objectives does Israel's government name for the Gaza war?

The Israeli Foreign Ministry's mission in France publishes a statement titled "Israel's Objectives and Current Operation," last updated 17 September 2025, that counts **48** hostages still held in Gaza as of 14 September 2025, on Israel's own reported count. The Foreign Ministry's FAQ, updated to 8 December 2023, names the second aim: "It is impossible to dismantle Hamas's military capabilities without operating in southern Gaza."

The FAQ was published by the Israel Ministry of Foreign Affairs and republished by the IDF on 15 December 2023. It gives four reasons the military aim requires operating in the south: rocket launches, senior commanders, military assets and hostages. The two aims therefore appear in one passage, with the hostages listed among the reasons for the military operation. The same passage addresses the population of the south directly: "The IDF is well aware of the increased number of civilians in southern Gaza, and utilizes the entirety of the measures described above in order to mitigate harm to civilians in these areas."

The 2025 mission statement quantifies its content in two ways only: hostages and aid trucks. It states that 48 hostages, living and deceased, remained in captivity 712 days after the abduction, and it refers readers to COGAT's aid data site for humanitarian detail. Neither document attaches a number to the military aim. The hostage aim is expressed as a count that can reach zero; the Hamas aim is expressed as a capability to be dismantled.

Both documents are a party's own statement of its position, issued by the government of a party to the conflict, and their counts are Israel's own. The Foreign Ministry's descriptions of Hamas and of its critics are its own characterisations and are not carried here.

## Who frames the aims as hostages and Hamas, and since when?

Israel's Foreign Ministry and the IDF frame the war's aims around the hostages and Hamas's military capacity in dated documents spanning **2023 to 2026**, so the pairing is Israel's own and it holds across that period. The Foreign Ministry FAQ of 8 December 2023 uses "dismantle Hamas's military capabilities"; an IDF page dated 19 February 2026 records a plan requiring Hamas to "return all 48 of the remaining hostages in Gaza, and fully disarm."

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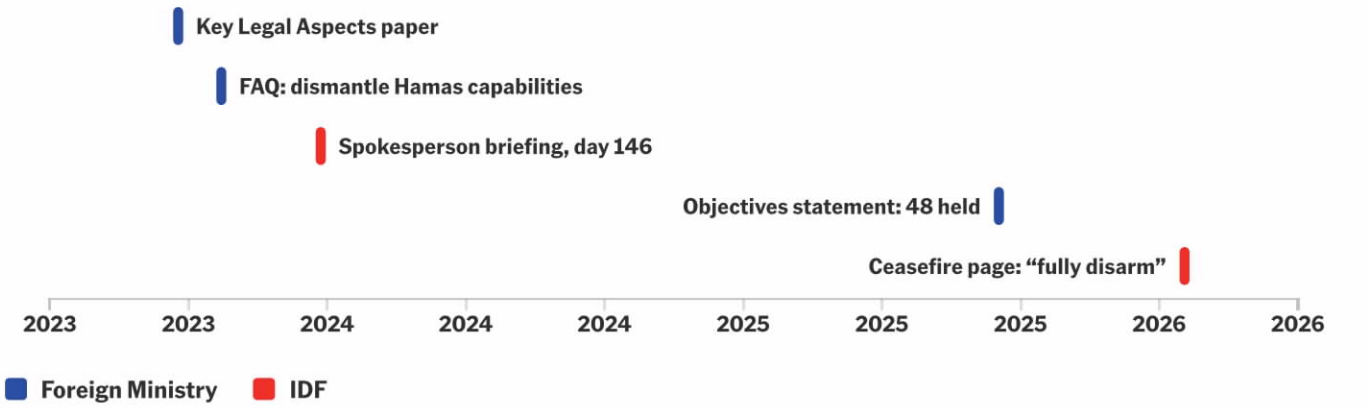
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Between those two points sit three further government documents. The Foreign Ministry paper "Key Legal Aspects," updated to 2 November 2023, sets the targeting rule that accompanies the military aim. The IDF Spokesperson's briefing of 29 February 2024 counted progress against that aim in people. The Foreign Ministry mission statement of 17 September 2025 is titled as an objectives statement and counts the hostages still held.

The wording of the Hamas aim shifts across the series while its object stays fixed. In 2023 the Foreign Ministry writes of "military capabilities"; in 2026 the IDF describes the plan's demand that Hamas "fully disarm." The hostage aim keeps the same unit throughout: a number of people still held. The 48 in the September 2025 mission statement and the 48 in the IDF's description of the October 2025 plan are the same count, a month apart, both reported by Israel.

**Israeli government documents stating the war's aims**

**DATED PUBLICATIONS OF THE FOREIGN MINISTRY AND THE IDF, A PARTY'S OWN STATEMENTS**




*Source: Israel Ministry of Foreign Affairs (2023); Israeli Ministry of Foreign Affairs, Permanent Mission of Israel to the Multilateral Organizations in France (2025); Israel Defense Forces (2024, 2026). Each is a party's own document.*

Each document is the statement of a party to the conflict. Their consistency establishes what Israel's government says its aims are; it is not an external assessment of whether those aims describe its conduct.

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## How many hostages had returned by September 2025, on Israel's count?

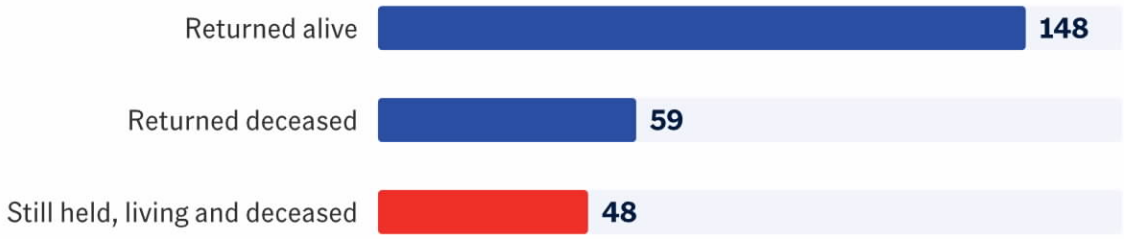
The Israeli Foreign Ministry's mission in France recorded **207** hostages returned or recovered as of 14 September 2025, on Israel's own reported count, published by a party to the conflict and not independently verified. The same statement counts 48 hostages, living and deceased, still held in Gaza on that date.

The 207 divides into 148 returned alive and 59 deceased, which sum to the stated total. The mission statement dates the remaining 48 to 712 days after the abduction. All three figures are point-in-time counts from September 2025 and describe the position one month before the ceasefire of 10 October 2025.

The hostage aim is the only one of the two named aims for which Israel's government publishes a running tally of progress. Earlier releases appear in the record with their own counts: the operational pause that began on 24 November 2023 saw 105 hostages freed, CBS News reported on 1 December 2023, alongside some 240 Palestinian prisoners, a figure CBS attributed to the Palestinian Prisoners' Club. The IDF said at the pause's end that "Hamas violated the operational pause and in addition, fired toward Israeli territory," in its own words as reported by CBS News (2023).

**Hostage status as of 14 September 2025**

**ISRAEL'S OWN REPORTED COUNTS, NOT INDEPENDENTLY VERIFIED**




*Source: Israeli Ministry of Foreign Affairs, Permanent Mission of Israel to the Multilateral Organizations in France (2025). A party's own count.*

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The counts measure people returned, recovered and still held. They do not measure how each return was achieved, whether by negotiated exchange or military operation, and the mission statement does not divide them that way. Nor does it date the individual returns, so the 105 freed during the November 2023 pause cannot be traced inside the 207 from this document alone.

## What does the IDF count against the aim of dismantling Hamas?

The IDF Spokesperson, Rear Admiral Daniel Hagari, stated on 29 February 2024, day 146 of the war, that **over 13,000** people the IDF describes as terrorists had been eliminated in Gaza. The figure is the IDF's own count, self-reported by a party to the conflict, not independently verified, and written as a floor rather than an exact total.

The classification of those counted as "terrorists" is the IDF's own characterisation, and the division of Gaza's dead into combatants and civilians is contested. The briefing does not publish the method by which a person entered the count. The same briefing gave a second figure for a different place and a different action: about 3,400 people apprehended in Judea and Samaria by IDF forces together with the Israel Security Agency, of whom 1,500 the IDF describes as Hamas.

| Measure | IDF figure | Source |
|---|---|---|
| Described as terrorists, eliminated in Gaza | **over 13,000** | Israel Defense Forces, 2024 |
| Apprehended in Judea and Samaria, with the ISA | **about 3,400** | Israel Defense Forces, 2024 |
| Of those apprehended, described as Hamas | **1,500** | Israel Defense Forces, 2024 |

The Foreign Ministry's FAQ of December 2023 lists the components of the capability it seeks to dismantle: rocket launches, senior commanders and military assets. The February 2024 briefing counts one kind of thing against that list, people, and publishes no count of rockets, launchers or infrastructure destroyed. The apprehension figure covers the West Bank only and is a joint result, so it is neither an IDF-only nor a war-wide total.

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## Why did Israel resume fighting in March 2025, in its words?

On **18 March 2025**, CBS News reported, Israel's prime minister's office cited Hamas's "repeated refusals to release its hostages and its rejection of all offers it received from the U.S. presidential envoy Steve Witkoff and mediators" as its reason for renewed operations in Gaza. The first phase of the January 2025 ceasefire had ended on 1 March. The statement is a party's own account of its reasons.

Hamas gave its own account in the same report: the Israeli government had "decided to overturn the ceasefire agreement." Each statement is the claim of one party, and the record contains both. The CBS report does not set out the offers the prime minister's office referred to, so their terms cannot be read beside the statement.

The government's statement invokes the hostage aim as the reason for renewed military pressure, so the two named aims appear here as one instrument serving the other rather than as parallel goals. The statement does not rank the two aims; it presents military action as the route to the hostage aim.

The dated record around the statement places it in sequence. The first ceasefire phase ended on 1 March 2025. COGAT's own Aid Data dashboard records that no aid entered Gaza from 2 March, "According to the directive from the political echelon." Fighting resumed on 18 March, sixteen days into that halt. Six months later the Foreign Ministry's mission in France counted 48 hostages, living and deceased, still held on 14 September 2025, on Israel's own reported count.

The resumption therefore sits between the end of one negotiated phase and the next arrangement, which took effect at 12:00 on 10 October 2025 in the IDF's own account. Across that interval the hostage aim is the one the government named as its reason to fight, and the hostage count is the measure its September 2025 objectives statement published.

## What did Israel record about aid entry during spring 2025?

COGAT, the Israeli Defense Ministry unit that coordinates entry into Gaza, states on its own Aid Data dashboard: "According to the directive from the political echelon, no aid entered

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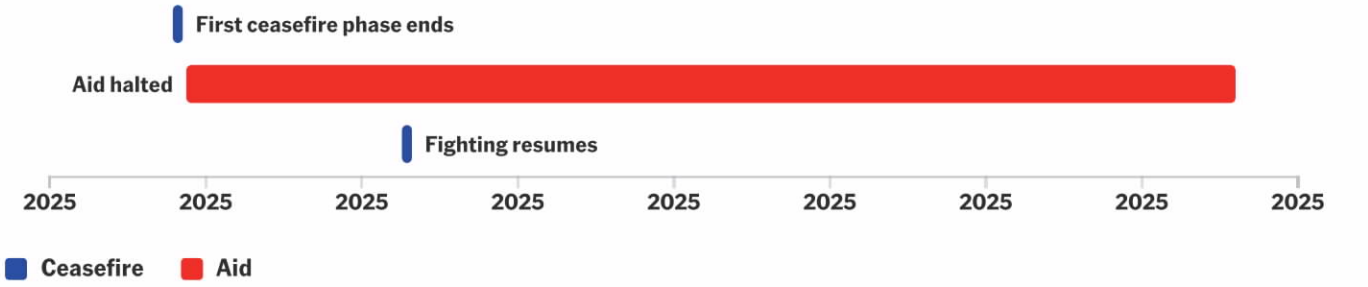
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the Gaza Strip between March 2 to May 19 2025." The halt ran from **2 March to 19 May 2025**, about eleven weeks, on a party's own record of its own crossings.

The halt began the day after the first ceasefire phase ended on 1 March 2025 and continued through the resumption of fighting on 18 March, the date CBS News (2025) reported. The dashboard attributes the halt to a directive from the political echelon and gives no reason for it. No document read for this report connects the directive to either named objective in its own words.

**Ceasefire, fighting and aid entry, spring 2025**

**DATES FROM A PARTY'S OWN AID RECORD AND CONTEMPORANEOUS PRESS REPORTS**




*Source: COGAT (2026), Aid Data dashboard, a party's own record; CBS News (2025).*

The Foreign Ministry mission statement gives Israel's war-long totals: more than 106,000 aid trucks from 7 October 2023 to 14 September 2025, and more than 12,000 since May 2025, 80% of them carrying food. Those are Israel's own stated totals, not an audited tally. COGAT's own method note of 9 July 2026 separates the two units it publishes: trucks and pallets are counted at inspection, while tonnage "is based on the self-declaration of humanitarian organizations and private sector providers." The dashboard's own qualifications travel with its truck counts: trucks classed as food "carry food items exclusively," while "mixed aid" and "shelter equipment" trucks "may also contain food items," and "Totals do not include fuel." Any cumulative or average figure that spans 2025 crosses the eleven weeks of nil, which is the context for the counts of aid entry set against the stated aims.

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## Where does Israel place Gaza's civilians relative to its objectives?

Israel's Foreign Ministry counted **over 15 million** text messages sent by the IDF urging Gaza residents to leave areas of hostilities, cumulative to 8 December 2023, on its own reported count. Its legal paper updated to 2 November 2023 states that "the IDF only targets persons who are members of organized armed groups or civilians directly participating in the hostilities."

The FAQ of 8 December 2023 lists three further channels: over 12 million pre-recorded phone calls, over 4.5 million leaflets and over 45,000 individual phone calls. Every count is a floor and Israel's own. The channels reach overlapping audiences, so they cannot be added into a number of warnings or of people warned.

| Channel | Israel's own count, to 8 December 2023 | Source |
|---|---|---|
| Text messages | **over 15 million** | Israel Ministry of Foreign Affairs, 2023 |
| Pre-recorded phone calls | over 12 million | Israel Ministry of Foreign Affairs, 2023 |
| Leaflets airdropped | over 4.5 million | Israel Ministry of Foreign Affairs, 2023 |
| Individual phone calls | over 45,000 | Israel Ministry of Foreign Affairs, 2023 |

Each row is a floor in a different unit, a message, a call or a leaflet, and the rows are not summed.

The legal paper sets out how Israel's government says civilians enter its targeting calculations. "Estimating expected civilian harm can be very challenging, especially when operating in a complex and dense urban environment where civilian presence is dynamic and often hard to ascertain," it states, and: "If the attack results in more collateral damage than expected, this does not necessarily indicate a violation: compliance is conduct-oriented, not result-oriented." It adds that "the IDF does not assume that there are no civilians in areas or sites where advance warnings had been given."

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The FAQ describes a "Civilian Harm Mitigation Unit" of commanders, intelligence officers, Arabic speakers and legal advisers that "constantly monitors in real time the implementation of these evacuation recommendations." These passages are a party's statement of its own legal position and procedures, not a finding of compliance by any court or reviewer.

## Does the October 2025 ceasefire plan restate Israel's objectives?

The IDF describes the ceasefire as a **20-point** plan.

In a page dated 19 February 2026, the IDF says the ceasefire took effect at 12:00 on 10 October 2025, and that the first phase of the plan "stated that Hamas would return all 48 of the remaining hostages in Gaza, and fully disarm."

The description is the IDF's own, published by a party to the agreement.

Both named aims sit in that one clause: the hostage count, matching the Foreign Ministry's September 2025 figure of 48, and disarmament, the 2026 form of the 2023 aim to dismantle Hamas's military capabilities. In the IDF's account, the objectives Israel stated in wartime became the first-phase terms of the plan that ended major operations.

The end-state the plan sets for Israeli forces is less specific in the instrument than in the IDF's account. United Nations Security Council resolution 2803 (2025) and the Comprehensive Plan annexed to it state that "Israeli forces will withdraw to the agreed upon line," without defining or mapping that line; the "yellow line" that governs the IDF's later incident reports appears nowhere in the resolution or its annex. The annexed Plan does not use the word "ceasefire" at all; it says the war "will immediately end" and that military operations "will be suspended," so the phase language belongs to the IDF's description rather than to the Plan's text. The plan's provisions on Palestinian governance are read in detail in the report on point 19 of the ceasefire plan.

The same IDF page is a chronological list of incidents it attributes to Hamas and Palestinian armed groups from 19 October 2025 to 14 February 2026, each judged against the IDF's own test that the activities "constitute a clear violation of the understandings of the ceasefire." It

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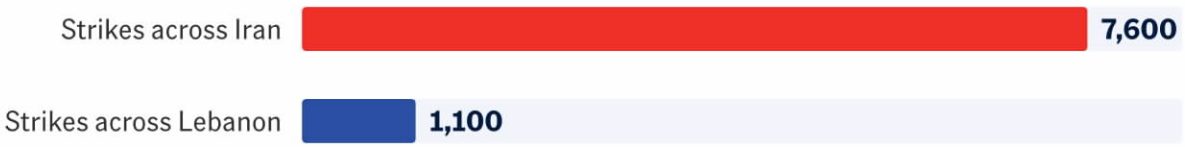
publishes no total, no rate and no casualty figure, and it records no incidents attributed to Israel. Several of its November 2025 entries carry the printed year 2026.

## What has Israel struck beyond Gaza, in Lebanon and Iran?

The IDF reported **approximately 7,600** strikes across Iran during Operation Roaring Lion, to 13 March 2026, in its live update of that date, a party's self-reported count that is not independently verified. The page gives the total two ways, "More than 7,600" in its headline and "approximately 7,600" in its body.

More than 2,000 of the Iran strikes, on the IDF's count, hit what it describes as headquarters and assets of the Iranian regime; that characterisation is the IDF's own and is contested. The same update reports more than 1,100 strikes across Lebanon, including about 190 targets the IDF identifies as Radwan Force and over 200 it identifies as missile and launcher targets. The Lebanon total counts strikes across the country; the Hezbollah-related figures are subsets reported inside it, on the IDF's own target identifications.

**Strikes reported in Operation Roaring Lion**
**TO 13 MARCH 2026; THE IDF'S OWN COUNTS, NOT INDEPENDENTLY VERIFIED**




*Source: Israel Defense Forces (2026), Iran-Israel War 2026 Live Updates, March 13, 2026. A party's own count.*

The counts place Israel's military activity in 2026 on fronts the Gaza objectives documents do not name. The Foreign Ministry's 2023 FAQ and its 2025 objectives statement address Gaza and the hostages; the March 2026 update counts operations against Iran and in Lebanon. The update's figures are operational tallies: they record what was struck, by the IDF's own classification, and not the objective each strike was meant to serve.

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The update also mixes units that are not interchangeable. Its totals for Iran and Lebanon count strikes, while its Lebanon breakdown is given in targets, about 190 identified as Radwan Force and over 200 as missile and launcher targets, so the subsets cannot be read as a share of strikes. The Iran total is carried here in the approximate form the page uses in its body, not the "More than 7,600" of its headline.

## What has the Knesset recorded about a Palestinian state after the war?

The Knesset voted **68 to 9** on the night of 17 to 18 July 2024 for a declaration that it "firmly opposes the establishment of a Palestinian state west of the Jordan (river)," CNN reported on 18 July 2024. The declaration is non-binding and is not a statute.

The text, as CNN quoted it, continues: "The establishment of a Palestinian state in the heart of the Land of Israel would pose an existential danger to the State of Israel and its citizens, perpetuate the Israeli-Palestinian conflict and destabilize the region." The vote is the Israeli legislature's recorded position on one possible end-state for the territory, adopted nine months into the war.

**Knesset vote on the declaration**

**NIGHT OF 17 TO 18 JULY 2024; NON-BINDING DECLARATION**




*Source: CNN (2024).*

The October 2025 arrangement treats the same end-state in conditional terms. Point 19 of the Comprehensive Plan annexed to United Nations Security Council resolution 2803 (2025) ties the pathway to self-determination to the moment "While Gaza re-development advances and when the PA reform program is faithfully carried out," and closes on the clause "which

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we recognize as the aspiration of the Palestinian people." The resolution's operative paragraph 2 restates the pathway as opening "After the PA reform program is faithfully carried out and Gaza redevelopment has advanced," a different sequencing, and drops that closing clause. The 2024 Knesset declaration and the 2025 instrument therefore address the same question in different words.

None of the government documents read here, from the 2023 FAQ to the 2025 objectives statement, sets out a governance end-state for Gaza in its own words. The recorded vote is the most specific dated statement in this record on what the end-state should exclude.

## Methodology and limitations

The evidence is drawn from three source types. Primary and official records of a party to the conflict form the core: two Foreign Ministry documents of 2 November and 8 December 2023, read on 22 September 2026; the Foreign Ministry mission statement last updated 17 September 2025; an IDF briefing of 29 February 2024; IDF pages of 19 February and 13 March 2026, the first read on 10 September 2026; and COGAT's Aid Data portal and truck-level workbook, read and parsed on 10 September 2026. Every figure from these sources is the party's own count, published by a party to the events it describes, and is labelled as such in each section that carries it.

Several counts carry fixed limits. The warning-channel counts are floors cumulative to 8 December 2023 and are never summed. The "over 13,000" figure is a floor on the IDF's own classification, and the combatant count in this conflict is contested. The Iran strike total appears two ways on its source page. COGAT counts trucks at inspection and takes tonnage from shippers' declarations, and no tonnage figure is used here. The IDF ceasefire page is a list without a total, and nineteen of its November entries carry the wrong year.

Press reports supply dated statements and one tally: CBS News for the November 2023 pause and the March 2025 resumption, and CNN for the Knesset vote, whose tally is carried from the press report because the Knesset's own record was not read. The third type is an intergovernmental instrument: United Nations Security Council resolution 2803 (2025), cited for its own text and that of its annexed Plan. No body publishes a count of ceasefire violations since October 2025 against a stated threshold.

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## Conclusion

Does the list Israel's government publishes describe everything its own records show it pursuing? On the two aims it names, the record is consistent and specific: from 2023 to 2026 the Foreign Ministry and the IDF state the same pair, and the IDF, describing the October 2025 arrangement in its own words, says the plan's first phase required both. That phasing is the IDF's characterisation; the annexed Plan itself speaks of the war ending and operations being "suspended," and never uses the word "ceasefire."

The two aims are measured differently. The hostage aim is counted to the person, 48 still held and 207 returned on the Foreign Ministry's own September 2025 count; the Hamas aim is counted in people eliminated, "over 13,000" on the IDF's own February 2024 figure, with no published tally of the capability itself. In March 2025 the government cited the hostage aim as the reason to resume fighting. Israel's own records then add what the objectives documents leave unnamed: a political-echelon directive under which no aid entered from 2 March to 19 May 2025, on COGAT's own record; approximately 7,600 strikes in Iran by March 2026, on the IDF's own count; and a 68 to 9 Knesset declaration against a Palestinian state.

A war's objectives can be read in two places: the lists its ministries publish, and the full set of records the same government counts, directs and votes. Here the two overlap on the hostages and on Hamas and diverge on aid, on Iran and Lebanon, and on Gaza's future. When a public comes to judge whether the war achieved what was intended, which of those two records is it measuring against: the two aims the ministries list, or everything the same government counted, directed and voted?

## Frequently Asked Questions

### Who reviews IDF strikes for legality, on Israel's own account?

The Foreign Ministry's "Key Legal Aspects" paper of November 2023 states that "IDF legal advisers are not subject to the IDF chain of command on professional matters, but report directly to the Military Advocate General." This is a party's description of its own procedures, not an external finding.

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### How does Israel's government apply proportionality to individual strikes?

The Foreign Ministry's FAQ of December 2023 states that proportionality is "to be applied to each and every attack independently," and gives an illustration comparing one attack causing 500 casualties with 500 separate attacks. The illustration is the ministry's own statement of its legal position.

### How does COGAT count aid entering Gaza?

COGAT counts trucks and pallets at inspection, while its tonnage "is based on the self-declaration of humanitarian organizations and private sector providers," according to its method note of 9 July 2026. COGAT, a party to the events, reports "negligible divergence (around 5%)" between declarations and inspection.

### What does COGAT's truck-level file record by crossing?

COGAT's own workbook carries 32,946 truck rows from 21 October 2023 to 31 May 2024, of which 18,371 are labelled Kerem Shalom, by the Institute's count of the published rows. The file stops in May 2024, and its "Nitzana\Rafah" label fuses an inspection point with an entry crossing.

### What share of medical evacuation requests does COGAT say it approves?

COGAT's June 2026 FAQ states it approves "over 98% of all submitted medical evacuation requests," a party's own figure. The share is of requests that reached COGAT, not a count of patients who left, and exits also depend on a receiving country.

### How many sorties did Israel's Air Force report in Operation Roaring Lion?

The IDF reported more than 4,700 operational sorties to 13 March 2026, including over 380 missions in Iranian airspace, on its own self-reported count. The sortie and strike figures count different units and are not interchangeable.

### Does any body publish a count of violations of the October 2025 ceasefire?

No body publishes a violation count against a stated threshold. Resolution 2803 (2025) and its annexed plan contain the word "violation" zero times, and the IDF's own page is a dated

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list of incidents it attributes to Hamas, with no total. The record of what the instrument defines sets out the gap.

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US law has barred assistance to governments that restrict humanitarian aid since 1996. What the entry counts and the site enumeration each measured.

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DATA REPORT BY THE HANOVER INSTITUTE NOVEMBER 9, 2026 UPDATED NOVEMBER 10, 2026

# Do Palestinians have a legal claim to the land as an Indigenous people? What the courts and land codes say

*Israel's Supreme Court ruled 5 to 0 for Palestinian landowners in 1979 on title. What land codes, statutes and resolutions rest claims on.*

Indigeneity | Land Law | Israeli Supreme Court | Ottoman Land Code | Palestinian Refugees



Israel's Supreme Court, sitting as the High Court of Justice, ruled 5 to 0 on 22 October 1979 that a military order taking land at Rujeib, near Nablus, was invalid as to the plots of its 17 Palestinian petitioners. The ground was their registered ownership, tested against the Hague Regulations, and the judgment never turns on

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indigeneity. Indigeneity is a claim about who was there first, while a land forum asks a narrower question: who holds this parcel, and on what record? The instruments that decide that question, from the Ottoman Land Code of 1858 to General Assembly Resolution 194 of 1948 and an Israeli government review of 2005, frame Palestinian claims as property, possession, cultivation, return and the self-determination of a people. Among the named scholarship, the most explicit indigeneity argument, Ukashi (2018), applies the concept to Zionism, and Israel's 2018 Nation-State Law grounds Jewish self-determination in a "historical right."

## Key Findings

- Israel's Supreme Court, in HCJ 390/79 (the Elon Moreh case), ruled 5 to 0 on 22 October 1979 to annul a requisition order as to about 125 dunams held by registered Palestinian owners, applying the military-needs test of Article 52 of the Hague Regulations (Israeli Supreme Court, 1979).
- General Assembly Resolution 3236 (XXIX), adopted 22 November 1974 by a recorded vote of 89 to 8 with 37 abstentions, reaffirmed "the inalienable right of the Palestinians to return to their homes and property," framing the claim as a right of a people and of the displaced (United Nations General Assembly, 1948 to 1975, Resolution 3236 (XXIX), recorded vote).
- Article 68 of the Ottoman Land Code of 1858 makes arable land left fallow "for three successive years" without valid excuse subject to "the right of Tapu," which ties a holder's claim to cultivation of a parcel (Ottoman Empire, 1858, Ongley translation).
- Israel's Prime Minister's Office published a government-commissioned review in March 2005 counting 15 of 105 known unauthorized outposts on Palestinian private property. On the review's own terms, both figures are floors (Prime Minister's Office of Israel, 2005).
- Basic Law: Human Dignity and Liberty states in 1992 that "the property of a human being shall not be violated." Its section 10 leaves untouched "any law that existed prior," which includes the absentee and acquisition statutes of 1950 and 1953 (Knesset, 1992; Forman and Kedar, 2004).

## Has an Israeli court upheld a Palestinian land claim, and why?

Israel's Supreme Court ruled **5 to 0** on 22 October 1979, in HCJ 390/79, that Order of Possession 16/79 was invalid "in terms of the lands owned by the petitioners." The decisive

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facts were registered private ownership and a military-needs claim that failed under Article 52 of the Hague Regulations. The reasoning never turns on the petitioners' status as an indigenous population.

The order covered about 700 dunams at Rujeib outside Nablus. The 17 petitioners were registered owners of about 125 dunams, and the annulment applied to those plots alone. A companion order, 17/79, covered the access road and drew no relief, "as none of the petitioners hold any ownership rights for the road lands." Where no petitioner held title, the Court had no claim to decide. It gave the respondents 30 days to remove the settlers from the petitioners' land, which was a compliance window and not a record of what followed.

Deputy President M. Landau did not hold that land could never be requisitioned for a settlement. He wrote that such possession "is potentially justified under Article 52 of the Hague Regulations" when military needs "were those which in practice brought upon the decision." The record showed the reverse sequence: "the initiative came from the political echelons, which then reached out to the Chief of the General Staff for his professional opinion." Landau found the ministerial decision "determinatively influenced by reasons stemming from a Zionist worldview as to the settling of the entire Land of Israel." Applying a dominant-purpose test, he held that the military consideration "was subordinate to the primary, political decision."

Justice A. Witkon placed the burden of proof on the state: "We need not be convinced of the sincerity of the consideration, but rather of its correctness." Landau added a second, independent ground. A military administration, he wrote, cannot create "'facts on the ground'" intended to outlast military rule. Both justices left Article 49(6) of the Fourth Geneva Convention undecided. Landau called that treaty provision "not binding law in an Israeli Court," and Witkon wrote that "my refraining from determination must not be interpreted as support for either of the parties."

Landau distinguished the 1978 Beit El case on its facts. In that case the same Court had upheld a requisition for a civilian settlement on Article 52 reasoning, so the test has produced both outcomes. The quotations here come from the Cardozo Israeli Supreme Court Project's unofficial English translation, and the Hebrew governs. The surrounding jurisdiction clauses and military orders are read separately.

## Who ties Palestinian indigeneity to land rights, and since when?

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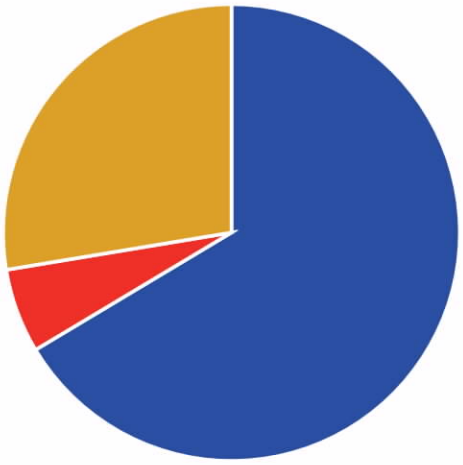
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The UN General Assembly adopted Resolution 3236 (XXIX) on 22 November 1974 by a recorded vote of **89 to 8**, with 37 abstentions. The resolution reaffirmed the Palestinian people's rights to self-determination, national independence and sovereignty. In paragraph 2 it reaffirmed "the inalienable right of the Palestinians to return to their homes and property." The text states these as rights of a people and of the displaced, not as an indigenous title.

That vote supports the premise that Palestinians hold internationally stated collective rights connected to the land. The base rate sharpens it. The 89 votes in favour are 66% of the 134 delegations that recorded a position, not 66% of the full membership. The 8 against were the United States, Bolivia, Chile, Costa Rica, Iceland, Israel, Nicaragua and Norway (A/PV.2296, paragraph 110).

At the same meeting the Assembly adopted Resolution 3237, inviting the PLO to participate "in the capacity of observer." That vote passed 95 to 17 with 19 abstentions, a wider opposition, and the two votes are separate records. Both resolutions use the vocabulary of peoples and refugees: self-determination, sovereignty, return, property. In 3236 the legal unit is a people, and in paragraph 2 it is the homes and property from which individuals were displaced.

**How delegations recorded their vote on Resolution 3236**
**134 DELEGATIONS RECORDING A POSITION, 22 NOVEMBER 1974**



**In favour** **Against** **Abstaining**

*Source: United Nations General Assembly, Resolution 3236 (XXIX), recorded vote, A/PV.2296, paragraph 110.*

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One dated scholarly use of the indigeneity framework is Ukashi's 2018 essay in Peace and Conflict Studies, a peer-reviewed journal. The piece is an interpretive argument rather than a research study, and its author describes it as an intervention in a live dispute. It argues for reconsidering Zionism as an Indigenous emancipation movement, against imperial and settler-colonial characterisations. That places the Jewish tie to the land, alongside the Palestinian one, inside the indigeneity vocabulary. The essay is one named position, dated 2018, and it measures nothing.

## Did Ottoman land law tie rights to ancestry or cultivation?

The Ottoman Land Code of 21 April 1858 makes arable land left fallow "for three successive years without having proved any valid excuse" subject to "the right of Tapu." That is Article 68 in F. Ongley's 1892 English translation. The articles read here condition a holder's claim to a parcel on possession, title deed and continued cultivation, and the three-year period is **three successive years**.

Article 1 sorts all land into five classes, from "Arazi Memluke," held "in fee simple," to "Arazi Mevat," "Dead lands, uncultivated and unappropriated." Article 78 runs in the holder's favour. A person who "has possessed Arazi Mirie and Mevkufe for ten years without disturbance" acquires a prescriptive right, and "whether he has a title-deed or not," a new title deed "should be given to him gratis."

Article 68 does not return fallow land to the state. Under Ongley's text, the former holder may recover it "for its equivalent value (Bedel Misl)." Sir Stanley Fisher's 1919 translation reads "on payment of its tapou value." R. C. Tute, President of the Land Court in Jerusalem, wrote in his 1927 commentary that after abandonment "the tenure is maintained, and the land is not at the disposal of the State."

Article 103 allows dead land to be "opened up newly and created into arable land, with the permission of the official, gratis by the person, having need for it." A grantee who leaves it unbroken for three years loses it. The code's operative unit is the cultivator and the parcel, and it carries no acreage, count or map. The articles governing state land are read in detail elsewhere.

| Article | What the text provides | Source |
|---|---|---|
| 6 | Dead land lies beyond earshot, about **1.5 miles** from habitation | Ottoman Land Code, 1858 (Ongley, 1892) |

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| Article | What the text provides | Source |
|---|---|---|
| 68 | Fallow **3 successive years** becomes subject to the right of tapu | Ottoman Land Code, 1858 (Ongley, 1892) |
| 78 | **10 years** undisturbed possession earns a free title deed | Ottoman Land Code, 1858 (Ongley, 1892) |
| 103 | Reclaimed dead land left unbroken **3 years** passes to another | Ottoman Land Code, 1858 (Ongley, 1892) |

## What did the 1948 refugee property claims rest on?

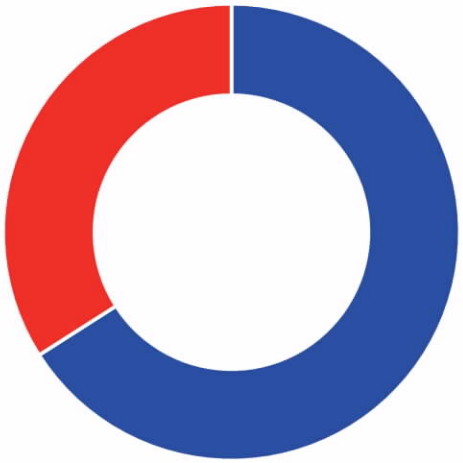
General Assembly Resolution 194 (III), adopted on **11 December 1948**, provided in paragraph 11 that refugees wishing to return "should be permitted to do so." It added that "compensation should be paid for the property of those choosing not to return." From that first instrument, the claim was framed as return and property, identified house by house and parcel by parcel.

The United Nations Conciliation Commission's 1951 Sampling Survey applied that frame to refugees in Jordan only. It drew on relief-agency fact-sheets for 84,000 heads of refugee families, about 540,000 persons, and extrapolated from samples of 400. It found that 66%, or 55,400 families, claimed buildings or land or both. The survey's text says that 49,500 families, 59% of the 84,000, claimed houses, and it puts total land claimed at 3,508,540 dunums. It also warns: "the claims on which the survey is based were unchecked and not documented."

**Refugee families in Jordan claiming property**
**84,000 FAMILIES, EXTRAPOLATED FROM SAMPLES OF 400, CLAIMS UNDOCUMENTED**

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Claim buildings or land  Claim no property

*Source: United Nations Conciliation Commission for Palestine, 1951, A/AC.25/W/60.*

The Commission's 1961 Historical Survey records its Refugee Office's September 1951 estimate. The Office put abandoned land "which has passed to Jewish hands" at 16,324 square kilometres, valued at £P100 million. It refused the Custodian of Absentee Property's records as its basis, judging it "inappropriate to assess compensation entirely on the basis of information furnished by an interested party," and worked instead from the Mandate's Village Statistics of 1945. The £2,633,175 released from blocked refugee bank accounts by 31 August 1956 is a released balance, not compensation for land. No body in this record publishes a total for land that passed through the absentee-property system.

Fischbach's 2003 history from Columbia University Press reconstructs this file from the Commission's archives. In the publisher's description, "more than 726,000 Palestinians, over half the entire population, were uprooted" from late 1947 through 1948.

## Does Israel's property guarantee reach land taken before 1992?

Basic Law: Human Dignity and Liberty, adopted by the Knesset in **1992**, states in section 3 that "the property of a human being shall not be violated." Section 10 provides that the law "shall not affect the validity of any law that existed prior to the inception of the Basic Law." The guarantee therefore leaves the validity of the absentee and acquisition statutes of 1950 and 1953 untouched.

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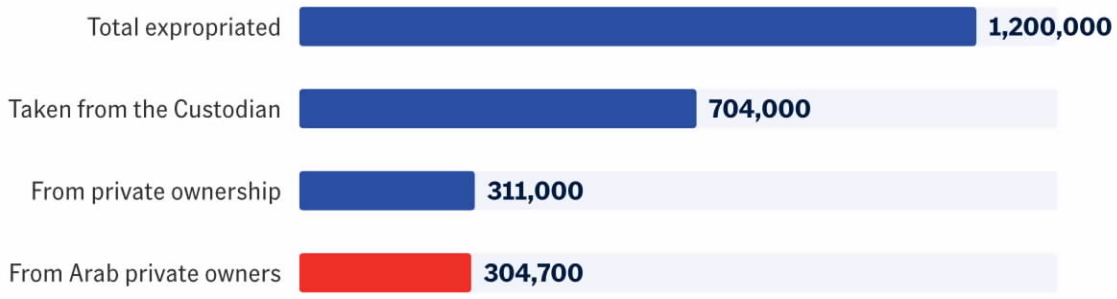
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The Knesset labels its English text unofficial and directs readers to the Hebrew. The section 8 limitation clause allows a later law to infringe these rights only if it "corresponds to the values of the State of Israel, which serves an appropriate purpose, and to an extent that does not exceed what is required."

Forman and Kedar (2004, peer-reviewed) document the earlier statutes. "The Knesset enacted the Absentee Property Law in March 1950 and the Development Authority (Transfer of Property) Law in July 1950." The first law empowered the Custodian "to sell land to the DA alone," and the second empowered the Development Authority "to sell land to the state and the JNF." The absentee definition, which the authors place in the 1948 regulations the 1950 law carried forward, runs from 29 November 1947. As a result, "tens of thousands of Arab Israeli citizens" took on "the paradoxical legal identity of 'present absentee'."

In its first year, the 1953 Land Acquisition Law expropriated some 1.2 million dunams. Of that total, 311,000 dunams came from private ownership, 304,700 of them from Arab owners, and 704,000 came from the Custodian. These figures are subsets of the total, not additions to it.

**Land expropriated in the 1953 law's first year**
DUNAMS; LOWER BARS ARE SUBSETS OF THE TOTAL, NOT ADDITIONS




*Source: Forman and Kedar, 2004, peer-reviewed.*

The authors close the sequence with the Israel Lands legislation of July 1960 and stop there. They decline to give an aggregate: "There is no one agreed-upon figure for the land that moved from Arab hands to the state in the wake of 1948."

## Can a parcel wrongly taken as government property be recovered?

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Military Order 59, signed on **31 July 1967** by the Commander of IDF Forces in the West Bank Area, addresses this in Article 5. A good-faith transaction by the Custodian in property he believed was government property "shall not be invalidated," even if the property is later proved not to have been government property. The eight articles of the 1967 text contain no objection procedure and no appeals committee.

Article 5 reads in the original: "כל עיסקה שנעשתה בתום לב בין הממונה ובין אדם אחר בכל נכס שהממונה חשבו בשעת העיסקה לרכוש ממשלתי, לא תיפסל ותעמוד בתקפה גם אם יוכח שהנכס לא היה אותה שעה רכוש ממשלתי." The Collection of Proclamations prints the order only in Hebrew and Arabic, so any English is a working rendering. One such rendering: any transaction made in good faith between the Custodian and another person, in property the Custodian considered government property at the time, shall not be invalidated and shall stand, even if it is proved that the property was not government property then.

Article 1 defines government property by ownership on the "determining day," 7 June 1967. The relevant owners are an enemy state, "including the Hashemite Kingdom of Jordan," or a body in which such a state held an interest. Article 2, in a working rendering, lets the Custodian take possession and take any step he considers necessary to do so. Under Article 4(2), payment to a co-owner depends on proof "to the Custodian's satisfaction" that the co-owner is not an enemy. Article 6 sets a penalty of up to ten years' imprisonment or 20,000 lirot. Article 7 brings the order into force on 7 July 1967, 24 days before it was signed.

Article 8 names the order for the West Bank Area, not for Judea and Samaria. The Military Advocate General's index lists nine amending orders, the last being Order 1508, so the 1967 text quoted here is not the text in force. The instrument is the military commander's own enactment, published by the issuing authority. Within its eight articles, the protection runs to the transaction, and no clause provides for the parcel's return.

## Does Israel's own review recognize private Palestinian land?

The Prime Minister's Office published in March 2005 a summary of the opinion it commissioned from Talya Sason, Adv. The summary records that **15** of the 105 unauthorized outposts known to the author stood on Palestinian private property. It is the government's own review of its own ministries, and its legality test treats private Palestinian ownership as a recognised legal category.

The summary sorts the 105 outposts into four land categories: 26 on State land, 7 on survey land, 15 on Palestinian private property, and 39 on "mixed" land, "part State, part survey,

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part owned by Palestinians." Those buckets account for 87 outposts, which leaves 18 whose land status the author had not resolved. The 15 is therefore a floor. So is the 105, which the author says "probably does not reflect the true number." Summing 7, 15 and 39 gives 61 outposts not wholly on State land, a derivation from the components rather than a total the summary prints.

**Land status of 105 unauthorized outposts**

KNOWN TO THE AUTHOR IN MARCH 2005; UNRESOLVED SHARE DERIVED AS 105 MINUS 87



State land · Survey land · Palestinian private property · Mixed land · Unresolved (derived)

*Source: Prime Minister's Office of Israel, 2005, government-commissioned review.*

The legality test was executive, not judicial. The summary reports that a 1979 government resolution, adopted after the Elon Moreh ruling, provided that settlements "shall be established only on State land." It found that "State and public authorities took part in breaking the law," financing construction "sometimes not on State owned land, sometimes on private Palestinian property or on survey land." Of the 105 outposts, 71 predated March 2001, 24 came afterwards, and 10 had no established date. The full opinion is in Hebrew only, and the outpost record in Israel's own reviews and court rulings is read in detail separately.

## Does Israeli law rest its own claim on historical right?

Basic Law: Israel as the Nation-State of the Jewish People, enacted by the Knesset in **2018**, states in clause 1(b) that Israel is the state "in which it realizes its natural, cultural, religious

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and historical right to self-determination." The enacted text grounds a people's self-determination in historical connection. It grants no title to any parcel.

Clause 1(c) adds that the right to national self-determination in Israel "is exclusive to the Jewish People." Clause 7 states that "The State views the development of Jewish settlement as a national value, and shall act to encourage and promote its establishment and consolidation." The Knesset labels its English translation unofficial. The clauses speak of a people, a right and a policy value, and none of them names a register, a deed or a parcel.

The Law of Return of 1950, in the English text the Knesset hosts, opens: "Every Jew has the right to come to this country as an oleh." A translator's note defines the word as "a Jew immigrating, into Israel." Section 4, as enacted in 1950, deems "every Jew who was born in this country" to be a person who came as an oleh. The 1970 amendment defined the term, "For the purposes of this Law," as "a person who was born of a Jewish mother or has become converted to Judaism and who is not a member of another religion." The Knesset-hosted pages are not marked as either official or unofficial.

Both statutes turn historical connection into a basis for self-determination, immigration and status, and neither turns it into land title. The 1979 Elon Moreh judgment shows the two operating in separate registers. A settlement decision that Landau found driven by a worldview about settling "the entire Land of Israel" failed against the registered title of 17 owners.

## Does the PLO claim title to all of historic Palestine?

The PLO Negotiations Affairs Department's standing position on borders, last revised in **2019**, defines the border as "the 1949 Armistice Line along with all legal modification thereto up to June 4th 1967." In the party's own account, the national movement "once laid claim to its rights over all of historic Palestine" and has since sought a state within the 1967 line.

The page is the PLO's own published position and is undated on its face. Its metadata records publication on 20 September 2015 and revision on 27 March 2019. It states: "Since 1988 ... the Palestinian leadership limited the national aspirations to statehood ... seeking a state in the West Bank and Gaza Strip, with East Jerusalem as its capital." On land swaps it says the PLO has been "willing to discuss minor, equitable, and mutually-agreed territorial exchanges and border modifications." The page's numerical claims carry no references, and the 1988 Algiers declaration it refers to is a separate text.

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The Interim Agreement signed by Israel and the PLO on 28 September 1995, in the English text published by the Israeli Ministry of Foreign Affairs, a party to it, deferred these questions. Article XXXI(5) set permanent status negotiations to begin "not later than May 4, 1996," covering "Jerusalem, refugees, settlements, security arrangements, borders." Article XXXI(6) provides: "Neither Party shall be deemed, by virtue of having entered into this Agreement, to have renounced or waived any of its existing rights, claims or positions."

Article XXXI(7) binds both sides: "Neither side shall initiate or take any step that will change the status of the West Bank and the Gaza Strip pending the outcome of the permanent status negotiations." The 1996 date is what the text promised. On the signed record, the claimant's stated territorial claim is bounded by the 1967 line, while refugee and other claims are preserved, unwaived, for a negotiation the text scheduled.

## Where do scholars disagree about indigeneity as a legal ground?

Andrew Kent's **2012** article in the University of Pennsylvania Journal of International Law asks whether Israel violated international law in 1947 to 1949 by expelling Palestinian civilians or by later refusing to repatriate refugees. The journal is a student-edited law review, not a peer-reviewed journal. The doctrinal dispute the article enters is framed around return and the law of the conflict, not indigeneity.

The article is a legal argument, not a history. Its account of the events of 1947 to 1949 is assumed for the sake of argument rather than established, and every number in it is compiled from other authors.

Victor Tadros's 2017 article in Politics, Philosophy & Economics, a peer-reviewed journal of moral philosophy, argues that Palestinians hold a right to return to the territory Israel governs. He contends that the current generation retains a significant interest in return and that the right does not shrink in proportion as that interest does. He then weighs that right against the interests of Jewish Israelis in exclusion, their rights of self-determination, and economic, social and security costs. His published abstract states: "However, it does not defend the duty on Israel to permit return. Whether there is such a duty depends on whether the economic, social and security costs override that right." The article is a claim in ethics, not in law, and its full text is paywalled.

Ukashi's 2018 essay sits on a third ground. It applies indigeneity to Zionism, arguing that the Jewish national movement should be read as Indigenous emancipation rather than as an

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imperial or settler-colonial project.

These three named, dated positions do not disagree along a single axis. Kent argues doctrine about a past conflict, Tadros argues a moral right that persists across generations, and Ukashi argues over who counts as indigenous. Across their published records, the indigeneity argument and the return arguments run in separate literatures.

## Methodology and limitations

The evidence comes from four source types. The primary and official records are the HCJ 390/79 judgment (1979), the Ottoman Land Code (1858), Military Order 59 (1967), three Knesset statutes, General Assembly resolutions with a recorded vote, two Conciliation Commission working papers (1951 and 1961), the Oslo II text, and the Prime Minister's Office summary of the Sason opinion (2005). A party's published position is represented by the PLO Negotiations Affairs Department page. The peer-reviewed research is Forman and Kedar (2004), Tadros (2017, abstract only) and Ukashi (2018, an argumentative essay). Other scholarship is Fischbach (2003), a university-press history verified here for one figure from the publisher's page, and Kent (2012), a law review article.

The unit of analysis is the legal ground each instrument names for a claim: title, possession, cultivation, property, return or self-determination.

Several limits apply to the texts. The Elon Moreh quotations come from an unofficial English translation; that translation misprints the judgment date, so the correct date, 22 October 1979, is used. The Knesset labels its Basic Law translations unofficial. Order 59 exists only in Hebrew and Arabic, and all English renderings of it are working ones. The Fisher wordings of the Ottoman code were read from a non-institutional scan and should be treated as the sense of the text.

Several limits apply to the figures. The 1951 survey covers refugees in Jordan only and rests on undocumented claims extrapolated from samples of 400. The Sason figures come from a summary, not the full Hebrew opinion, and both 15 and 105 are floors. Order 59 is quoted as enacted in 1967, before nine amendments. Forman and Kedar stop in 1960, and no aggregate for land transferred through the absentee system is published in these records.

## Conclusion

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Does indigeneity carry a legal claim to the land? Across the court record, the land code, the resolutions and the statutes, the claims that reach a deciding body are framed as title to a parcel, possession and cultivation, property and return, or the self-determination of a people. Prior presence is not the framing any of these instruments uses.

The portrait is consistent. The one Palestinian win in Israel's Supreme Court, 5 to 0 in 1979, rested on registered ownership of about 125 dunams. The 1858 code ties a holding to cultivation, and three fallow years expose it to the right of tapu. Resolution 194 framed refugee claims as property and return. The government's own 2005 review counted 15 outposts on Palestinian private land against a State-land test. Israel's 2018 Basic Law grounds Jewish self-determination in "historical right" without conveying a single dunam. On the other side of the ledger, the 1992 property guarantee reaches no statute older than itself, and Order 59 shields a Custodian's good-faith transaction from later proof of private ownership.

Both national movements invoke history, and both enter the record as rights of a people while land is decided one deed at a time. When two peoples describe belonging in the language of origins, and courts and commissions answer in the language of registers, what kind of instrument would a final settlement need in order to hold both?

## Frequently Asked Questions

### Which English text of the Ottoman Land Code is official?

Neither. The Ottoman state issued no English version, and F. Ongley's 1892 translation, revised by Horace E. Miller, is a private British text. Sir Stanley Fisher's 1919 translation became the standard English text in Mandate Palestine, and R. C. Tute reprinted it in 1927 as a commentator, not as its translator.

### Did Mandate law change what reclaiming dead land earned a cultivator?

Yes. Tute's 1927 commentary records that the Mewat Land Ordinance of 1 March 1921 amended Article 103 and deprived a person who broke up dead land without permission "of all right to claim a title deed," making that person liable for trespass. Under the 1858 text, such a cultivator received a title deed on paying the tapu value.

### How was abandoned Arab property valued in 1951?

The Conciliation Commission's Refugee Office valued land as at 29 November 1947, which it chose as "the last date before the exodus of refugees when land values in Palestine were

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reasonably stable" (UNCCP, 1961). It combined Mandatory property-tax assessments with expert opinion and valued buildings and trees as part of the soil they stood on.

### What did the General Assembly do in 1975 to implement Resolution 3236?

Resolution 3376 (XXX), adopted on 10 November 1975, established a committee "composed of twenty Member States" to recommend "a programme of implementation" for 3236. It set the committee's reporting deadline at 1 June 1976 and asked the Security Council to take up the question soon after that date.

### Does Basic Law: Human Dignity and Liberty contain an equality clause?

No. A search of the Knesset's English text returns zero occurrences of "equal" or "discrimin." The rights the law enumerates are dignity, life and body, property, personal liberty, exit and entry, and privacy. The absence is a fact about the enacted text, not a finding about how the State treats anyone.

### Who besides Jews holds rights under the Law of Return?

Section 4A, inserted in 1970, vests the same rights in "a child and a grandchild of a Jew, the spouse of a Jew, the spouse of a child of a Jew and the spouse of a grandchild of a Jew." It excludes "a person who has been a Jew and has voluntarily changed his religion." Under 4A(b), it is immaterial whether the Jew through whom the right is claimed is still alive or ever immigrated.

### How long did Oslo II allow for further West Bank redeployments?

The Interim Agreement of 28 September 1995 set three further redeployments, "each to take place after an interval of six months," to be completed "within 18 months from the date of the inauguration of the Council." Area C was defined residually, as land outside Areas A and B, to be "gradually transferred to Palestinian jurisdiction" except for permanent-status issues.

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DATA REPORT BY THE HANOVER INSTITUTE NOVEMBER 9, 2026 UPDATED NOVEMBER 10, 2026

# How does AIPAC help its candidates win? Following $41 million in "political" spending

*AIPAC's 2025 Form 990 reports $41.2 million in political program services. The FEC, IRS and Senate filings show how each channel moves money.*

AIPAC | Campaign Finance | Super PACs | FEC Filings | Lobbying Disclosure



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AIPAC's own sworn Form 990 for the fiscal year ending 30 September 2025 reports **$41,222,425** in "POLITICAL" program services. The same filing names three channels: direct contributions through the AIPAC PAC, contributions to super PACs, and an online portal for members giving directly to candidates.

The federal filings show how unevenly money moves through those channels. The AIPAC PAC forwarded $53,699,474.91 to candidates and committees in the 2024 cycle, mostly as donors' earmarked gifts. On OpenSecrets' tabulation, the PAC's own direct contributions to candidates came to $3,037,900 in the same cycle. United Democracy Project, the affiliated super PAC, reported $53,603,927.44 in independent expenditures for the 2026 cycle by 14 October 2026, which is already more than it reported for the whole 2024 cycle.

A voter watching a primary fill with advertising has a plain question: whose money paid for the message, and by which route? The filings answer the route, channel by channel.

## Key Findings

- AIPAC's 2025 Form 990, a self-reported sworn filing, records $41,222,425 in "POLITICAL" program services. That is 63.8% of its $64,643,140 in total program services (American Israel Public Affairs Committee, 2026).
- The AIPAC PAC transmitted $53,699,474.91 to federal candidates and committees in the 2024 cycle, mostly individual donors' earmarked contributions (Federal Election Commission, 2026). Its own direct contributions to candidates, a separate measure, came to $3,037,900 (OpenSecrets, 2025).
- On OpenSecrets' tabulation, United Democracy Project's 2024-cycle independent expenditures included $20,786,780 opposing Democrats and $0 supporting Republicans. The four directional lines exceed the stated $37,860,200 total by about $38,105 (OpenSecrets, 2025).
- Schedule C of AIPAC's Form 990 records a $25,000,000 payment of internal funds to United Democracy Project in 2025. In UDP's 2024 cycle, the 100 largest receipts made up about 59% of its $85,770,677.06 in contributions (Federal Election Commission, 2026).

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- The Guardian's 2 June 2026 analysis of House ethics filings counts at least 26 Democratic and 52 Republican representatives on trips to Israel sponsored by AIPAC's charitable affiliate since 7 October 2023, at a total cost of more than $4.2 million (The Guardian, 2026).

## Which channels does AIPAC use to help candidates win?

AIPAC's own sworn Form 990 for 1 October 2024 to 30 September 2025 reports **$41,222,425** in "POLITICAL" program services, a self-reported figure. The filing itself names three channels: direct contributions "THROUGH THE AIPAC PAC", contributions to super PACs, and "AN ON-LINE PORTAL TO MEMBERS WHO WISH TO CONTRIBUTE DIRECTLY TO MOCS AND CANDIDATES". "MOCS" means members of Congress.

The political line is the largest of three program services on the return (American Israel Public Affairs Committee, 2026). The filing lists information and member education at $16,099,860 and lobbying at $7,320,855. The three lines sum to the $64,643,140 program-services total, so the political line is 63.8% of it.

AIPAC files as a section 501(c)(4) social welfare organization. It was formed in 1963 and has been tax-exempt since 1968, and contributions to it are not tax-deductible. The return reports total revenue of $122,539,124 for the year, against $156,448,717 the year before. Of that revenue, $113,407,711 came from contributions and grants.

Each channel the return names leaves its own federal record:

- **The PAC.** The AIPAC PAC files with the Federal Election Commission as committee C00797670. It is registered as a "Lobbyist/Registrant PAC" with AIPAC as its connected organization. Its filings record individual donors' earmarked contributions forwarded to candidates and committees.
- **The super PAC.** United Democracy Project, the super PAC AIPAC pays into, files as committee C00799031.

The Form 990 runs October to September. Its totals therefore do not align with the two-year FEC election cycles, and they are never added to them.

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**AIPAC program services by line**

**FISCAL YEAR OCTOBER 2024 TO SEPTEMBER 2025, SELF-REPORTED, TOTAL $64,643,140**



Political Information and member education Lobbying

*Source: American Israel Public Affairs Committee, 2026, Form 990, Part III and Part IX; the organization's own sworn filing.*

## Who says AIPAC backs allies and opposes critics, and since when?

AIPAC says so itself. Its About page, read on 9 November 2026, states: "We support pro-Israel candidates on both sides of the aisle and oppose anti-Israel candidates on both sides, as well." The committees that carry out that policy are recent: the AIPAC PAC first filed with the Federal Election Commission on **15 December 2021**, and United Democracy Project on 3 January 2022.

The same page says, "We help pro-Israel candidates get their message out by supporting their campaigns" (American Israel Public Affairs Committee, 2026). "Pro-Israel" and "anti-Israel" are AIPAC's own categories, quoted here as its own words.

The filed record matches the stated policy. OpenSecrets' tabulation of United Democracy Project's 2024-cycle independent expenditures records four directional lines (OpenSecrets,

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2025):

- $20,786,780 opposing Democrats, the largest line
- $14,067,863 supporting Democrats
- $3,043,662 opposing Republicans
- $0 supporting Republicans

In that cycle, money opposing candidates exceeded money supporting them. Every dollar UDP spent supporting a candidate went to a Democrat.

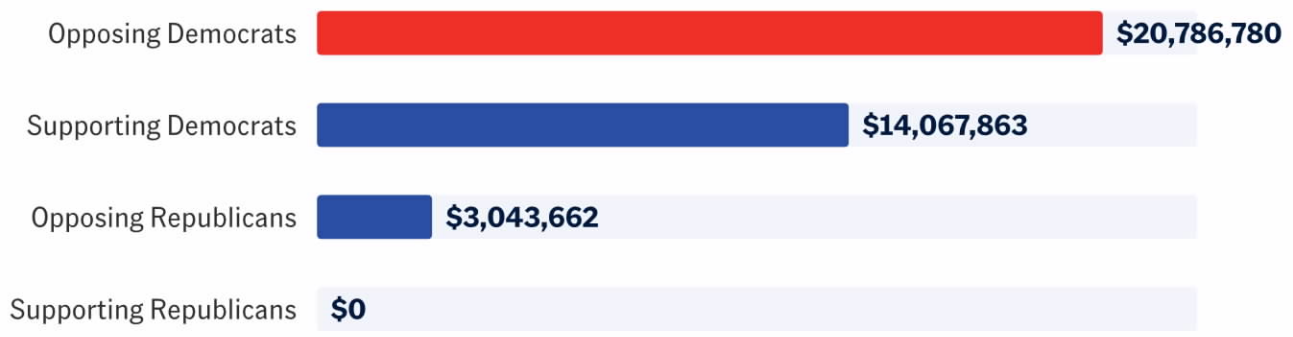
The four directional figures sum to $37,898,305. That is about $38,105 more than the $37,860,200 OpenSecrets gives as the cycle total, so the split and the total in the same tabulation do not reconcile exactly.

Spending was concentrated in particular races. OpenSecrets records more than $14.6 million spent in a single House race, New York's 16th District, in 2024. This is the filed record behind descriptions of UDP spending against politicians AIPAC opposes.

An independent expenditure is uncoordinated with any campaign; that is the statutory condition that permits it. It is money spent about a race, not given to a campaign. The filings record direction and amount. They do not record effect.

**United Democracy Project spending by direction**

**INDEPENDENT EXPENDITURES, 2024 CYCLE; LINES SUM TO ABOUT $38,105 ABOVE THE STATED $37,860,200 TOTAL**




*Source: OpenSecrets, 2025, tabulating FEC independent-expenditure filings for committee C00799031.*

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## How much donor money does AIPAC's PAC forward to campaigns?

Federal Election Commission records for committee C00797670 show the AIPAC PAC transmitted **$53,699,474.91** to federal candidates and committees in the 2024 cycle. Most of it was individual donors' earmarked contributions, which the PAC forwards as a conduit rather than giving from its own funds.

An earmarked contribution is one a donor directs to a named recipient, with the PAC passing it on. Schedule B lists 55,871 line-23 disbursements for 2023 to 2024 (Federal Election Commission, 2026). The largest are each described on the filing as "EARMARK OF [contributor name]. TRANSMITTED BY CHECK/EFT". Recipients include candidate committees and the national party committees, so the $53.7 million is not a candidates-only total.

Two cautions apply to these figures:

- **Transactions, not donors.** The 55,871 counts transactions. It does not count donors or recipients.
- **Unitemized amounts do not count small donors.** Earmarked receipts may be itemized whatever their size, so the PAC's $81,538.91 in unitemized individual contributions does not measure how many small donors gave.

The receipts side of the same cycle shows where the money came from. The PAC took in $57,871,196.42, of which $54,887,799.21 was individual contributions. Operating expenditures were $2,609,838.29, and independent expenditures were $0. The committee's registration lists its organization type as "Membership Organization."

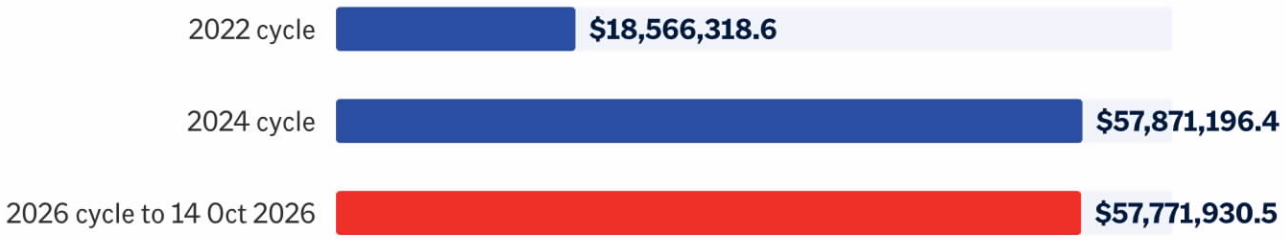
The PAC's receipts tripled between its first cycle and its second. The 2026 cycle had nearly matched the full 2024 total by 14 October 2026, with the general-election period still to be reported. Earmark records name individual donors, but those donors are private individuals, and they are reported here only in aggregate.

**AIPAC PAC total receipts by election cycle**

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**2026 CYCLE OPEN, COVERING 1 JANUARY 2025 TO 14 OCTOBER 2026**




*Source: Federal Election Commission, 2026, committee C00797670 cycle totals.*

## Why are the PAC's own direct contributions comparatively small?

OpenSecrets, working from FEC data released 6 February 2025, records **$3,037,900** in direct contributions from the AIPAC PAC to federal candidates in the 2024 cycle. The figure is held down by statute: 52 U.S.C. 30116 caps a multicandidate committee's contribution at $5,000 per candidate per election.

The money was spread thinly (OpenSecrets, 2025):

- **Recipients.** 347 House candidates and 20 Senate candidates received contributions.
- **Largest recipient.** No single recipient's total exceeded $20,000.
- **Party split.** Of the $3,037,900, 63.02% went to Republicans and 36.62% to Democrats.

The recipients are candidates, including non-incumbents, so the count is not a count of sitting members of Congress.

The $3,037,900 and the FEC's $53,699,474.91 measure different things, and they do not conflict. The OpenSecrets figure counts the PAC's own contributions to candidates. The FEC line-23 total also carries donors' earmarked contributions that the PAC transmits, and it includes party and other committees. The table sets the measures side by side so each can be read for what it counts. They are three channels, and the totals are not added.

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| Channel, 2024 cycle | Figure | What it counts | Source |
|---|---|---|---|
| PAC direct contributions | **$3,037,900** | The PAC's own gifts to candidates, capped per election | OpenSecrets, 2025 |
| PAC line-23 transmissions | **$53,699,474.91** | Mostly donors' earmarks, to candidates, parties and committees | Federal Election Commission, 2026 |
| UDP independent expenditures | **$37,859,810.12** | Money spent about races, not given to campaigns | Federal Election Commission, 2026 |

The cap shapes the arrangement. Earmarked giving lets individual donors give directly to candidates, each under their own limits, with the PAC acting as conduit. Independent expenditures face no contribution cap, because they are not contributions.

## How does AIPAC put its own money into the super PAC?

Schedule C of AIPAC's 2025 Form 990 records **$25,000,000** of the organization's internal funds paid to United Democracy Project. The filing states: "IN 2025, AIPAC MADE A $25 MILLION CONTRIBUTION TO UDP." This is AIPAC's own sworn report of the transfer.

The payment is the larger of two items in AIPAC's reported political expenditures, which total $38,304,939 (American Israel Public Affairs Committee, 2026). The other item is $13,304,939 expended on section 527 activities. Part IX of the same return separately lists $1,276,500 in "CONTRIBUTIONS TO CANDIDATES."

United Democracy Project is registered with the Federal Election Commission as a "Super PAC (Independent Expenditure-Only)", designation "Unauthorized". That means no candidate authorizes it. Under federal law, such a committee may accept unlimited sums, including from an organization's treasury, and spend them on independent expenditures.

UDP's receipts for the 2026 cycle reached $112,820,861.12 by 14 October 2026 (Federal Election Commission, 2026). The cycle covers 1 January 2025 onward, and the payment Schedule C dates to 2025 appears on UDP's filings as a receipt. The $25,000,000 is therefore one transfer recorded twice, once as AIPAC's payment and once as UDP's receipt. It is counted once.

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The two filings also run on different calendars. AIPAC's fiscal year ends 30 September; UDP's cycle runs in two-year blocks. The $38,304,939 on the Form 990 is never added to UDP's receipts or to the AIPAC PAC's totals.

## Do large or small donors fund the super PAC?

The Federal Election Commission's Schedule A for United Democracy Project's 2024 cycle lists 1,361 itemized receipts.

The 100 largest, each $100,000 or more, total $50,554,859.51, which is about **59%** of the cycle's $85,770,677.06 in contributions.

Small-dollar money barely registers in UDP's totals (Federal Election Commission, 2026):

- **2024 cycle.** Unitemized contributions, from donors giving $200 or less in aggregate over the cycle, came to $819.00.
- **2026 cycle.** Unitemized contributions came to $12.00 of $108,620,919.70 in contributions, as of 14 October 2026.

These lines measure the small-donor share of UDP's money. They say nothing about AIPAC's membership.

The 59% is a share of receipts, meaning transactions, not a share of donors. A single donor making several large gifts appears more than once among the top 100. The figure was computed from the top 100 entries of the itemized list for 2023 to 2024.

The pattern differs from the AIPAC PAC's. The PAC's individual contributions of $54,887,799.21 in 2024 arrive mostly as earmarks bound for named recipients. UDP's contributions arrive as unrestricted funds the super PAC spends itself. The two committees' receipts are never added together, because they are separate entities under separate rules.

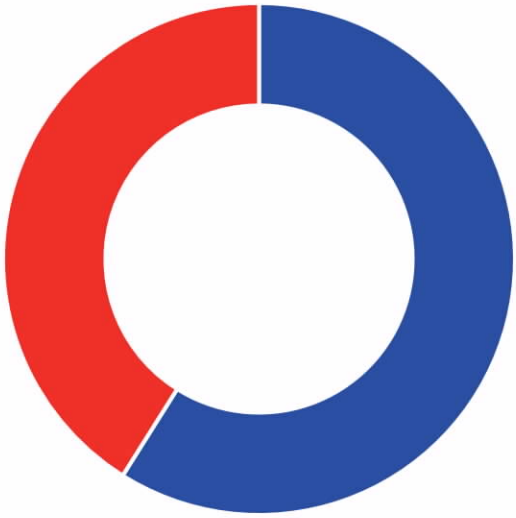
Itemized donors to both committees are named on FEC filings, which is the disclosure record behind questions about undisclosed money. Those donors are private individuals, and they are reported here only in aggregate.

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**United Democracy Project contributions, 2024 cycle**

SHARE OF $85,770,677.06 IN CONTRIBUTIONS; RECEIPTS, NOT DONORS



Top 100 receipts ($100,000+) All other contributions

*Source: Federal Election Commission, 2026, Schedule A itemized receipts for committee C00799031.*

## Has the super PAC's independent spending grown since 2022?

Federal Election Commission totals record **$53,603,927.44** in independent expenditures by United Democracy Project for the 2026 cycle as of 14 October 2026. That already exceeds the $37,859,810.12 the committee filed for the whole 2024 cycle, even though the 2026 cycle is still open and includes the general-election period.

UDP's first cycle set a lower baseline. In 2022 it reported $26,118,700.49 in independent expenditures on $35,943,280.96 in receipts (Federal Election Commission, 2026). Receipts then rose to $87,176,557.14 in the 2024 cycle and $112,820,861.12 in the 2026 cycle to date. The 2026 figures move with every monthly report, so they carry their coverage date wherever they appear.

Cash on hand grew alongside spending:

- **31 December 2024.** UDP held $28,802,895.10.

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- **14 October 2026.** UDP held $56,566,332.96.

Operating expenditures in the 2024 cycle were $14,908,342.42. These are reported separately from independent expenditures.

The filed 2024 figure differs slightly from the aggregator's. OpenSecrets gives $37,860,200 for the same cycle, $389.88 above the filed $37,859,810.12. Where the number is the filed amount, the filing is cited.

**United Democracy Project independent expenditures**
**BY ELECTION CYCLE; 2026 CYCLE OPEN, COVERING TO 14 OCTOBER 2026**




*Source: Federal Election Commission, 2026, committee C00799031 cycle totals.*

## How many lawmakers has AIPAC's charitable affiliate flown to Israel?

The Guardian's 2 June 2026 analysis of House ethics filings counts at least **26** Democratic and 52 Republican representatives on trips to Israel sponsored by the American Israel Education Foundation since 7 October 2023, across at least 15 delegations. The foundation (AIEF) is AIPAC's 501(c)(3) charitable affiliate.

The Guardian reports these figures for the trips (The Guardian, 2026):

- **Delegations.** At least 15.
- **Total cost.** More than $4.2 million.
- **Average.** Over $26,600 per member, on the outlet's own calculation.

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The aggregate is the Guardian's tabulation of official filings. The underlying records are pre-travel approvals held by the House Committee on Ethics and post-travel disclosures filed with the Clerk of the House.

The sponsoring entity matters under House rules. Under the 2007 travel rules, as the Guardian's analysis describes them, a lobbying organization may generally sponsor only single-day travel, while a 501(c)(3) may sponsor longer trips. AIPAC files Lobbying Disclosure Act reports as a registrant. AIEF, the sponsor of these trips, is organized as a charity. AIEF states that its missions are educational. The Guardian's headline describes the trips as "lavish."

This channel differs from the others in two ways. First, it reaches sitting members of Congress rather than campaigns. Second, it is non-cash: trips are reported as gifted travel, not as campaign contributions or independent expenditures. No FEC total includes it, and it is never added to one.

**Representatives on AIEF trips since 7 October 2023**
**AT LEAST 15 DELEGATIONS, MORE THAN $4.2 MILLION IN TOTAL**




*Source: The Guardian, 2026, analysis of House ethics pre-travel approvals and Clerk disclosures.*

## How many members and volunteers does AIPAC report?

AIPAC's About page, read 9 November 2026, says it has "more than **6.5 million** members nationwide of different faiths, backgrounds, and political affiliations." This is the organization's own figure and it is unverified. The page does not define "member."

The same page describes AIPAC as "an American grassroots organization." It adds that "AIPAC is a membership organization" whose decisions "are made by its Board of Directors" (American Israel Public Affairs Committee, 2026). It also says members include "small-

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dollar contributors and major donors." AIPAC uses the word "grassroots" on its 2025 Form 990 as well, which opens with the same self-description.

AIPAC's sworn return records the following on membership and staffing:

| Measure | What the source records | Source |
|---|---|---|
| Members | **More than 6.5 million**, organization's own claim | AIPAC About page, 2026 |
| Member count on the return | **None reported** | AIPAC Form 990, 2026 |
| Membership-dues revenue | **None on line 1b** | AIPAC Form 990, 2026 |
| Employees | **362** | AIPAC Form 990, 2026 |
| Volunteers | **42**, an estimate the form permits | AIPAC Form 990, 2026 |

The return also describes what membership involves. Members "SHALL BE ENTITLED TO ELECT ONE MEMBER TO THE BOARD OF DIRECTORS AND/OR VOTE ON THE ORGANIZATION'S ACTION PRINCIPLES BY CASTING THEIR VOTES AT AN ANNUAL MEETING OF MEMBERS." The board has 39 voting members, of whom 38 are reported as independent. All $113,407,711 in contributions sits on the "all other contributions" line, including $12,229,383 noncash.

FEC records count transactions, not people, so they do not supply a member count either.

## Which tactics leave no trace in the public filings?

The Senate Office of Public Records' Lobbying Disclosure Act register records **$3,757,105** in lobbying income reported by AIPAC for 2025, across four quarterly LD-2 reports. Like the FEC and IRS filings, the register has no field for which candidates AIPAC endorsed, which lawmakers it met, or what any expenditure achieved.

The amount sits on the form's income line. AIPAC files as its own client, with the "Self" box checked. It completes line 12, "INCOME relating to lobbying activities", and leaves line 13, for lobbying expense, blank (United States Senate, Office of Public Records, 2026). The quarterly figures were:

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- Q1: $963,135
- Q2: $880,060
- Q3: $940,000
- Q4: $973,910

An LD-2 is a self-declared good-faith estimate certified by the filer, not an audited figure.

The register's figure is a different measure from the Form 990's lobbying line. The $7,320,855 lobbying program-service line on the Form 990 covers a fiscal year ending September and follows a different form's definitions. The two are not compared.

None of the four registers carries an outcome column. The FEC filings record amount and direction; the Form 990 records program categories; the LDA register records income; the House travel disclosures record trips. None records an endorsement, a candidate meeting, a donor-network signal, or whether a candidate won because of the money. AIPAC's own About page describes helping candidates "get their message out", but no federal register counts the candidates it endorses.

Lobbying, direct contributions and independent expenditures run under three different statutes. Their figures are never added into a single AIPAC total.

## Methodology and limitations

**Sources, by type.** The evidence comes from primary filings, one organizational statement and two named secondary analyses:

- **AIPAC's Form 990.** The fiscal year 1 October 2024 to 30 September 2025, filed 20 August 2026 and read from the public IRS e-file record on 9 November 2026. This is a sworn but self-reported filing.
- **FEC committee records.** Cycle totals for committees C00797670 (AIPAC PAC) and C00799031 (United Democracy Project), read 9 November 2026. Coverage runs to 14 October 2026 for the open 2026 cycle.
- **Senate LDA register.** AIPAC's 2025 LD-2 reports, read 19 August 2026.

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- **AIPAC's About page.** Read 9 November 2026 and cited throughout as the organization's own, unverified statement.
- **OpenSecrets tabulations.** Based on FEC data released 6 February 2025.
- **The Guardian's analysis.** The outlet's 2 June 2026 analysis of House ethics filings, attributed to the outlet.

**Handling rules.** These rules were applied throughout:

- **Filing over aggregator.** Where a filing and an aggregator differ ($389.88 on UDP's 2024 independent expenditures), the filing is cited.
- **Stated gaps.** Where an aggregator's parts do not sum to its total ($38,105 on UDP's directional split), the gap is stated.
- **No summing across channels.** Figures from the PAC, the super PAC, the LDA register and the Form 990 come from separate entities, statutes and periods, and are never summed.
- **No double counting.** The $25,000,000 payment appears on both AIPAC's return and UDP's receipts and is counted once.

**What each figure measures.** The 55,871 count is of transactions. The 59% share is of itemized receipts, not donors. Unitemized totals are not a measure of small-donor participation in the AIPAC PAC, because its earmarks may be itemized at any size. The LDA figure is reported income, a good-faith estimate that is not independently verified.

**Limitations.** The 2026 cycle is open, so its totals change monthly. The Form 990's Schedule B donor list is restricted in the public copy. Self-reported figures (the Form 990, the LD-2s, the About page) are AIPAC's own counts. Individual donors and earmarkers who appear on the filings are private individuals and are reported only in aggregate. No federal register in this set records endorsements or electoral outcomes.

## Conclusion

So whose money paid, and by which route? On AIPAC's own filings and the FEC's records, the routes are distinct and checkable.

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The organization names its political channels on its sworn return and reports $41,222,425 in political program services. Its PAC moves most of its money as donors' earmarks, $53,699,474.91 in the 2024 cycle, while its own capped gifts to candidates come to $3,037,900. Its super PAC spent more opposing candidates than supporting them in 2024, recorded $0 supporting Republicans, and drew about 59% of its contributions from 100 receipts. It received $25,000,000 of AIPAC's own funds in 2025, by AIPAC's own report. Its independent spending has risen in every cycle on record.

Alongside the campaign money, AIPAC's charitable affiliate flew at least 26 Democratic and 52 Republican representatives to Israel since 7 October 2023, by the Guardian's count. AIPAC's claim of more than 6.5 million members, its own unverified figure, sits beside a sworn return that reports 42 volunteers and no dues.

The record makes the direction of almost every dollar visible, from a single $25,000,000 transfer to a $0 line. It never records what any of those dollars bought. A ledger that shows where money went in a primary, but not what happened because of it, leaves an open question for the public: what evidence would separate money that follows a winning candidate from money that makes one?

## Frequently Asked Questions

### Can AIPAC coordinate super PAC advertising with a candidate's campaign?

No. Independent expenditures are, by the statutory definition that permits them, uncoordinated with any campaign (OpenSecrets, 2025). United Democracy Project is registered with the Federal Election Commission as an independent-expenditure-only super PAC with the designation "Unauthorized," meaning no candidate authorizes it.

### Does AIPAC disclose who funds it?

AIPAC's 2025 Form 990 restricts its Schedule B donor list in the public copy, so the return gives no donor count. Donors to the AIPAC PAC and to United Democracy Project above the $200 itemization threshold are listed on FEC Schedule A filings.

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### How do AIPAC and its charitable foundation differ in tax status?

AIPAC files as a section 501(c)(4) social welfare organization, and contributions to it are not tax-deductible, per its 2025 Form 990. The American Israel Education Foundation is organized under section 501(c)(3), the status that permits the multi-day congressional travel the Guardian's 2026 analysis tallied.

### How large are pro-Israel PACs' direct contributions as a group?

OpenSecrets records $5,428,588 in direct contributions from pro-Israel PACs to candidates in the 2024 cycle. That is an industry total covering more than one committee. It is a different measure from United Democracy Project's independent expenditures, and the two are not added together.

### Did AIPAC use an outside lobbying firm in 2025?

No outside firm compensation appears for 2025 on the Senate Lobbying Disclosure Act register. AIPAC reports the entire total in-house and lists itself as its own client.

### Has AIPAC's reported lobbying income changed over time?

Yes. The Senate register records AIPAC's annual totals as follows:

- 2021: $2,757,247
- 2022: $2,723,081
- 2023: $3,059,885
- 2024: $3,324,268
- 2025: $3,757,105

Each year's total comes from the same four-report structure.

### Why are AIPAC's lobbying figures not rounded?

The LD-2 form asks for a good-faith estimate "rounded to the nearest $10,000." AIPAC's 2025 quarterly amounts include $963,135 and $973,910, which are not rounded. The Senate register records this as a property of the filing; no one checks the arithmetic before a report posts.

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- United States Senate, Office of Public Records, 2026. Lobbying Disclosure Act register: AIPAC registrant record and 2025 quarterly LD-2 reports. Senate ID 2718-12. https://lda.senate.gov/. Official or primary record (self-declared filings).



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# Does Israel's nation-state law enable discrimination? The text, and 15 challenges in court

*The 2018 Basic Law has no equality clause and no clause authorizing unequal treatment. Reading its text, the 1992 Basic Law and three court rulings.*

Nation-State Law | Basic Laws | Israeli Supreme Court | Equality | Arab Citizens of Israel



Israel's Basic Law: Israel as the Nation-State of the Jewish People, adopted by the Knesset in 2018, contains no clause that authorizes the State to treat Arab citizens differently and no clause that guarantees them equal treatment. On 8 July 2021 Israel's Supreme Court dismissed **15** petitions against the law, and held that even a Basic Law may not deny the State's core character as Jewish and democratic (HCJ 5555/18 Hasson v. Knesset).

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A reader who hears that a law "legalizes discrimination" pictures a sentence that says so. The plain question is whether that sentence sits in the text itself or in the framework around it.

The text grants preference without granting permission. Clause 1(c) makes national self-determination "exclusive to the Jewish People," and clause 7 calls Jewish settlement "a national value." The framework explains why the question persists. The 1992 Basic Law: Human Dignity and Liberty also has no equality clause, the rule against Jews-only allocation of state land comes from a 2000 judgment rather than a statute, and section 10 of the 1992 law leaves every earlier statute outside its reach.

## Key Findings

- The Knesset's 2018 Nation-State Law makes national self-determination in Israel "exclusive to the Jewish People" (clause 1(c)) and calls Jewish settlement "a national value" (clause 7). Its text contains no equality clause and no clause authorizing differential treatment of citizens (Knesset, 2018).
- Israel's Supreme Court dismissed 15 petitions against the law on 8 July 2021 and upheld it. In the same judgment it held that the Knesset is "not all powerful," even when it enacts a Basic Law (Israeli Supreme Court, 2021).
- The Central Bureau of Statistics counted 2.157 million Arabs on the eve of Israel's 78th Independence Day in 2026, 21.1% of a population of 10.244 million. This is the Bureau's own preliminary reported total (Central Bureau of Statistics, 2026).
- The Knesset's English text of Basic Law: Human Dignity and Liberty (1992) contains the word "equal" zero times. Its section 10 preserves the validity of every law in force before it (Knesset, 1992, amendments through 2022).
- In 2000 the Supreme Court held that Jewish-state values do not justify "discrimination by the State between its citizens, on the basis of religion or nationality." It also held that allocating state land for Katzir on a Jews-only basis was not permitted (Israeli Supreme Court, 2000).

## Does the Nation-State Law's text authorize discrimination against Arab citizens?

Clause 1(c) of the Basic Law the Knesset adopted in **2018** makes the realization of national self-determination in Israel "exclusive to the Jewish People." No clause in the text authorizes the State to treat its citizens differently, and no clause guarantees that they be treated equally.

The Knesset publishes the law in an English translation that it labels unofficial, including amendments through 1 May 2022. Every quotation below comes from that text. Four provisions carry the substance of the question.

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| Clause | Text, Knesset English translation | Source |
|---|---|---|
| **1(b)** | Israel is "the nation state of the Jewish People in which it realizes its natural, cultural, religious and historical right to self-determination" | Knesset, 2018 |
| **1(c)** | "The realization of the right to national self-determination in the State of Israel is exclusive to the Jewish People" | Knesset, 2018 |
| **4(a) to 4(c)** | "Hebrew is the language of the State"; "Arabic has a special status in the State"; nothing "shall compromise the status given to the Arabic language in practice, before this basic-law came into force" | Knesset, 2018 |
| **7** | "The State views the development of Jewish settlement as a national value, and shall act to encourage and promote its establishment and consolidation" | Knesset, 2018 |

Two absences sit beside those clauses. Both are facts about the text, not findings about how the State treats anyone. The Knesset's 2018 text has no equality clause, and it has no individual-rights clause.

Clause 4 ranks the status of two languages. Its subsection (c) then limits that ranking by preserving the status Arabic held "in practice" on the day the law took effect. Clause 7 names a value and a direction of state action, to "encourage and promote" Jewish settlement. It specifies no instrument, budget or eligibility rule.

Clause 3, which states that "the complete and united Jerusalem is the capital of Israel," and clause 5 complete the law's group-specific content. Under clause 5 the State "shall be open to Jewish immigration, and the ingathering of the exiles."

Israel's Supreme Court upheld the law on 8 July 2021 in HCJ 5555/18. The reasoning of that judgment, and the limit it set, appear in the last finding section below. The law's wider text and its reception are set out in an earlier report on the Nation-State Law and claims of Jewish supremacy.

## Who challenged the law as unconstitutional, and when?

Israel's Supreme Court heard **15** petitions against the constitutionality of the Nation-State Law on 22 December 2020, sitting as the High Court of Justice under the lead caption HCJ 5555/18 Hasson v. Knesset. This is the challenge to the law in its strongest recorded form: a constitutional claim filed in Israel's own highest court.

The panel that heard the petitions numbered 11 justices (Israeli Supreme Court, 2021). The petitions asked the Court to do something it had not done before: hold a Basic Law itself unconstitutional.

The directional point behind the challenge can be checked in the text. Clauses 1(c), 4 and 7 give the Jewish people and the Hebrew language a status that the Knesset's 2018 text gives to no other group. The law carries no equality clause to set against them. Any reading of the law, for or against its validity, starts from that asymmetry.

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Two bodies outside the court record put the concern in writing, each in its own register:

- **The Israel Democracy Institute (2018).** This Israeli research institute wrote to the government in 2018, while the measure was still a bill. It warned that the provisions on Arabic and on Jewish settlement could harm Arab citizens in substance as well as in symbol.
- **The US Department of State (2019).** In its 2019 report on international religious freedom in Israel, it recorded concerns from Arab organizations and leaders that the Jewish-settlement provision could encourage discrimination in housing and land allocation.

Both documents state an anticipated risk. The Institute's letter predates enactment. What the State Department recorded was a concern attributed to Arab organizations and leaders, not a measured outcome.

The court record converts that concern into a legal question with a dated answer. The 15 petitions were dismissed on 8 July 2021, and the judgment set out the test any future Basic Law must meet (Israeli Supreme Court, 2021).

## How many Arab citizens live under this constitutional order?

Israel's Central Bureau of Statistics counted **2.157 million** Arabs on the eve of the 78th Independence Day in 2026, 21.1% of a total population of 10.244 million. This is the Bureau's own preliminary reported total, up to date for 22 April 2026 and based on the 2022 census.

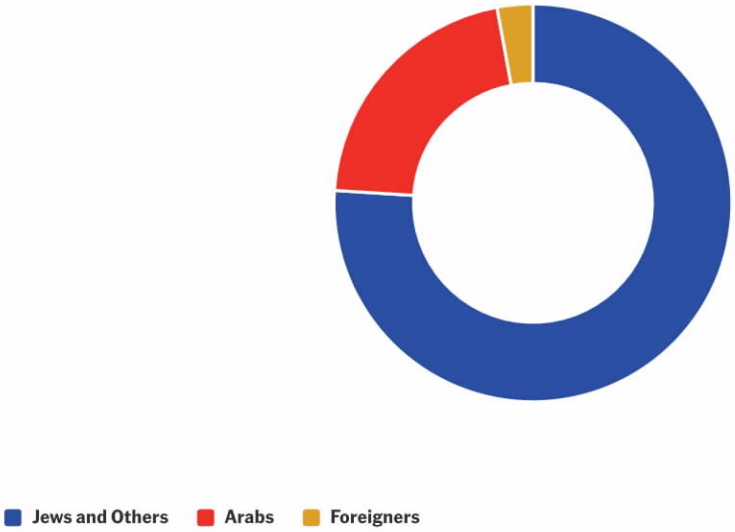
The Bureau counts population, not citizenship. The 2.157 million figure is therefore the Arab population the Bureau enumerates, not a count of citizens. The Bureau defines Arabs as Moslems, Arab Christians and Druze (Central Bureau of Statistics, 2026).

The same release reports 7.790 million Jews and Others, 76% of the 10.244 million. It also reports 296,000 foreigners, 2.9% of the total, using foreigner data for the end of 2025.

**Israel's population by Bureau category, 2026**
SHARE OF 10.244 MILLION, PRELIMINARY, TO 22 APRIL 2026; FOREIGNERS AS OF END 2025

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*Source: Central Bureau of Statistics (2026), Israel's Independence Day 2026; the Bureau's own preliminary reported total, based on the 2022 census.*

Two caveats come from the Bureau itself:

- **The series changed in 2023.** From 2023 onward its estimates include foreigners staying in Israel, so the series is not continuous with earlier years. A comparison between the 21.1% share and a share published before 2023 mixes two differently built series.
- **The components do not reconcile exactly.** The Bureau states that its total increase since the previous Independence Day does not equal the difference between the component figures.

The count gives the question its scale. The clauses quoted above define a status for the Jewish people and for Hebrew, and the Bureau's Arab category, about one resident in five, falls outside that status.

## Where does the right to equality sit in Israel's Basic Laws?

The Knesset's English text of Basic Law: Human Dignity and Liberty, adopted in 1992 and amended through 1 May 2022, contains the word "equal" **zero** times. Searches for "discrimin," "race" and "nationality" also return no matches. The Knesset labels this translation unofficial and directs readers to the Hebrew, which governs.

The law lists six rights, and no others:

- dignity, life and body (sections 2 and 4)
- property (section 3)
- personal liberty (section 5)
- exit from and entry to Israel (section 6)

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- privacy and intimacy (section 7)

The only textual route from this law to equality runs through section 1, the basic-principles clause. It states that basic rights "shall be upheld in the spirit of the principles included in the Declaration of the Establishment of the State of Israel" (Knesset, 1992, amendments through 2022). The clause points to the Declaration. It does not incorporate the Declaration, and it does not enact the Declaration's equality sentence.

That sentence comes from the 1948 founding declaration. In the Knesset's English text, the State "will ensure complete equality of social and political rights to all its citizens irrespective of religion, race or sex." The Ministry of Foreign Affairs publishes the same sentence with "all its inhabitants" (Provisional Government of Israel, 1948). Both are translations of the Hebrew original, and neither English wording is the definitive text.

The Declaration also appeals "to the Arab inhabitants of the State of Israel" to take part in building the State "on the basis of full and equal citizenship and due representation in all its provisional and permanent institutions." The Declaration is the text that names equality. The Basic Law refers to its "spirit" without adopting its words.

One consequence is a matter of dates and text, not interpretation. The 2018 law did not remove an enumerated equality right from Israel's Basic Laws, because the Knesset's text of the 1992 law never contained one. The gap in the written constitutional text predates the Nation-State Law by 26 years.

Where Israeli law does state an equality rule for state action, that rule was written by a court, as the next section shows.

## Can Jewish-state values justify the state discriminating between citizens?

Israel's Supreme Court held on 8 March **2000**, in HCJ 6698/95 Ka'adan v. Israel Land Administration, that it did "not accept the approach that the values of the State of Israel, as a Jewish state, would justify, on the level of a general purpose, discrimination by the State between its citizens, on the basis of religion or nationality."

The facts are set out in the judgment's English text, published by the Cardozo Israeli Supreme Court Project:

1. The State, through the Israel Lands Administration, allocated land in the Eron valley to the Jewish Agency.
2. The Agency, through a cooperative society, established the communal settlement of Katzir.
3. The society granted membership only to Jews.
4. The petitioners, an Arab couple, asked to build a home there.

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A five-justice panel headed by President A. Barak decided the case (Israeli Supreme Court, 2000). The Court reached its holdings in several steps:

- **The third-party rule (paragraph 34).** "The State cannot escape its legal obligation to respect the principle of equality by using a third party that adopts a discriminatory policy. What the State cannot do directly, it cannot do indirectly."
- **The declaration (paragraph 40A).** The State "was not permitted, by law, to allocate state land to the Jewish Agency, for the purpose of establishing the communal settlement of Katzir on the basis of discrimination between Jews and non-Jews."
- **The compatibility finding (paragraph 31).** "There is, therefore, no contradiction between the values of the State of Israel as a Jewish and democratic state and between the absolute equality of all of its citizens."

The remedy was narrower than the declaration. Paragraph 40B required the State to "consider the petitioners' request" on the principle of equality, and to decide whether it "can" enable them to build "within the framework of the law." It did not order that they be admitted to Katzir.

Justice Y. Kedmi dissented on one point only. He would have made the ruling forward-looking. He wrote that he concurred with the President's "fundamental approach regarding the position of the value of equality."

Clause 7 of the Nation-State Law was enacted 18 years later. It reads: "The State views the development of Jewish settlement as a national value, and shall act to encourage and promote its establishment and consolidation" (Knesset, 2018). Because Ka'adan predates clause 7, its text does not address the clause.

The record therefore holds two things side by side:

- a judge-made rule that the State may not allocate land through a body that admits only Jews
- a Basic Law clause that names Jewish settlement as a national value

## What test must a law pass before it limits basic rights?

Section 8 of the 1992 Basic Law: Human Dignity and Liberty allows its rights to be violated only "by means of a law that corresponds to the values of the State of Israel, which serves an appropriate purpose, and to an extent that does not exceed what is required," in the Knesset's English rendering. A violation may also rest on such a law "by force of an explicit authorization therein."

Israeli state bodies render this clause in different English wordings. The Ministry of Justice and the Ministry of Foreign Affairs submitted Israel's 14th periodic report to the United Nations Committee on the Elimination of Racial Discrimination in 2010. At paragraph 377 of

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that submission, they give the standard as "a statute which befits the values of the State and is intended for a proper purpose, and then only to the extent required." This is the State's own description in a report on its own compliance. The Hebrew is the operative text.

The phrase "the values of the State" has a stated content in the same law. Section 1a, the purpose clause, sets the law's purpose as protecting human dignity and liberty "in order to embed the values of the State of Israel as a Jewish and democratic state, in a basic law" (Knesset, 1992, amendments through 2022). The Ka'adan judgment cites the same clause as "s. 1" and renders it differently. Section 1 in the current text is the basic-principles clause, so the purpose clause is safest cited by name.

The structure of the text can be described without predicting any case:

- **The entry point.** The limitation test is where the values of the State enter the review of a statute that limits an enumerated right.
- **What the 2018 law adds.** The Nation-State Law places in a Basic Law of its own a statement of some of those values: self-determination "exclusive to the Jewish People" and Jewish settlement as "a national value."
- **The duty on authorities.** Section 11 obliges "each and every government authority" to respect the rights in the 1992 law.

The text does not state how that weighing comes out. The only judgment in this record that reads "the values of the State of Israel as a Jewish and democratic state" against equality is Ka'adan (Israeli Supreme Court, 2000). It found "no contradiction" between those values and "the absolute equality of all of its citizens."

## Which laws sit outside Basic Law review entirely?

Section 10 of Basic Law: Human Dignity and Liberty, enacted in **1992**, states: "This Basic Law shall not affect the validity of any law that existed prior to the inception of the Basic Law." No statute in force before 1992 can therefore be invalidated under the rights the law enumerates.

The Supreme Court applied the clause in HCJ 8091/14 HaMoked v. Minister of Defense, delivered 31 December 2014. The case concerned Regulation 119 of the Defence (Emergency) Regulations, 1945. The English text is a Cardozo Israeli Supreme Court Project translation, not the Judicial Authority's own; the Hebrew is authoritative.

Justice E. Hayut wrote that Regulation 119 "currently forms part of Israel's positive law, and its validity is maintained by virtue of the Preservation of Laws clause under section 10 of Basic Law: Human Dignity and Liberty, even if it is inconsistent with the provisions of the Basic Law" (Israeli Supreme Court, 2014).

The judgment has two halves:

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- **The petition failed.** The Court wrote, "we cannot grant the Petition."
- **The Court set a condition.** At paragraph 27 it held that proportionality "does not allow us to continue to assume forever" that the measure achieves deterrence "unless all of the data that properly confirms that hypothesis is presented to us for our review."

The clause matters here for its reach, not for the regulation it was applied to. Section 10 does not depend on the 2018 Nation-State Law. It shields an entire class of earlier legislation, whatever that legislation says, from the 1992 law's own rights review.

The limit on the Basic Law therefore depends on the date of a statute, not on its content. Section 9, a separate clause, exempts the security forces from the law's limits except by statute or regulation (Knesset, 1992, amendments through 2022).

A statute that distinguishes between groups and predates 1992 keeps its validity under section 10, whether or not it would pass section 8. The next section shows which such statutes exist.

## Did Israeli statutes distinguish Jews from non-Jews before 2018?

Section 1 of the Law of Return, enacted in **1950**, reads in the English text the Knesset publishes: "Every Jew has the right to come to this country as an oleh." A translator's note defines an oleh as "a Jew immigrating, into Israel." The Knesset marks this page neither official nor unofficial.

Amendment No. 2 of 1970 added two sections that do opposite work (Knesset, 1950, amended 1970):

- **Section 4B defines the term.** It reads: "For the purposes of this Law, 'Jew' means a person who was born of a Jewish mother or has become converted to Judaism and who is not a member of another religion."
- **Section 4A extends the rights.** It gives the same rights to "a child and a grandchild of a Jew, the spouse of a Jew, the spouse of a child of a Jew and the spouse of a grandchild of a Jew." It excepts "a person who has been a Jew and has voluntarily changed his religion."

The Supreme Court described this law in Ka'adan in 2000: "members of the Jewish nation were granted a special key to enter," but "once a person has lawfully entered the home, he enjoys equal rights with all other household members" (Israeli Supreme Court, 2000).

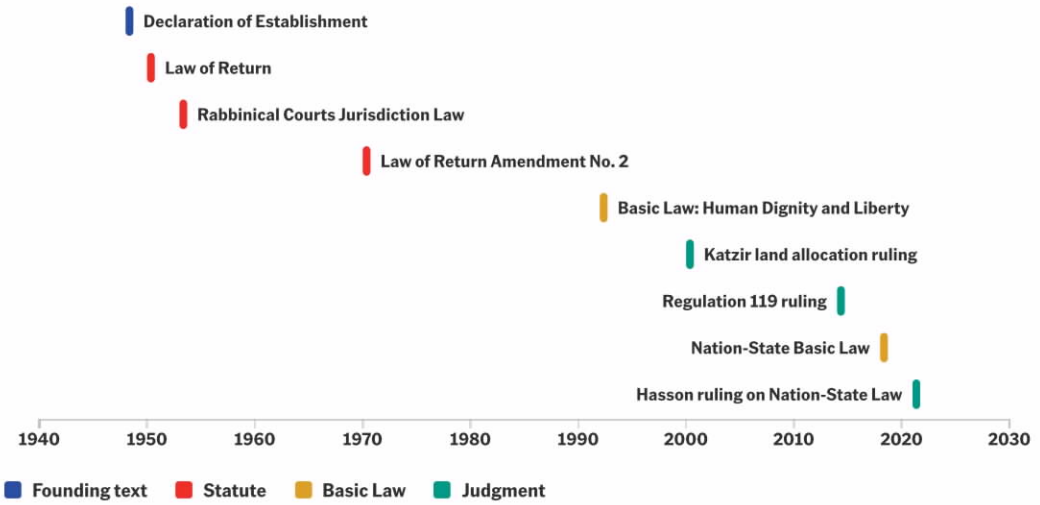
A second statute governs marriage. Section 2 of the Rabbinical Courts Jurisdiction (Marriage and Divorce) Law, 5713-1953 states: "Marriages and divorces of Jews shall be performed in Israel in accordance with Jewish religious law" (Knesset, 1953). That page is the text as enacted in 1953, not the consolidated law. Every operative section speaks "of Jews," and the law legislates nothing about other communities.

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Both statutes predate 1992, so section 10 of Basic Law: Human Dignity and Liberty preserves their validity. Group-specific provisions sat in ordinary Israeli law 68 and 65 years before the 2018 Basic Law. A broader survey of such statutes appears in an earlier report on Israeli laws called Jewish supremacist.

**Group-specific texts and the rulings around them**
INSTRUMENTS AND JUDGMENTS DISCUSSED ABOVE, BY YEAR




*Source: Knesset (1950, amended 1970); Knesset (1953); Knesset (1992, amendments through 2022); Knesset (2018); Israeli Supreme Court (2000, 2014, 2021); Provisional Government of Israel (1948).*

## Can a Basic Law itself be struck down in Israel?

Israel's Supreme Court dismissed the petitions against the Nation-State Law on **8 July 2021**, in HCJ 5555/18 Hasson v. Knesset, and upheld it. In the same judgment it held that the Knesset, acting as constituent authority, is "not all powerful." Even by Basic Law, it may not deny or facially contradict the core character of Israel as a Jewish and democratic state.

The judgment has two halves, and they point in different directions:

- **The law stands.** The 15 petitions failed, and clauses 1(c), 4 and 7 remain in force as enacted (Israeli Supreme Court, 2021).
- **The Court set a ceiling.** The test it stated asks whether an amendment denies the core democratic identity of the State, or inflicts mortal harm on the minimal core characteristics of its identity as a Jewish and democratic state.

The threshold is narrow by its own terms. The test reaches a Basic Law that strikes at a "minimal core," not one that the Court reads as falling short of equality in some respect. The 2018 law passed it.

The Court named the materials from which it derived that limit, which it called the "elements of the constitution" developed since the founding:

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1. the Declaration of the Establishment of the State of Israel
2. the Basic Laws
3. Knesset legislation
4. Supreme Court case law

That list connects the 2021 ruling to the earlier sections of this report. The Declaration supplies the equality sentence the 1992 Basic Law refers to only by its "spirit." The case law includes judgments such as Ka'adan, where the equality rule for state land allocation was written (Israeli Supreme Court, 2000).

**Where the 2021 limit on Basic Laws comes from**
SOURCES THE COURT NAMED, AND THE TEST IT DERIVED




*Test: does an amendment inflict mortal harm on the minimal core of that identity?*

*Source: Israeli Supreme Court (2021), HCJ 5555/18 Hasson v. Knesset, judgment of 8 July 2021.*

The question of whether a Basic Law can be struck down therefore has an answer in the record: in principle yes, on a test the Court itself set. That test applies to the Nation-State Law and to any later Basic Law, and the 2018 law is the first in this record to have been measured against it.

## Methodology and limitations

The evidence comes from three source types, ranked in that order:

- **Enacted instruments.** Four Knesset texts (the 2018 Nation-State Law, the 1992 Basic Law: Human Dignity and Liberty, the Law of Return with its 1970 amendment, and the 1953 Rabbinical Courts Jurisdiction Law) and the 1948 Declaration of the Establishment of the State of Israel.
- **Domestic court judgments.** Three judgments of Israel's Supreme Court sitting as the High Court of Justice, dated 2000, 2014 and 2021.
- **An official statistic.** The Central Bureau of Statistics release for Independence Day 2026.

Two further documents record concerns rather than outcomes: a 2018 letter from the Israel Democracy Institute, a research institute, and the US Department of State's 2019 report on religious freedom.

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**Translation.** Every statutory quotation is English, and the Hebrew governs in each case. The Knesset marks its Basic Law translations unofficial. Its Law of Return and 1953 pages are scans of the Laws of the State of Israel series and carry no marking either way. The Ka'adan, HaMoked and Hasson judgments are read in English through the Cardozo Israeli Supreme Court Project, not through the Judicial Authority's own text.

**Wording disputes inside the record.** The Declaration's equality sentence reads "citizens" in the Knesset text and "inhabitants" in the Foreign Ministry text. Section 8's limitation clause appears in at least two English renderings published by Israeli state bodies. The 1992 law's purpose clause is numbered 1a by the Knesset and cited as section 1 in Ka'adan.

**Dating.** The 1950 and 1953 pages are texts as originally enacted, not the consolidated law in force. The Hasson judgment is cited for its outcome and its constitutional test only; its vote division is not drawn on.

**What the record does not hold.** No source here measures how clause 7 has been applied to a specific land or housing decision since 2018. The statements about effect are the Institute's and the State Department's recorded concerns, not measurements. The population figures are the Bureau's own preliminary estimates. Because the series changed in 2023, they do not compare directly with earlier years.

## Conclusion

Does the law itself say that discrimination is permitted, or does the permission come from the framework around it? On the text, it says neither. The Knesset's 2018 law grants preference without granting permission, and the question of what is permitted is decided in the laws and judgments that surround it.

That surrounding framework is now on the page:

- **The text.** A Basic Law makes self-determination "exclusive to the Jewish People" and names Jewish settlement a national value, with no equality clause beside it.
- **The earlier Basic Law.** The rights law of 1992 lists six rights and uses the word "equal" zero times.
- **The court-made rule.** The rule barring Jews-only allocation of state land was written by judges in 2000, not by legislators.
- **The preserved statutes.** Section 10 keeps every pre-1992 statute valid whatever it says, which includes laws on immigration and marriage that have distinguished Jews from non-Jews since 1950 and 1953.
- **The ceiling.** The 2021 judgment upheld the 2018 law and, in the same breath, told the Knesset that a future Basic Law could go too far.

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About 2.157 million people in the Bureau's Arab category live inside that arrangement. For them, the governing rule of equality rests on a judgment, and the governing statement of national values rests on a Basic Law.

One open question follows from that structure. When a written Basic Law and an unwritten equality rule meet on the same parcel of state land, which one does the system treat as the constitution? Israeli society, and the Court that wrote the ceiling, are the ones who must decide what that ceiling is meant to hold.

## Frequently Asked Questions

### Does Basic Law: Human Dignity and Liberty protect freedom of speech or religion?

No. The Knesset's English text of the 1992 law contains the phrase "freedom of" zero times, and it guarantees no freedom of expression, assembly or worship (Knesset, 1992, amendments through 2022). Its listed rights are dignity, life and body, property, liberty, exit and entry, and privacy.

### Can emergency regulations suspend the 1992 Basic Law?

Section 12 of Basic Law: Human Dignity and Liberty bars emergency regulations from changing or suspending the law (Knesset, 1992, amendments through 2022). The same section permits regulations that deny or limit rights under it during a declared state of emergency. The bar protects the law's text; the permission reaches the rights the text lists.

### Does the 1953 marriage law cover Jews who marry abroad?

Section 2 of the Rabbinical Courts Jurisdiction (Marriage and Divorce) Law, 5713-1953 governs marriages and divorces of Jews performed "in Israel" (Knesset, 1953). The 1953 text contains no provision on marriages performed abroad and no interfaith provision. That silence is a feature of the text as enacted, not a rule about foreign marriages.

### Does the 1953 marriage law define who is a Jew?

No. The word "Jew" carries no definition in any of the 1953 law's eleven sections, and the law makes no cross-reference to the Law of Return (Knesset, 1953). The definition added to the Law of Return in 1970 applies "for the purposes of this Law" only.

### Does the Population Registry use the Law of Return's definition of a Jew?

Yes. Amendment No. 2 of 1970 inserted section 3A(b) into the Population Registry Law. It gives "Jew" "the same meaning as in section 4B of the Law of Return" for any registration or document under the Registry (Knesset, 1950, amended 1970). The same amendment carries the definition from the immigration statute into the national register.

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### How many immigrants has Israel received since 1948?

The Central Bureau of Statistics counted over 3.5 million immigrants who arrived between the establishment of the State and 2026. About 1.68 million of them (47.8%) arrived since 1990 (Central Bureau of Statistics, 2026). These are the Bureau's own reported totals; the Law of Return itself carries no count of any kind.

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DATA REPORT BY THE HANOVER INSTITUTE NOVEMBER 9, 2026 UPDATED NOVEMBER 10, 2026

# Does Israel discriminate against its Arab citizens? What its courts and statistics show

*Israel's Supreme Court declared a state land allocation discriminatory in 2000. What the ruling, the founding texts and the official counts record.*

Arab Citizens of Israel | Israeli Supreme Court | Equality Law | Basic Laws | Official Statistics



On Israel's own judicial record, the answer is yes in at least one domain. On **8 March 2000**, Israel's Supreme Court, sitting as the High Court of Justice in Ka'adan v. Israel Land Administration, declared that the State "was not permitted, by law, to allocate state land" to the Jewish Agency for the settlement of Katzir "on the basis of discrimination between Jews and non-Jews." The rule the Court applied is judge-made. Israel's 1992 Basic Law: Human Dignity and Liberty uses the word "equal" zero times, while the 1948 Declaration of the Establishment of the State of Israel pledges "complete equality of social and political rights." Israel's Central Bureau of

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Statistics counted 2.157 million Arabs, 21.1% of the population, in April 2026, and the wider characterisation of an "apartheid regime" is South Africa's, pleaded in a filing dated 29 December 2023.

## Key Findings

- Israel's Supreme Court declared on 8 March 2000, by majority of a five-justice panel, that the State "was not permitted, by law, to allocate state land" for the settlement of Katzir "on the basis of discrimination between Jews and non-Jews" (Israeli Supreme Court, 2000).
- The same judgment held that the State cannot discriminate "indirectly" through a third party such as the Jewish Agency, and ordered the State only to "consider" the Arab petitioners' request to build in Katzir "on the basis of the principle of equality" (Israeli Supreme Court, 2000).
- Basic Law: Human Dignity and Liberty, in the Knesset's unofficial English translation through May 2022, contains zero occurrences of "equal" or "discrimin" in 574 words of operative text (Knesset, 1992, amendments through 2022).
- Section 2 of the 1953 Rabbinical Courts Jurisdiction (Marriage and Divorce) Law provides that marriages and divorces of Jews "shall be performed in Israel in accordance with Jewish religious law" (Knesset, 1953).
- Israel's Central Bureau of Statistics counted 2.157 million Arabs, 21.1% of 10.244 million people, in April 2026 (preliminary), and recorded household employment of 83.8% among Druze against 77.7% among Christians in 2023 (Central Bureau of Statistics, 2026; Central Bureau of Statistics, 2024).

## Has an Israeli court found the state discriminated against Arab citizens?

Israel's Supreme Court, sitting as the High Court of Justice, did so on **8 March 2000** in HCJ 6698/95 Ka'adan v. Israel Land Administration, a domestic court judgment. Its operative declaration, at paragraph 40A, reads: "We declare that the State was not permitted, by law, to allocate state land to the Jewish Agency, for the purpose of establishing the communal settlement of Katzir on the basis of discrimination between Jews and non-Jews."

The judgment sets out the facts. The State, through the Israel Lands Administration, allocated land in the Eron valley to the Jewish Agency. The Agency, through a cooperative society, established the communal settlement of Katzir, and the society granted membership only to Jews. The petitioners were an Arab couple who asked to build a home there.

The respondents named in the caption were the Israel Land Administration, the Ministry of Construction and Housing, the Tel-Eron Local Council, the Jewish Agency for Israel, the

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Katzir cooperative society and the Israel Farmers Association. The case therefore reached every link in the chain between state land and the people living on it.

Five justices sat: President A. Barak and Justices T. Or, M. Cheshin, Y. Kedmi and I. Zamir. The judgment records its result in one line: "Decided by majority opinion, (in opposition to the dissenting opinion of Justice Y. Kedmi) to make the order nisi absolute, as stated in paragraph 40 of the President's judgment." The single dissent concerned how far the ruling reaches, and a later section takes it up.

The record uses different words from the question. The Court describes the petitioners as Arab and frames the distinction as one "between Jews and non-Jews." Israel's Central Bureau of Statistics likewise counts "Arabs." Neither body uses "Palestinian citizens" as a category in the documents read here.

The declaration is bounded by its facts: one allocation of state land, to one body, for one settlement. Within those bounds, it is a finding by Israel's highest court that the State discriminated unlawfully between Jews and non-Jews in allocating land.

## Who says Israel discriminates against its Palestinian citizens, and since when?

The Republic of South Africa set the claim in a filed pleading on **29 December 2023**, in its Application instituting proceedings against Israel under the Genocide Convention. Paragraph 35 reads: "The institutionalised regime of discriminatory laws, policies and practices applied by Israel subjects Palestinians to what constitutes an apartheid regime." The Application is a state party's own pleading, not a finding.

Paragraph 35 speaks of "Palestinians" as one class. It does not separate Palestinian citizens of Israel from residents of the West Bank, Gaza or East Jerusalem. South Africa sets the same frame in its opening. Paragraph 2 refers to "Israel's conduct towards Palestinians during its 75-year-long apartheid," and paragraph 4 refers to "a background of apartheid, expulsion, ethnic cleansing, annexation, occupation, discrimination." Those characterisations are South Africa's own.

Footnote 140 rests paragraph 35 on six items: a treaty body's concluding observations, a Special Rapporteur's report, Amnesty International, B'Tselem, Addameer and a 2009 study by South Africa's Human Sciences Research Council. It cites no apartheid instrument and no judgment. A full-text search of the filed Application returns zero occurrences of the 1973 Convention on the Suppression and Punishment of the Crime of Apartheid. The jurisdiction pleaded at paragraph 17 is Article IX of the Genocide Convention.

Two organisations published the characterisation under dated titles before the filing. Human Rights Watch released "A Threshold Crossed: Israeli Authorities and the Crimes of Apartheid and Persecution" on 27 April 2021. Amnesty International released "Israel's

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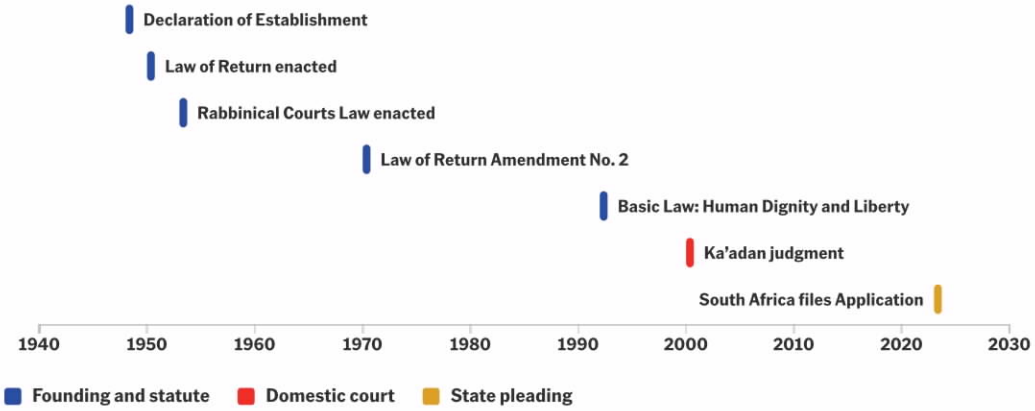
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Apartheid against Palestinians: Cruel System of Domination and Crime against Humanity" on 1 February 2022. Each is that organisation's position on its own definitions. The legal characterisation is read against the treaty text in the apartheid claim and the treaty standard.

The narrower claim beneath the characterisation is that the Israeli state has discriminated against Arab citizens in at least one domain. That claim has domestic support predating the pleading by 23 years: Israel's Supreme Court declared the Katzir allocation discriminatory "between Jews and non-Jews" on 8 March 2000. The two differ in scope. The court record concerns one allocation of state land, while the pleading alleges a regime.

**The dated record on equality and Arab citizens**

**FOUNDING TEXT, STATUTES, JUDGMENT AND PLEADING, 1948 TO 2023**




*Source: Provisional Government of Israel, 1948; Knesset, 1950, amended 1970; Knesset, 1953; Knesset, 1992, amendments through 2022; Israeli Supreme Court, 2000; Republic of South Africa, 2023.*

## Can the state discriminate through the Jewish Agency instead?

Israel's Supreme Court held on **8 March 2000**, at paragraph 34 of Ka'adan, that it cannot: "The State cannot escape its legal obligation to respect the principle of equality by using a third party that adopts a discriminatory policy. What the State cannot do directly, it cannot do indirectly."

The Court framed its own question. It asked whether the State violates its obligation of equality when a third party holding state land allocates that land to Jews exclusively. The Court answered "in the affirmative." Paragraph 38 closes the same route from the other side: "Discrimination does not lose its discriminatory character, even if it is being carried out through the Jewish Agency, and therefore is not permitted to the State."

The structure of the Katzir arrangement explains why the holding mattered. Each link was formally distinct. The Israel Lands Administration allocated the land, the Jewish Agency received it, and a cooperative society set the membership rules, admitting only Jews. No single document in that chain had to state an exclusion by the State itself. The Court located

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the breach in the State's act of allocating land to a body that would apply an exclusionary policy, rather than in the society's rules taken alone.

The holding is addressed to the State. Its operative words say the discrimination "is not permitted to the State," and the order nisi made absolute ran against the State's allocation. The judgment sets out no rule governing the Jewish Agency's internal policies in general. It sets out the limit on what the State may accomplish by passing state land through the Agency or a similar intermediary.

The paragraph 34 rule defines indirect discrimination as a category of state conduct in Israeli law, in the Court's own words and on a dated record. Under that rule, the question of whether Israel discriminates against Arab citizens cannot be answered by examining the State's own instruments alone. It also turns on what bodies holding state land do with it.

## Did the ruling let the Arab family build in Katzir?

Paragraph 40B of Ka'adan, decided by Israel's Supreme Court on 8 March 2000, directed the State to "consider the petitioners' request to purchase for themselves a parcel of land in the settlement of Katzir ... on the basis of the principle of equality." It ordered consideration, not admission, and the order was made over the dissent of **one of five justices**.

The full remedy reads as a duty to decide. The State was to determine, "with appropriate speed, whether it can enable the petitioners, within the framework of the law, to build a house for themselves within the bounds of the Katzir communal settlement." The phrase "whether it can" leaves the outcome open on the face of the judgment. A summary stating that the Court ruled the family could live in Katzir describes an order the text does not contain. What the State decided after the judgment is not part of the 37-page text.

The dissent is narrower than a vote count suggests. Justice Y. Kedmi wrote that he concurs "with President Barak's fundamental approach regarding the position of the value of equality." He dissented on reach. He would have given a declaration only, on the ground that the judgment "is forward-looking and does not provide grounds for re-examining acts performed in the past." His disagreement concerned whether the ruling extends to allocations already made, not whether the State must treat Arab and Jewish applicants equally.

Justice Kedmi also described what he called an "opening for balancing" against equality, which in his view had narrowed but not closed. That view is his alone. It is not the holding of the Court, which made the order nisi absolute as stated in the President's paragraph 40.

Read together, paragraphs 40A and 40B and the dissent fix the size of the finding. On the question of principle, five of five justices endorsed equality between Jewish and Arab applicants for state land. On remedy, four of five made the order absolute. On consequence,

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the State was bound to weigh one family's application on equal terms, and the judgment itself specifies nothing further.

## Which text promises Arab citizens equality, and does it bind?

The Knesset's unofficial English translation of Basic Law: Human Dignity and Liberty, adopted in 1992 and amended through May 2022, contains the word "equal" **zero** times. The equality promise sits instead in the Declaration of the Establishment of the State of Israel of 14 May 1948, which in the Knesset's English text pledges equality "to all its citizens irrespective of religion, race or sex."

The Declaration's full sentence, as the Knesset publishes it, says the State "will ensure complete equality of social and political rights to all its citizens irrespective of religion, race or sex." The Ministry of Foreign Affairs publishes the same sentence with "all its inhabitants." Both are Israeli government translations of a Hebrew original. The Declaration also appeals "to the Arab inhabitants of the State of Israel" to participate "on the basis of full and equal citizenship and due representation in all its provisional and permanent institutions." The founding text is read in more detail in the 1948 Declaration and the supremacy claims.

The Basic Law enumerates its rights in full: dignity, life and body, property, personal liberty, exit from and entry to Israel, and privacy. A case-insensitive search of its 574 words of operative text returns zero occurrences of "equal," "discrimin," "religion," "race" and "nationality." This is a fact about the text, not about how anyone is treated. Section 1 provides that rights "shall be upheld in the spirit of the principles included in the Declaration." That wording neither incorporates the Declaration nor enacts its equality sentence. Section 1a states the law's purpose as embedding "the values of the State of Israel as a Jewish and democratic state."

The equality rule applied in Ka'adan therefore came from the Court. In paragraph 31, the Court wrote: "There is, therefore, no contradiction between the values of the State of Israel as a Jewish and democratic state and between the absolute equality of all of its citizens."

| Text | What it says on equality | Source |
|---|---|---|
| Declaration, 14 May 1948 | "complete equality of social and political rights to all its citizens" (Knesset text) | Provisional Government of Israel, 1948 |
| Basic Law, 1992 | 0 occurrences of "equal" or "discrimin" | Knesset, 1992, amendments through 2022 |
| Ka'adan judgment, 8 March 2000 | "the absolute equality of all of its citizens" | Israeli Supreme Court, 2000 |

Ordinary statutes add a further layer. The US Department of State's country report on Israel for 2022 describes Israeli law as prohibiting discrimination and records continued

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discrimination against Arab citizens in employment and pay (US Department of State, 2023). The two principal statutes are the Equal Employment Opportunities Law, 5748-1988, and the Prohibition of Discrimination in Products, Services and Entry into Places of Entertainment and Public Places Law, 5761-2000. No current English text of either appears on an Israeli state host.

## Does the Law of Return conflict with equal citizenship?

Israel's Supreme Court drew the line in paragraph 31 of Ka'adan (2000), around the Law of Return of **1950**: "members of the Jewish nation were granted a special key to enter (see the Law of Return-5710-1950), but once a person has lawfully entered the home, he enjoys equal rights with all other household members."

The statute the Court cited was passed on 5 July 1950. In the English text published by the Knesset, which is marked neither official nor unofficial, section 1 reads in full: "Every Jew has the right to come to this country as an oleh." A translator's note defines oleh as "a Jew immigrating, into Israel." The entry rule is drawn by descent and religion, and it is the rule the Court distinguished from the rights of those already inside.

The same paragraph rejects the use of the State's Jewish character to justify unequal treatment of citizens. The Court did "not accept the approach that the values of the State of Israel, as a Jewish state, would justify, on the level of a general purpose, discrimination by the State between its citizens, on the basis of religion or nationality." The line runs between admission, where the statute distinguishes, and citizenship, where the Court applies equality.

Amendment No. 2, passed on 10 March 1970, did two separate things. Section 4A extends the rights of a Jew under the Law to "a child and a grandchild of a Jew, the spouse of a Jew, the spouse of a child of a Jew and the spouse of a grandchild of a Jew," excluding "a person who has been a Jew and has voluntarily changed his religion." Section 4B defines "Jew" "for the purposes of this Law." The first widens eligibility to non-Jewish relatives. The second sets the definition. A companion change to the Population Registry Law imports that definition into the national register.

The 1992 Basic Law leaves both texts in place. Section 10 provides: "This Basic Law shall not affect the validity of any law that existed prior to the inception of the Basic Law." The Law of Return and its 1970 amendment both predate 1992, so the Basic Law's limitation clause does not reach them. The Court's paragraph 31 is the domestic authority reconciling the entry rule with equal citizenship. Its basis is judicial interpretation rather than a statutory equality guarantee. The wider framework of Basic Laws is set out in the founding text and the Basic Laws.

## Do Jewish and Arab citizens marry under the same law?

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Under the Knesset's Rabbinical Courts Jurisdiction (Marriage and Divorce) Law of **1953**, they do not marry under one statute. Section 2 provides: "Marriages and divorces of Jews shall be performed in Israel in accordance with Jewish religious law." Every operative section speaks only "of Jews," and the Law legislates nothing for Muslim, Christian or Druze citizens.

The Law was passed on 26 August 1953. Its English text is published on the Knesset's site and marked neither official nor unofficial. Section 1 is the jurisdiction rule: "Matters of marriage and divorce of Jews in Israel, being nationals or residents of the State, shall be under the exclusive jurisdiction of rabbinical courts." Section 2 is the substantive rule. The two do different work: one names the forum, the other sets the law the forum applies.

The statute carries coercive force. Under section 6, where a rabbinical court has ordered a husband to grant or a wife to accept a letter of divorce, a district court may, after six months and on the Attorney General's application, "compel compliance with the order by imprisonment." Section 11 charges the Minister of Religious Affairs with implementation.

The Law sits on an older frame. Section 9 preserves, by name, "article 51 of the Palestine Orders in Council, 1922 to 1947," the Mandate-era instrument allocating personal-status matters to community courts. The courts of Muslims, Christians and Druze operate under other instruments, which this statute neither creates nor amends. The Law also defines "Jew" nowhere in its 11 sections and makes no cross-reference to the Law of Return's definition.

The pattern the 1953 text records is a separation drawn by community, not a single civil rule applied to every citizen. Jewish citizens marry within Israel under Jewish religious law in rabbinical courts. Other communities marry under their own religious instruments in their own courts. The text is the Law as enacted in 1953, and it has been amended since. On the record read here, the separation applies across communities. The statute imposes a religious rule on Jewish citizens and is silent on Arab citizens, rather than imposing a burden on Arab citizens alone.

## How many Arabs does Israel's statistics bureau count?

Israel's Central Bureau of Statistics counted **2.157 million** Arabs, 21.1% of a population of 10.244 million, in its preliminary Independence Day 2026 estimate, current to 22 April 2026. The Bureau defines "Arabs" as Moslems, using its own spelling, Arab Christians and Druze. The count is of population and carries no citizenship split.

The rest of the 2026 release completes the denominator. The Bureau counted 7.790 million Jews and Others (76%) and 296,000 foreigners (2.9%), with foreigner data relating to the end of 2025. "Others" is the Bureau's term for non-Arab Christians, members of other religions and those registered as not classified by religion. The three groups sum to 10.243 million, within rounding of the published total.

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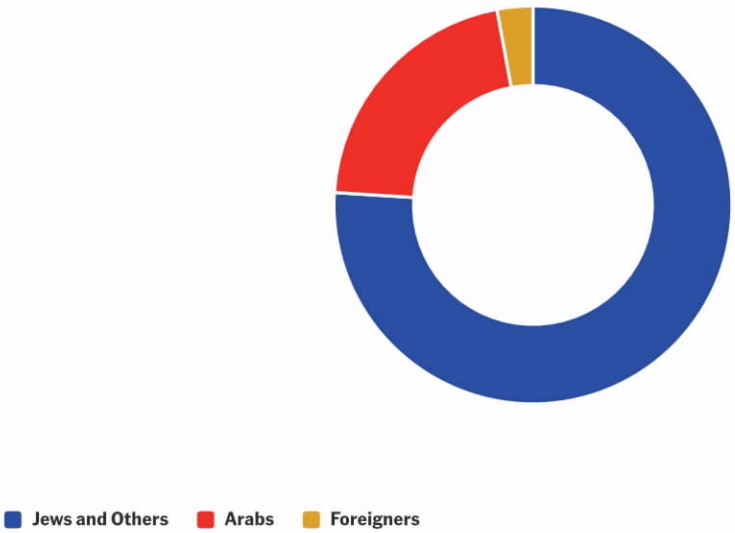
The 2025 release gives the comparison point: 2.114 million Arabs, 20.9% of 10.094 million (Central Bureau of Statistics, 2025). On the Bureau's two preliminary estimates, the Arab population grew by about 43,000 in a year. Its share moved by 0.2 points.

Three cautions attach to these figures, all stated by the Bureau. Both editions are preliminary and built on the 2022 census. From 2023, the estimates include foreigners staying in Israel, including permit holders who entered from 2008 with no record of exiting. The denominator therefore changed, and the series is not continuous with earlier years. The 2026 figures also cover 11.75 months, and the Bureau notes that the components of growth do not sum to the total change.

The release does not divide the 2.157 million by citizenship. The figure counts Arabs in Israel's population as the Bureau defines it. It is the closest official count of the population the question concerns, but it is not a count of citizens.

**Israel's population by Bureau category**

PRELIMINARY ESTIMATE TO 22 APRIL 2026, SHARE OF 10.244 MILLION; FOREIGNERS AS OF END 2025




*Source: Central Bureau of Statistics, 2026. Preliminary; based on the 2022 census.*

## Do recorded outcomes differ among Arab communities themselves?

Israel's Central Bureau of Statistics recorded that in 2023, **83.8%** of Druze households contained employed persons, against 77.7% among Christian households. That is a 6.1-point spread between two communities the Bureau counts within its Arab category. The figures appear in the Bureau's 2024 release on the Druze population for the Nabi Shu'ayb festival.

Muslim households fell between the two, at 79.3% (Central Bureau of Statistics, 2024). The release gives no comparable figure for Jewish households, so it supports no Jewish

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comparison on this measure.

Age structure also varies within the category. At the end of 2022, children aged 0 to 14 made up 23.8% of the Druze population. The comparable figures were 32.3% of the Muslim population, 20.6% of the Arab Christian population and 27.5% of the Jewish population. The Bureau estimated the Druze population at about 152,000 in February 2024, a preliminary figure. Its other population figures in the release are for the end of 2022, and its household figures are for 2023, so they are not one series.

Gaps between Arab and Jewish citizens appear in a different publisher's data. The Israel Democracy Institute, an Israeli research institute, reported in its Statistical Report on Arab Society in Israel 2021 that 45% of Arab citizens and 13% of Jewish citizens lived in poverty (Israel Democracy Institute, 2021). A poverty rate measures an outcome. On its own, it does not separate the effect of policy from locality, education or labour-market composition.

**Households containing employed persons**

**SHARE OF HOUSEHOLDS BY COMMUNITY, 2023; NO JEWISH FIGURE IN THE RELEASE**




*Source: Central Bureau of Statistics, 2024.*

The within-category spread matters to the question's premise. The recorded outcomes for Arab citizens do not form a single profile. On the Bureau's own counts, Druze, Muslim and Christian households differ on employment, and the three populations differ markedly on age structure.

## Methodology and limitations

The evidence comes from five source types, each labelled where cited. The domestic court record is HCJ 6698/95 Ka'adan v. Israel Land Administration, judgment of 8 March 2000, read in the 37-page English text of the Cardozo Israeli Supreme Court Project. The issuing court's own English text could not be retrieved. The Cardozo running header prints "CA 6698/95," while the first page and caption give the correct designation, HCJ 6698/95.

Enacted legislation is read in the English texts the Knesset publishes. The Knesset marks its translation of Basic Law: Human Dignity and Liberty as unofficial and states that the Hebrew governs. Word counts and term searches were run case-insensitively against that text, current to amendments adopted through 1 May 2022. The Law of Return, its 1970

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amendment and the 1953 Rabbinical Courts Law are page scans from the English series Laws of the State of Israel, marked neither official nor unofficial. The 1950 and 1953 texts are as enacted. A 1954 amendment to the Law of Return is recorded in the 1970 amendment's footnote, but its content was not established, so section 2(b) of the 1950 text is not presented as current law. The 1953 Law has been amended since enactment.

The founding instrument exists in two Israeli government English texts that differ on the operative word, "citizens" in the Knesset text and "inhabitants" in the Foreign Ministry text. Each quotation names its text.

The official statistics are the Central Bureau of Statistics' Independence Day releases for 2025 and 2026, both preliminary and based on the 2022 census, and its 2024 release on the Druze population. Reference dates differ within each release. From 2023, the population series includes foreigners and is not continuous with earlier years.

The state pleading is South Africa's Application of 29 December 2023, read in full, and is cited only for what South Africa alleged. Two further sources are used for context. The Israel Democracy Institute's 2021 publications supply outcome measures by population group. The US Department of State's report for 2022 is paraphrased, not quoted.

Two limits are facts about the record. No current English text of the Equal Employment Opportunities Law, 5748-1988, or of the Prohibition of Discrimination in Products, Services and Entry into Places of Entertainment and Public Places Law, 5761-2000, was found on knesset.gov.il or gov.il, so no grounds list for either statute appears here as enacted text. No official Israeli series publishes a single rate of discrimination against Arab citizens.

## Conclusion

Does Israel discriminate against its own Palestinian citizens? On the record of its own highest court, the State did so in allocating land for Katzir. On 8 March 2000, five justices declared that allocation unlawful, and the single dissent concerned the ruling's reach rather than the principle of equality.

The rest of the record shows how that answer is built. The rule against discrimination comes from the Court. The 1992 Basic Law uses "equal" zero times, and the 1948 Declaration's promise of "complete equality" enters it only "in the spirit of" its principles. The Court carried the rule through intermediaries, holding that the State cannot do "indirectly" what it cannot do directly. It also separated the Law of Return's "special key to enter" from equal rights once inside. Marriage for Jewish citizens has sat under Jewish religious law since 1953, a separation drawn by community. The 2.157 million Arabs the Bureau counted in 2026 do not share one profile. Druze and Christian household employment differed by 6.1 points, and the Israel Democracy Institute recorded poverty at 45% among Arab citizens against 13% among Jewish citizens in 2021.

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The Katzir remedy ordered a decision, not a house. If equality for Arab citizens rests on judicial interpretation applied case by case, and is enforced as a duty to weigh one request on equal terms, how much of equal citizenship in Israel is secured in advance, and how much depends on whether the next family brings a petition?

## Frequently Asked Questions

### How large is Israel's Druze population?

Israel's Central Bureau of Statistics estimated about 152,000 Druze in February 2024, a preliminary figure, against 14,500 at the founding of the State. The largest Druze localities at the end of 2022 were Daliyat al-Karmel, with 17,600 residents, and Yirka, with 17,500 (Central Bureau of Statistics, 2024).

### How does public spending per high-school student compare in mixed cities?

The Israel Democracy Institute reported in 2021 that, in Israel's mixed cities, the government invested less than $8,000 per Arab high-school student, compared with more than $13,000 per Jewish student. The figures cover mixed cities only, not the national school system.

### What share of young Arab citizens are neither working nor studying?

The Israel Democracy Institute reported in 2021 that about 30% of Arab citizens aged 18 to 24 were neither employed nor studying, compared with 13% of their Jewish peers. The measure covers one age band and does not identify causes.

### How do academic degree rates compare between Arab and Jewish citizens?

The Israel Democracy Institute's Statistical Report on Arab Society in Israel 2021 recorded that 15% of Arab citizens held an academic degree, compared with 33% of Jewish citizens. Within the Druze community, the Central Bureau of Statistics counted 5,859 students in higher education in 2022/23, 3.5 times the 1,600 counted in 1999/00 (Central Bureau of Statistics, 2024).

### Who counts as a Jew under the Law of Return?

Section 4B, inserted by the Knesset on 10 March 1970, provides: "For the purposes of this Law, 'Jew' means a person who was born of a Jewish mother or has become converted to Judaism and who is not a member of another religion." A companion section of the same amendment imports that meaning into the Population Registry Law.

### Does the 1953 marriage law govern marriages performed abroad?

Section 2 of the 1953 Rabbinical Courts Jurisdiction (Marriage and Divorce) Law applies to marriages and divorces of Jews performed "in Israel." The enacted text contains no provision on marriages performed abroad and no provision on interfaith marriage.

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### How many immigrants has Israel received since 1948?

Israel's Central Bureau of Statistics counted over 3.5 million immigrants from 1948 to 2026, about 1.68 million (47.8%) of them since 1990, and about 21,000 in the 11.75 months to 22 April 2026. The Law of Return itself contains no count of any kind, so immigration figures belong to the Bureau.

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Israel's Supreme Court in 2000 found no contradiction between Jewish statehood and equality. The statutes and scholarship are read beside it.

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The Hanover Institute for Public Policy studies the inputs fueling antisemitism in the United States and publishes what the evidence shows. Its work is content analysis, computational social science, and other data-driven research, and its reports take no policy positions.

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DATA REPORT BY THE HANOVER INSTITUTE NOVEMBER 9, 2026 UPDATED NOVEMBER 10, 2026

# Does anti-Zionism deny the Jewish right to a state? Three definitions, compared

*A 1919 anti-Zionist petition, three antisemitism definitions, Israel's statutes and a 1995 survey on rejecting a Jewish state versus rejecting Jews.*

Anti-Zionism | IHRA Working Definition | Jerusalem Declaration on Antisemitism | Law of Return | Jewish Self-Determination



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In the written record, the earliest anti-Zionist texts did not deny Jews a right to exist. The 1919 petition headlined at the time as "Anti-Zionist Petition To President Wilson" was signed by 300 American Jews, according to two wire reports from that year. It objected to "a distinctively Jewish State" in the name of "the large claims of Jews for full citizenship and human rights in all lands."

The live dispute is whether rejecting a Jewish state denies Jews something they hold as a people. The International Holocaust Remembrance Alliance's 2016 working definition lists among its examples denying "the Jewish people their right to self-determination." The Jerusalem Declaration on Antisemitism (2021) draws its line at denying "the right of Jews in the State of Israel to exist and flourish." The one measured split is wide. In Sammy Smooha's 1995 survey of 1,200 Arab citizens of Israel, 6.8% denied Israel's right to exist, while 35.3% rejected its right to exist as a Jewish-Zionist state.

## Key Findings

- **300** people signed A Statement to the Peace Conference, according to two 1919 wire reports (Berkowitz, Jastrow, Senior and the signers, 1919). The document itself states no count. It objects to "a distinctively Jewish State" and asks for a Palestine "recognizing no distinctions of creed or race or ethnic descent."
- **46** UN member states are named on the adoption roll for the non-legally binding 2016 working definition (International Holocaust Remembrance Alliance, 2016). The definition's illustrative examples include denying "the Jewish people their right to self-determination." IHRA publishes no total.
- **210** scholars initially signed the Jerusalem Declaration on Antisemitism (2021). Its guideline 10 treats denying "the right of Jews in the State of Israel to exist and flourish" as, on the face of it, antisemitic. Its guideline 12 treats support for a binational or unitary state as, on the face of it, not antisemitic.
- **1950** is the year the Law of Return gave "every Jew" the right to come to Israel as an oleh (Knesset, 1950, amended 1970). In 1970 the right was extended to children, grandchildren and named spouses of a Jew.

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- **28.5%** is the minimum share of 1,200 Arab citizens of Israel who rejected its right to exist as a Jewish-Zionist state without denying its right to exist, in a 1995 survey (Smooha, 1997).

## Did the first organized anti-Zionists deny Jews any rights?

No. A Statement to the Peace Conference was signed by 300 American Jews, according to two contemporaneous wire reports. It was presented to President Woodrow Wilson by Representative Julius Kahn of California on 4 March 1919. It framed its rejection of a Jewish state as a defence of "the large claims of Jews for full citizenship and human rights in all lands in which those rights are not yet secure."

Three men drafted the text, which circulated for signature from late 1918:

- Rabbi Henry Berkowitz of Congregation Rodeph Shalom, Philadelphia
- Professor Morris Jastrow of the University of Pennsylvania
- Max Senior of Cincinnati

The Denver Jewish News printed the text on 19 March 1919. Its statement of purpose is identical in that printing and in the copy reproduced from the drafting committee's file (Levitas, 1962). It records "objections to the organization of a Jewish State in Palestine as proposed by the Zionist Societies in this country and Europe and to the segregation of the Jews as a nationalistic unit in any country."

The objections were political:

- **Objection 4** (Levitas text) protests "the political segregation of the Jews and the re-establishment in Palestine of a distinctively Jewish State as utterly opposed to the principles of democracy."
- **Objection 5** says Jews are bound by "common religious beliefs and aspirations" and shared experience. In the signers' own words, this separates Judaism from Zionism: "Nothing in their present status suggests that they form in any real sense a separate nationalistic unit."

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- **The closing** asks for a Palestine "governed under a democratic form of government recognizing no distinctions of creed or race or ethnic descent."

The signer count comes from outside the document, which says only "we, the undersigned citizens of the United States." Kahn's name and the 4 March date also come from outside sources; the Denver printing never mentions Kahn. A figure of 299 traces to Max E. Berkowitz's 1932 biography of the drafter, which refers to "the two hundred and ninety-nine other signatories" (Berkowitz, 1932, as quoted in Levitas, 1962). Counting Berkowitz himself, that is also 300. Levitas also records one rabbi deciding to sign on 22 April 1919, so any total is a count as of a date.

| Source | Date | Signers stated |
|---|---|---|
| The Statement's own text | March 1919 | None stated |
| Douglas Daily International | 5 March 1919 | **300** |
| Wisconsin Weekly Blade | 15 March 1919 | **300** |
| The Beloved Rabbi (biography) | 1932 | **299** others besides the drafter |

Source: Berkowitz, Jastrow, Senior and the signers, 1919, with the contemporaneous reports and biography named in each row.

The petition is evidence of what its signers argued in March 1919. Its claim to voice "the majority of American Jews born in this country" appeared on the same Denver page as the Zionist Organization of America's rival claim to a majority. Neither published a method.

## Who says denying a Jewish state denies Jews, and since when?

The International Holocaust Remembrance Alliance has listed this view since 26 May 2016, and its adoption roll names 46 UN member states. Among its illustrative examples of antisemitism is "Denying the Jewish people their right to self-determination, e.g., by claiming that the existence of a State of Israel is a racist endeavor." This is the institutional anchor for the view that rejecting a Jewish state denies Jews a collective right.

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It is often said that opposing a Jewish state denies Jews a right other peoples hold. The IHRA example is the adopted text that carries that view.

Where the examples sit in the document affects how far they reach:

- **The decision** of the IHRA Plenary in Bucharest reads: "Adopt the following non-legally binding working definition of antisemitism:".
- **The definition** follows inside the quotation marks, in two sentences, beginning "Antisemitism is a certain perception of Jews, which may be expressed as hatred toward Jews."
- **The examples** come afterwards, on a separate line: "To guide IHRA in its work, the following examples may serve as illustrations:".

IHRA's own two copies place the definition inside the decision and the examples after it. Whether the examples share the definition's adopted status is the most contested question about the instrument.

The list carries its own hedge. Contemporary examples "could, taking into account the overall context, include, but are not limited to" the items that follow. The framing paragraph also sets two statements side by side: "Manifestations might include the targeting of the state of Israel, conceived as a Jewish collectivity. However, criticism of Israel similar to that leveled against any other country cannot be regarded as antisemitic."

Uptake is counted in two ways that cannot be compared:

- **IHRA's roll** names 46 UN member states with dates, from the United Kingdom on 12 December 2016 to Costa Rica on 24 July 2025. Its footnote says countries "will use different terminology, including adopt, endorse, embrace, recognize, support, and so on."
- **Israel's Ministry for Diaspora Affairs and Combating Antisemitism**, working with the World Zionist Organization and the Jewish Agency, reported that 1,216 entities had ratified the definition by the end of 2023, including 97 new adoptees that year (Ministry for Diaspora Affairs, 2024).

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The ministry figure is that government body's own count. It is not independently verified, it covers a different universe of entities, and it is never summed with IHRA's roll of states.

## Which definition names the right of Jews in Israel to exist?

The Jerusalem Declaration on Antisemitism does. It was launched on 25 March 2021 and was "initially signed by 210 scholars," according to its publisher. Its guideline 10 lists among examples that "on the face of it, are antisemitic": "Denying the right of Jews in the State of Israel to exist and flourish, collectively and individually, as Jews, in accordance with the principle of equality."

The Declaration is a scholarly text, not an adopted instrument. No state, parliament or intergovernmental body has adopted it, and its publisher now reports "more than 400 signatories." Its core definition, quoted from the signatories' own PDF copy, reads: "Antisemitism is discrimination, prejudice, hostility or violence against Jews as Jews (or Jewish institutions as Jewish)."

Guideline 10 sits in section B, headed "Israel and Palestine: examples that, on the face of it, are antisemitic." The right it protects belongs to people already living there: Jews in Israel, "collectively and individually, as Jews." Guideline 7, in the same section, covers "Holding Jews collectively responsible for Israel's conduct or treating Jews, simply because they are Jewish, as agents of Israel."

Section C, headed "examples that, on the face of it, are not antisemitic," sets out the other side of the line. Guideline 12 lists support for "arrangements that accord full equality to all inhabitants 'between the river and the sea', whether in two states, a binational state, unitary democratic state, federal state, or in whatever form." The 1919 petition's closing request, a Palestine "recognizing no distinctions of creed or race or ethnic descent," describes an arrangement of the unitary kind guideline 12 names.

The preamble controls how the qualifier is read: "The guidelines that focus on Israel-Palestine (numbers 6 to 15) should be taken together. In general, when applying the guidelines each should be read in the light of the others and always with a view to context."

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The two instruments differ on where the line falls:

- **IHRA's example** concerns a people's right to self-determination.
- **The Declaration's guideline 10** concerns the existence and flourishing of Jews in the State of Israel.
- **The Declaration's guideline 12** places arrangements other than a Jewish state on the not-antisemitic side, on the face of it.

## Does the Nexus Document treat opposing Zionism as antisemitic?

No. The Nexus Document, in its June 2024 revision, says the opposite in item 1 of its list "What is Not Antisemitic?": "criticism of Zionism and Israel, opposition to Israel's policies, or nonviolent political action directed at the State of Israel and/or its policies should not, as such, be deemed antisemitic."

The Nexus Task Force, which drafted the text, is affiliated with the Center for the Study of Hate at Bard College. The Nexus Project, its publisher, states that it "is fiscally sponsored by the New Israel Fund." The document describes itself as derived from a Task Force White Paper and "designed as a guide for policymakers and community leaders."

Its dating trailer reads: "The White Paper was published in December 2020. The Nexus Document was published in February 2021 and updated in June 2024." Quotations here come from the publisher's 2024 PDF. The publisher posts only the current revision, and the February 2021 original was not retrieved.

The document sets two separately numbered lists against each other:

- **"What is Antisemitic?" item 9:** "It is antisemitic to treat Israel differently solely because it is a Jewish state, using standards different than those applied to other countries."
- **"What is Antisemitic?" item 2:** speech about Zionism and Israel "should be based on the standards for speech or conduct that apply to antisemitic behavior in general."

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- **"What is Not Antisemitic?" item 3:** "Even contentious, strident, or harsh criticism of Israel for its policies and actions, including those that led to the creation of Israel, is not per se illegitimate or antisemitic."

The three instruments place the boundary in three different spots, which bears on the wider question of whether anti-Zionism is antisemitism:

| Instrument and status | Wording on a Jewish state | Source |
|---|---|---|
| Working definition, non-legally binding, IHRA Plenary | Denying "the Jewish people their right to self-determination" could, in context, be an example | **IHRA, 2016** |
| Scholarly declaration, adopted by no state | Denying Jews in Israel the right "to exist and flourish" is, on the face of it, antisemitic | **JDA, 2021** |
| Academic project text, NIF-sponsored publisher | Opposing Zionism is not, "as such," antisemitic; differential treatment "solely because it is a Jewish state" is | **Nexus, June 2024 revision** |

Source: International Holocaust Remembrance Alliance (2016); Jerusalem Declaration on Antisemitism (2021); Nexus Task Force (2021, updated June 2024).

## Did early anti-Zionists oppose Jewish settlement in Palestine itself?

One did not. On 23 August 1917, E. S. Montagu, Secretary of State for India, asked the War Cabinet to secure "for Jews in Palestine complete liberty of settlement and life on an equality with the inhabitants of that country who profess other religious beliefs." He then added: "I would ask that the Government should go no further." His paper, G.T. 1868, is held at The National Archives, Kew, as CAB 24/24/71.

Montagu wrote as "the one Jewish Minister in the Government." His view of Zionism was unsparing: it "has always seemed to me to be a mischievous political creed, untenable by any patriotic citizen of the United Kingdom." The first of his "four principles" reads: "I assert that there is not a Jewish nation." He went further: "I would willingly disfranchise every Zionist."

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His stated concern was for Jews in other countries. He asked the Government to refuse a conclusion that "makes aliens and foreigners by implication, if not at once by law, of all their Jewish fellow-citizens."

The paper is titled "The Anti-Semitism of the Present Government." Its opening sentence sets the terms of that charge in full: "I have chosen the above title for this memorandum, not in any hostile sense, not by any means as quarrelling with an anti-Semitic view which may be held by my colleagues, not with a desire to deny that anti-Semitism can be held by rational men, not even with a view to suggesting that the Government is deliberately anti-Semitic ; but I wish to place on record my view that the policy of His Majesty's Government is anti-Semitic in result and will prove a rallying ground for Anti-Semites in every country in the world."

Dating and provenance limit what the document can show:

- **Dating:** it answers a draft, Lord Rothschild's letter of 18 July 1917 and a reply from Balfour not yet issued. It predates the Balfour Declaration of 2 November 1917 by ten weeks.
- **Page 1** matches the image The National Archives publishes from its second copy, CAB 21/58, folio 218.
- **Pages 2 and 3** were read from a relayed photographic scan of the same print. These pages carry the four principles, the disfranchisement passage and the request on settlement.

The paper counts nothing. It records one minister's position on one date: opposition to a Jewish state combined with a request for Jewish settlement in Palestine on equal terms.

## What right does Israeli law give Jews seeking to immigrate?

Israeli law grants the right in section 1 of the Law of Return, passed by the Knesset on 5 July 1950: "Every Jew has the right to come to this country as an oleh." A translator's note defines oleh as "a Jew immigrating, into Israel." The wording of section 1 attaches the right to being Jewish. It sets no condition of persecution or flight.

The text quoted is the English Law of Return published by the Knesset in its selected-legislation series. The Prime Minister's Office designates it as "the full text of the Law of

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Return, 1950." The page is a scan from the series Laws of the State of Israel and is marked neither official nor unofficial.

Section 4 of the 1950 text extended the status to Jews already in the country. Every Jew who immigrated before the law took effect, and every Jew born in the country, "shall be deemed to be a person who has come to this country as an oleh under this Law."

Amendment No. 2, passed on 10 March 1970, did two separate things:

- **Section 4A extended the right to relatives.** The rights of a Jew pass to "a child and a grandchild of a Jew, the spouse of a Jew, the spouse of a child of a Jew and the spouse of a grandchild of a Jew, except for a person who has been a Jew and has voluntarily changed his religion." Subsection (b) makes it irrelevant whether the Jew through whom the right is claimed "is still alive and whether or not he has immigrated to Israel."
- **Section 4B defined who is a Jew:** "For the purposes of this Law, 'Jew' means a person who was born of a Jewish mother or has become converted to Judaism and who is not a member of another religion."

The same amendment carried that definition into the Population Registry Law through a new section 3A(b).

This statute is where the definitional dispute becomes enacted law. It creates a right of entry vested in Jews as Jews, enacted by the state whose Jewish character the 1919 petitioners and Montagu opposed. Montagu's alternative was different in kind: liberty of settlement on equal terms with inhabitants of other religions, without a group entitlement to entry. The law itself carries no count of immigrants.

## How do Israel's founding texts define the state anti-Zionism opposes?

The Declaration of the Establishment of the State of Israel, read on 14 May 1948, declares "THE ESTABLISHMENT OF A JEWISH STATE IN ERETZ-ISRAEL, TO BE KNOWN AS THE STATE OF ISRAEL." In the Knesset's English text, it pledges "complete equality of social and political rights to all its citizens irrespective of religion, race or sex."

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Two Israeli government English texts differ on that clause's key word. The Knesset publishes "all its citizens," while the Ministry of Foreign Affairs publishes "all its inhabitants." Both translate a Hebrew original. The Declaration also appeals "to the Arab inhabitants of the State of Israel to preserve peace and participate in the upbuilding of the State on the basis of full and equal citizenship." The 37 members of the People's Council signed it, David Ben-Gurion first.

Basic Law: Human Dignity and Liberty, enacted by the Knesset in 1992, states its purpose in section 1a, the purpose clause: "to protect human dignity and liberty, in order to embed the values of the State of Israel as a Jewish and democratic state, in a basic law." The Knesset labels its English translation unofficial in the document's second line and directs readers to the Hebrew for the operative law.

The rights in that law attach to individuals:

- **Dignity, life and body:** "One should not violate the life, body, or dignity of a human being as such" (section 2).
- **Property and personal liberty:** "The property of a human being shall not be violated" (section 3). Section 5 protects liberty against imprisonment, detention or extradition.
- **Exit and entry:** "Every person is free to exit Israel," and "Every Israeli citizen who is abroad is entitled to enter Israel" (section 6).
- **Privacy:** "Every person has a right to privacy and to intimacy in his life" (section 7).

A text search of the complete Knesset English text returns zero occurrences of "equal," "discrimin," "religion," "race" and "nationality." The law contains no equality clause. Its link to the Declaration runs through section 1, the basic principles clause: rights "shall be upheld in the spirit of the principles included in the Declaration of the Establishment of the State of Israel." That clause does not enact the Declaration's equality sentence. Section 10 leaves untouched "the validity of any law that existed prior to the inception of the Basic Law," which includes the Law of Return of 1950.

Read together, the texts separate two layers:

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| Text and date | Collective layer | Individual layer |
|---|---|---|
| Declaration, 14 May 1948 (Knesset text) | "A JEWISH STATE IN ERETZ-ISRAEL" | Equality "to all its citizens" |
| Basic Law: Human Dignity and Liberty, 1992 | Values of "a Jewish and democratic state" | Rights of "a human being as such" |
| Law of Return, 1950 and 1970 | Right of entry for "Every Jew" | None stated beyond the entry right |

Source: Provisional Government of Israel (1948); Knesset (1992, amendments through 2022); Knesset (1950, amended 1970).

The 1919 petition and Montagu's paper objected to the collective layer. Neither objected to the individual one. The definitional instruments differ over whether rejecting the first layer reaches Jews themselves.

## How many rejected a Jewish state without rejecting Israel's existence?

At least **28.5%** of Arab citizens of Israel did, in a 1995 survey reported by the sociologist Sammy Smooha in the peer-reviewed journal Israel Studies (1997). In that survey, 35.3% rejected Israel's right to exist as a Jewish-Zionist state, while 6.8% denied its right to exist at all. The gap between the two shares is the minimum share holding the first position without the second.

The survey ran from September to October 1995. It used face-to-face interviews with a statewide sample of 1,200 Arab men and women aged 18 or older. The sample covered residents inside the pre-1967 borders and excluded East Jerusalem. This was the fifth wave of a series among Arab citizens that began in 1976.

The arithmetic gives a floor, not a point estimate. If every respondent who denied Israel's right to exist also rejected its Jewish-Zionist character, then 35.3% minus 6.8%, or 28.5% of the sample, rejected the Jewish state while accepting the state's existence. Any respondent who denied Israel's existence without being counted in the 35.3% would raise that share.

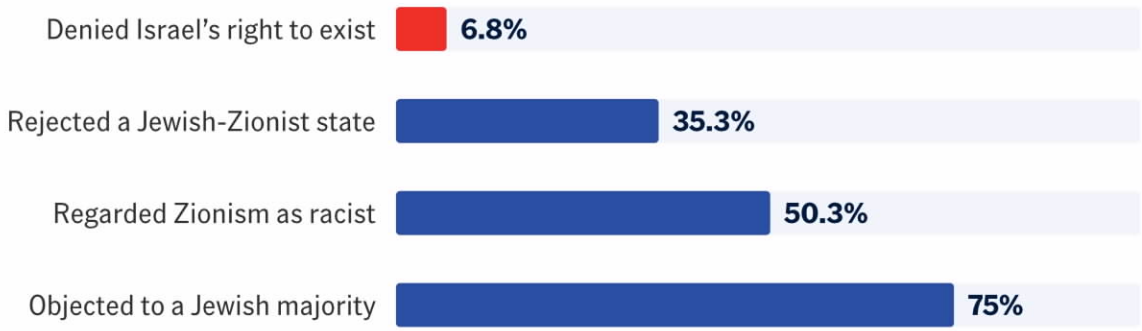
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The same survey recorded wider objections to the state's Jewish character:

**Positions held by Arab citizens of Israel, 1995**

**SHARES OF A SAMPLE OF 1,200 INSIDE THE GREEN LINE, EXCLUDING EAST JERUSALEM; POSITIONS ARE NOT MUTUALLY EXCLUSIVE**




*Source: Smooha, 1997, Israel Studies, peer-reviewed; survey fieldwork September to October 1995.*

Half of the sample, 50.3%, regarded Zionism as racist, and 75.0% objected to Israel keeping a Jewish majority. Both shares sit far above the 6.8% who denied the state's right to exist.

Smooha used the survey to illustrate his model of "ethnic democracy." He defined it as "a system that combines the extension of civil and political rights to individuals and some collective rights to minorities, with institutionalization of majority control over the state." His survey records the views of one population, Arab citizens of Israel, in one year, 1995. It does not measure opinion among Jews, among self-described anti-Zionists elsewhere, or among any population today.

## Methodology and limitations

The evidence comes from four source types, each labelled where cited.

- **Primary and official records:** the Knesset's English texts of the Law of Return (1950, amended 1970) and Basic Law: Human Dignity and Liberty (1992, amendments through 2022), and the Knesset's English text of the 1948 Declaration. The Basic Law translation is labelled unofficial by the Knesset. The Law of Return scans are marked neither way.

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- **Primary historical artifacts:** the 1919 Statement to the Peace Conference, read in the Denver Jewish News printing of 19 March 1919 and in the reproduction published by Irving Levitas in the American Jewish Archives journal in 1962. Montagu's 1917 War Cabinet paper was read from page 1 as published by The National Archives and from pages 2 and 3 in a relayed scan of the same print.
- **Definitional instruments:** the IHRA working definition (2016), adopted by an intergovernmental plenary; the Jerusalem Declaration on Antisemitism (2021), signed by scholars and adopted by no state; and the Nexus Document, cited in its June 2024 revision because the February 2021 original was not retrieved. These texts state where their authors draw a line. They are not measurements, and none is cited here for whether any particular statement or person is antisemitic.
- **Peer-reviewed research:** Smooha (1997), whose percentages are 1995 survey figures from one population.

The two 1919 newspaper reports supply the signer count, which the petition itself does not state. The copy handed to President Wilson was not located. The Woodrow Wilson Papers were searched at container level, and the plausible containers were not opened.

The Israeli Ministry for Diaspora Affairs figure on IHRA adoptions is that government body's own count and is not independently verified. It covers a different universe from IHRA's roll of states.

No survey in this record measures how many people who describe themselves as anti-Zionist deny Jews, refugees or otherwise, a right to live safely. Smooha's 1995 split is the only measured separation between rejecting a state's existence and rejecting its Jewish character.

## Conclusion

Does anti-Zionism deny the right of Jewish refugees to exist? In the record, the oldest anti-Zionist texts went the other way. The 300 signers of 1919 asked for a Palestine without distinctions of creed, framed in the name of Jewish citizenship rights in every land. In 1917, Montagu called Zionism mischievous yet asked for Jewish "liberty of settlement" in Palestine on equal terms.

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The record is consistent across its layers. Each of the three definitional instruments treats denying Jews safety or existence as antisemitic, and none treats every objection to a Jewish state that way. They divide on one point: whether a people's self-determination, as IHRA's 2016 example frames it, is itself among the things that can be denied. Israel's own texts carry both layers at once: a Jewish state, a right of entry for "every Jew" since 1950, and rights for "a human being as such" since 1992. Among Arab citizens surveyed in 1995, rejecting the Jewish state was at least five times as common as rejecting Israel's existence.

The word "refugee" appears in none of these founding objections. Their target was a political form, and the Law of Return then made that form the legal channel of entry for Jews as Jews. When anti-Zionism is heard as a threat to Jewish refugees, is the threat located in what its proponents write, in the entry right the state built, or in the gap between the two? The question of how often one is mistaken for the other, and whether that gap is one of the inputs feeding hostility toward Jews, remains open for society to examine.

## Frequently Asked Questions

### Is the IHRA working definition legally binding?

No. The decision of the IHRA Plenary on 26 May 2016 reads "Adopt the following non-legally binding working definition of antisemitism," and the qualifier also appears in the filename of IHRA's own PDF. National adopters use varied terms, which IHRA lists as "adopt, endorse, embrace, recognize, support."

### How does the Jerusalem Declaration relate to the IHRA definition?

Its preamble proposes the Declaration "as an alternative to the IHRA Definition" and adds that institutions which have adopted IHRA "can use our text as a tool for interpreting it." The same preamble states that the IHRA text includes "11 'examples' of antisemitism, 7 of which focus on the State of Israel." That count of seven is the Declaration's own allocation, not a statement in the IHRA text.

### Was the 1919 petition handed to Wilson in Paris?

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No. Representative Julius Kahn presented it on 4 March 1919, and Wilson sailed from Hoboken for the Peace Conference on 5 March. The copy presented to the President has not been located in the published Foreign Relations of the United States volume for the conference.

### Where is the 1919 petition's signatory list held?

The drafting committee's file, including printed copies of the Statement and a listing of signatories, is in the Henry Berkowitz Papers, Manuscript Collection No. 25, at the American Jewish Archives in Cincinnati. The finding aid is arranged by correspondent and does not itemise the list, so it is reachable only in the reading room.

### Does the Nexus Document mention boycotts?

No. A string search of both copies of the June 2024 revision returns zero occurrences of "boycott," "BDS," "divest" or "sanction." Its nearest provisions are the "nonviolent political action" clause in "What is Not Antisemitic?" item 1 and "What is Antisemitic?" item 9.

### Does Basic Law: Human Dignity and Liberty apply to laws passed before 1992?

No. Section 10 states that the Basic Law "shall not affect the validity of any law that existed prior to the inception of the Basic Law." Statutes such as the Law of Return of 1950 stand outside its limitation clause.

### Who loses eligibility under the 1970 amendment to the Law of Return?

Section 4A excludes "a person who has been a Jew and has voluntarily changed his religion." The exclusion applies to the claimant's own history, not the ancestor's. Section 4B separately excludes from the definition of "Jew" anyone who "is a member of another religion."

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DATA REPORT BY THE HANOVER INSTITUTE NOVEMBER 9, 2026 UPDATED NOVEMBER 10, 2026

# Does Zionism aim to eliminate Palestinians? What the founding texts and the population counts say

*Zionism's founding texts, both statistics bureaus, the Gaza war record and Israel's statutes, read against three meanings of "eliminate."*

Zionism | Palestinians | Population Statistics | Israeli Law | Gaza War



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The First Zionist Congress adopted the Basel Program in August 1897. In a contemporary English translation, it states the movement's aim as "a publicly and legally assured home in Palestine" for the Jewish people and names no aim toward the land's Arab inhabitants. The Palestinian Central Bureau of Statistics, the Palestinian party's own statistics office, estimated **15.49 million** Palestinians worldwide at the end of 2025.

A documented removal sits between those two records. About 700,000 Palestinians became refugees in the 1948 war on Benny Morris's 2004 archival estimate, and Ilan Pappé characterized that removal in 2006 as a planned ethnic cleansing. Whether that history, or the Gaza war that began in October 2023, shows an aim to eliminate a people depends on which meaning of the word is tested: physical destruction, expulsion, or political erasure.

## Key Findings

- The First Zionist Congress (1897) adopted a program whose stated aim is "a publicly and legally assured home in Palestine," in the Jewish Encyclopedia's contemporary English translation. It lists four means to that aim, and none of them names the land's Arab inhabitants.
- About 700,000 Palestinians became refugees in the 1948 war on Benny Morris's archival estimate (Morris, 2004). Morris rejects a single master expulsion plan. Ilan Pappé (2006) argues the displacement was a planned ethnic cleansing.
- The Palestinian Central Bureau of Statistics (2025) put Palestinians worldwide at 15.49 million at the end of 2025, as a party's own estimate. It put Gaza at about 2.13 million, a net decline of about 254,000 that it attributes to war-related deaths, missing persons, reduced births and forced out-migration.
- Israel's Central Bureau of Statistics (2025) counted 2.114 million Arabs, 20.9% of a preliminary population of 10.094 million, on the eve of Independence Day 2025.
- The Gaza Ministry of Health, a party to the conflict, recorded 67,075 killed as of 3 October 2025, in its own count as compiled by Crawford (2025). The Knesset voted 68 to 9 in July 2024 for a non-binding declaration opposing a Palestinian state west of the Jordan (CNN, 2024).

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## Does any founding Zionist text state an aim toward Palestinians?

The First Zionist Congress opened in Basel on 29 August **1897** and adopted a program that the Jewish Encyclopedia translates as follows: "Zionism aims at establishing for the Jewish people a publicly and legally assured home in Palestine." The program then lists four means to that end. It states no aim, hostile or otherwise, toward the Arab population already living there.

The four means, verbatim in the same translation, are:

- "the promotion of the settlement of Jewish agriculturists, artisans, and tradesmen in Palestine"
- the federation of Jews into local or general groups "according to the laws of the various countries"
- "the strengthening of the Jewish feeling and consciousness"
- "preparatory steps for the attainment of those governmental grants which are necessary to the achievement of the Zionist purpose"

Translations of the program differ. The Jewish Virtual Library prints a later English wording, "a home for the Jewish people in Eretz-Israel secured under public law," for the same German phrase.

Theodor Herzl, who convened the Congress, had published The Jewish State in Vienna on 14 February 1896. In the 1946 American Zionist Emergency Council translation, Herzl names the plan's driving force as "The misery of the Jews." He calls the Jewish question "a national question, which can only be solved by making it a political world-question." The treatise weighs two territories under the heading "Palestine or Argentine?" and does not settle on Palestine alone.

The state's founding text addresses the Arab population directly. The Declaration of the Establishment of the State of Israel was read on 14 May 1948 and signed by 37 members of the People's Council. In the Knesset's published English text, it appeals "to the Arab inhabitants of the State of Israel to preserve peace and participate in the upbuilding of the State on the

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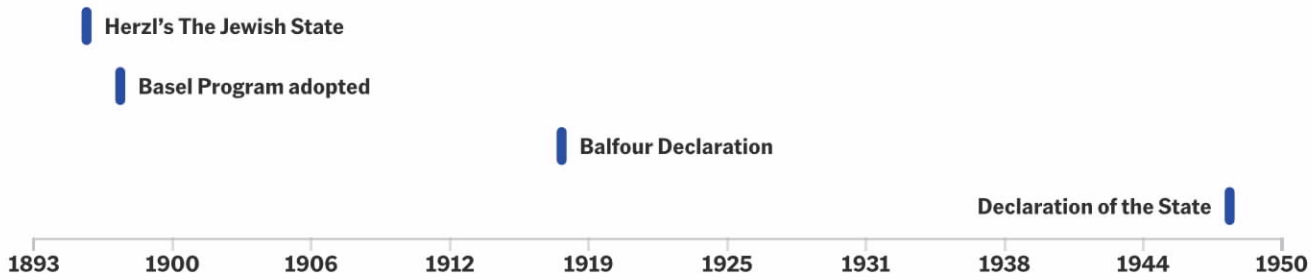
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basis of full and equal citizenship and due representation in all its provisional and permanent institutions."

The Declaration's opening recitals trace the state back to the 1897 Congress convened by Herzl. They then run through the Balfour Declaration of 2 November 1917 and the UN General Assembly resolution of 29 November 1947. These recitals are the founding text's own historical narrative, not independent historical findings.

**The founding texts, in order**

**DATES OF PUBLICATION, ADOPTION OR SIGNATURE**




*Source: Herzl, 1896; First Zionist Congress, 1897; Provisional Government of Israel, 1948 (recitals).*

## Who says Zionism aims to eliminate Palestinians, and since when?

Ilan Pappé's The Ethnic Cleansing of Palestine, published by Oneworld in **2006**, gives the most direct scholarly statement of the characterization behind the question. Pappé argues that the 1948 displacement of Palestinians was a planned ethnic cleansing. He states a moral position in the book, and his argument concerns removal from the land rather than physical destruction of the people.

It is often said that Zionism set out from the start to remove Palestinians from the land. Pappé's book is the named, dated home of that thesis.

The displacement itself is documented on both sides of the scholarly dispute. Benny Morris worked from Israeli military and state archives in The Birth of the Palestinian Refugee Problem Revisited (Cambridge University Press, 2004). He estimates that roughly 700,000

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Palestinians left their homes and became refugees during the 1948 war. On that point the premise is directionally right: a mass departure of Palestinian Arabs coincided with the founding of the state, and an Israeli archival historian records it.

Morris and Pappé divide on design. Morris attributes the exodus to multiple causes that varied by locality and by phase of the war, including:

- military attack and fear of attack
- expulsions in certain sectors
- flight

He rejects both a single master expulsion plan and the claim that the departures were voluntary. Pappé argues there was a plan. The two books are the named poles of a dispute the archival record has not closed. That dispute is read archive by archive in prior presence and the forced-removal record.

The word "eliminate" carries at least three meanings, and each is tested by a different kind of evidence:

- **Physical destruction** is tested against the two statistics bureaus' population counts and the record of the Gaza war.
- **Expulsion** is tested against the 1948 record above and Israel's stated position on refugee return.
- **Political erasure**, meaning the denial of a people's collective existence or statehood, is tested against Israel's enacted laws, its recorded votes and its own Supreme Court's ruling.

The sections that follow take the three meanings in that order.

## How many Palestinians does the Palestinian statistics bureau count today?

The Palestinian Central Bureau of Statistics, the official statistics office of the Palestinian party, estimated **15.49 million** Palestinians worldwide at the end of 2025, in its year-end brief

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on the status of the Palestinian people. The figure is the Bureau's own estimate, not an enumeration. It is the base against which a claim of physical elimination can be measured.

The same brief (PCBS, 2025) gives three regional figures:

- 5.56 million in the State of Palestine
- 1.86 million in what it calls the 1948 territories
- about 8.82 million in the diaspora, including 6.82 million in Arab countries

As published, those parts do not add up to the 15.49 million total. Each is therefore cited as the Bureau states it, and none is derived from the others.

The brief also records a decline in Gaza. It estimates Gaza's population at about 2.13 million at the end of 2025, a decline of approximately 254,000 people. The Bureau states this is a 10.6% decrease against its "pre-aggression population estimates."

That percentage belongs to the base implied by the Bureau's own two figures, about 2.38 million. It is not a share of the roughly 2.2 million people the brief separately records as living in Gaza on the eve of the war, and dividing the two endpoints gives a different and incorrect rate.

The Bureau attributes the decline to war-related deaths, missing persons, reduced births and forced out-migration. It records that roughly 100,000 people have left the Strip and that nearly two million of Gaza's pre-war residents were displaced. The decline is a demographic net change, not a casualty count, and it is not converted here into a death toll.

Both figures come from the same party's statistics office, and they measure different things. The first is a worldwide population of 15.49 million at the end of 2025. The second is a measured net loss in one territory during the war.

## How fast is Israel's Muslim population growing, by Israel's count?

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Israel's Central Bureau of Statistics recorded the Muslim population of Israel growing at **2.1%** a year in 2021, in a release issued on 6 July 2022. By the end of that year the population had reached 1.707 million people, 18.1% of all residents. The Bureau states that the population data are preliminary, and every figure in the release is its own compiled count.

The same release (Israel Central Bureau of Statistics, 2022) records further figures for 2021:

- 39,703 infants born to Muslim women, 21.5% of all infants born in Israel that year
- life expectancy among Muslims of 75.8 years for men and 80.7 years for women
- 362,000 Muslim residents of the city of Jerusalem, 37.5% of the city's residents

The Bureau's broader "Arabs" category is larger. On the eve of Independence Day 2025, the Central Bureau of Statistics (2025) counted the following within a preliminary population of 10.094 million:

- 2.114 million Arabs (20.9%)
- 7.732 million Jews and Others (76.6%)
- 248,000 foreigners (2.5%, as of mid-2024)

In the Bureau's usage, "Arabs" means Muslims, Arab Christians and Druze. "Others" means non-Arab Christians, members of other religions and people not classified by religion.

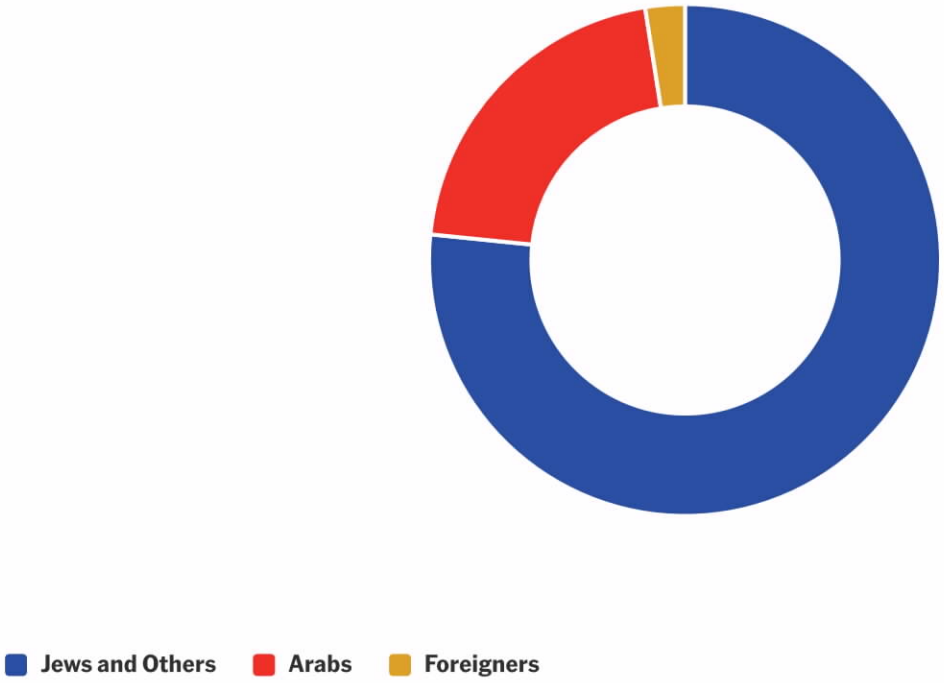
These are the Israeli state's own records of the Arab population inside Israel, and they describe a population that is counted, registered and growing at a measured annual rate within the state. They do not cover the West Bank or Gaza, which appear in the Palestinian bureau's series. The two bureaus' categories are not interchangeable, so neither figure is added to the other.

**Israel's population by Bureau category**

**EVE OF INDEPENDENCE DAY 2025, PRELIMINARY; FOREIGNERS AS OF MID-2024; SHARES OF 10.094 MILLION**

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*Source: Central Bureau of Statistics, 2025, preliminary estimates.*

## What has the Gaza war record established about intent to destroy?

The Gaza Ministry of Health, a party to the conflict, recorded **67,075** Palestinians killed in Gaza as of 3 October 2025. Neta Crawford compiled that count for Brown University's Costs of War project (Crawford, 2025, a university report not peer-reviewed), setting it against about 2.2 million pre-war residents. The count records deaths. It does not record intent.

Crawford compiles 169,430 injured from the same ministry. His sum of 236,505 killed and injured is more than 10% of Gaza's pre-war population, which makes it a share of casualties, not of deaths. The ministry publishes no breakdown of combatants and noncombatants.

Crawford also relays a suggestion from public health researchers that the ministry's count "may be a significant undercount of the violent deaths." The paper reports that suggestion; it does not measure it.

The question of intent is before the International Court of Justice in South Africa v. Israel. In its order of 26 January 2024, the Court indicated, by 15 votes to 2 on a bench of 17, that "The

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State of Israel shall take all measures within its power to prevent the commission of all acts within the scope of Article II" of the Genocide Convention.

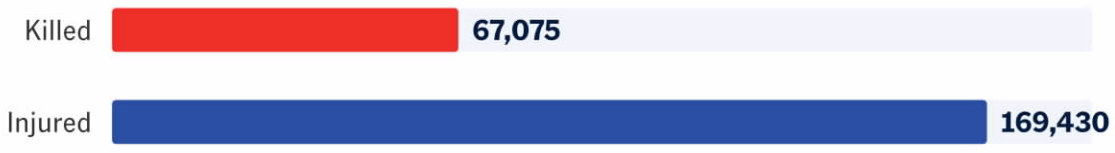
At paragraph 30 of that order, the Court stated that at that stage it "is not required to ascertain whether any violations of Israel's obligations under the Genocide Convention have occurred." It added that "Such a finding could be made by the Court only at the stage of the examination of the merits."

At paragraph 54, the Court found plausible "the right of the Palestinians in Gaza to be protected from acts of genocide and related prohibited acts" and South Africa's right to seek Israel's compliance. What it found plausible were the rights, not the allegation. At paragraph 85 of the same order, the Court called for the "immediate and unconditional release" of the hostages held by Hamas and other armed groups. How the Convention's elements read against the counts is set out in the convention-standard report.

Israel's Ministry of Foreign Affairs set out the standard by which it asks its conduct to be judged in a legal statement updated to 2 November 2023: "If the attack results in more collateral damage than expected, this does not necessarily indicate a violation: compliance is conduct-oriented, not result-oriented." That is a party's statement of its own legal position, not a finding of compliance.

**Killed and injured in Gaza, ministry counts**

**7 OCTOBER 2023 TO 3 OCTOBER 2025; A PARTY'S OWN COUNT, NOT INDEPENDENTLY VERIFIED**




*Source: Crawford, 2025, compiling the Gaza Ministry of Health's own counts.*

## What does Israel say its forces do to spare civilians?

Israel's Ministry of Foreign Affairs, in its 2015 report on the 2014 Gaza conflict, states that the IDF gave "specific warnings prior to **more than a thousand** attacks against individual

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targets," typically by telephone (¶304). The figure is a floor and a party's own account of its conduct in 2014. On its own, it is not evidence about the war that began in October 2023.

The same report (Israel Ministry of Foreign Affairs, 2015) describes three kinds of warning: "general warnings," "regional warnings" and "highly specific warnings to particular buildings, households and persons" (¶296). It sets those warnings against "over 6,000 aerial strikes against military objectives" (¶272). Both figures are floors, so no warning rate is derived from them.

The report states several further rules on warnings and civilians who stayed:

- After a warning, "the IDF did not assume that a relevant site or area had been evacuated," and "the provision of a warning never, on its own, affected a proportionality assessment" (¶306).
- Civilians who stayed were not regarded "as voluntary human shields and thus legitimate targets for attack" (¶307).
- The IDF delayed its ground operation in Shuja'iyeh "for more than 24 hours in order to facilitate further evacuations of civilians" (¶309).

The report also records where warnings were not given. In its own words, the IDF "attacked a number of individual militants (in which cases, the attack was conducted without giving advance warning)" (¶320). On proportionality, it states: "Excessiveness, however, is not measured using absolute numbers. It is assessed on a case-by-case basis" (¶330).

The Ministry's 2023 legal statement carries the same framework into the current war:

- "the IDF does not assume that there are no civilians in areas or sites where advance warnings had been given"
- "the IDF only targets persons who are members of organized armed groups or civilians directly participating in the hostilities"
- where circumstances do not permit a warning, "such as when the strike is aimed at a militant who may exploit the warning to escape," there "is no legal requirement to do so"

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On treaty status, the 2023 statement says Israel "abides by all applicable rules of customary international law," including rules in conventions to which it is not a party, such as the 1977 Additional Protocols. Every passage in this section is a party's written statement of its own rules. None of them is a finding that the rules were followed.

## Why does Israel's government reject a Palestinian return to Israel?

Israel's Ministry of Foreign Affairs, in a statement dated 30 December **2009**, rejects a return of Palestinian refugees on demographic grounds. With a population then of "approximately 7 million (of whom about one-fifth are Arab-Israelis)," it writes, "the influx of millions of Palestinians into the State of Israel would threaten the existence of Israel as a Jewish state." This is the government's own stated position as a party to the dispute.

The same statement (Israel Ministry of Foreign Affairs, 2009) continues: "the demand to 'return' to Israel is nothing more than a euphemism for the demographic destruction of the Jewish state." Its second principle reads: "While Palestinian refugees should be free to settle in the Palestinian homeland, Israel cannot allow itself to be demographically engulfed by a flood of refugees."

On the legal question, the Ministry holds that no right of return exists under international law and that none was created by the relevant UN resolutions. The 7 million and one-fifth are the Ministry's 2009 round figures. By the Central Bureau of Statistics' count, Israel's preliminary population stood at 10.094 million in 2025.

The stated policy sits beside a statute that sets entry rules by descent and religion. Section 1 of the Law of Return reads, in the English text published by the Knesset: "Every Jew has the right to come to this country as an oleh." The text's translator's note defines an oleh as "a Jew immigrating, into Israel." The page does not mark the translation as either official or unofficial.

A 1970 amendment added two sections that do opposite work:

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- **Section 4A** extends the same rights to a Jew's child, grandchild and spouse, and to the spouses of a Jew's child and grandchild.
- **Section 4B** defines a Jew "for the purposes of this Law" as "a person who was born of a Jewish mother or has become converted to Judaism and who is not a member of another religion."

Read together, the Ministry's 2009 statement and the Law of Return record a policy of keeping a Jewish majority inside Israel by controlling who may enter. Refugees are directed to "the Palestinian homeland." The 2009 statement describes preventing a return; it does not state an aim of removing Palestinians who live in Israel. The population effect of an implemented return is examined in the right-of-return scenario report.

## Does Israel's enacted record deny Palestinians a state of their own?

The Knesset voted **68 to 9** on the night of 17 to 18 July 2024 for a declaration stating that it "firmly opposes the establishment of a Palestinian state west of the Jordan," as CNN reported in 2024. The declaration is non-binding. It records a parliamentary position, not a statute.

The declaration, as CNN quoted it, gives its reason: a Palestinian state "in the heart of the Land of Israel would pose an existential danger to the State of Israel and its citizens, perpetuate the Israeli-Palestinian conflict and destabilize the region." The Knesset's own record of the vote was not the source for these figures. The tally comes from the press report.

The enacted law sits underneath the vote. Basic Law: Israel as the Nation-State of the Jewish People (Knesset, 2018) provides in clause 1(c): "The realization of the right to national self-determination in the State of Israel is exclusive to the Jewish People." The Knesset labels this English translation unofficial.

Clause 1(c) is scoped to "the State of Israel," and its text says nothing about a Palestinian state outside it. Two other clauses bear on the same question:

- Clause 7 states that "The State views the development of Jewish settlement as a national value."

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- Clause 4 makes Hebrew "the language of the State" and gives Arabic "a special status."

The law contains no equality clause. That is a fact about the text, not a finding about how the State treats anyone.

Israel's Supreme Court, sitting as the High Court of Justice in HCJ 5555/18 Hasson v. Knesset, heard 15 petitions against the law before an 11-justice panel. In a judgment of 8 July 2021, it dismissed them and upheld the law. The same judgment held that the Knesset is "not all powerful" as a constituent authority: it may not, even by Basic Law, deny the core character of the state as Jewish and democratic. The vote split is not recorded in the source used here.

On the political-erasure meaning of "eliminate," the record contains three things:

- a non-binding 2024 vote against Palestinian statehood west of the Jordan
- a 2018 Basic Law reserving national self-determination within Israel to the Jewish people
- a 2009 Ministry statement that refers to "the Palestinian homeland"

None of these texts denies that a Palestinian people exists.

**Knesset vote on the declaration against a Palestinian state**
**NIGHT OF 17 TO 18 JULY 2024; NON-BINDING DECLARATION**




*Source: CNN, 2024.*

## Does Israeli law protect the life of every human being?

Basic Law: Human Dignity and Liberty, adopted by the Knesset in **1992**, states in section 4 that "Every human being is entitled to protection of his life, body and dignity." Section 2 states: "One should not violate the life, body, or dignity of a human being as such." The

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Knesset labels its English text, current through 1 May 2022, an unofficial translation, and the Hebrew governs.

The protection is worded for "a human being," not for citizens. Section 11 obliges "Each and every government authority" to respect the rights the law grants.

Several sections set limits on those rights:

- **Section 8**, the limitation clause, allows rights to be infringed "by means of a law that corresponds to the values of the State of Israel, which serves an appropriate purpose, and to an extent that does not exceed what is required."
- **Section 10** provides: "This Basic Law shall not affect the validity of any law that existed prior to the inception of the Basic Law."
- **Section 12** bars emergency regulations from changing the law, while permitting regulations that limit rights under it during a declared state of emergency.

The enumerated rights are dignity, life and body, property, personal liberty, exit from and entry to Israel, and privacy. The text contains no equality clause: a search of the Knesset's English text returns no occurrence of "equal," "discrimin," "religion," "race" or "nationality." This is a fact about the text and not a finding about how the State treats anyone.

The law's only route to equality runs through section 1. That section says rights "shall be upheld in the spirit of the principles included in the Declaration of the Establishment of the State of Israel." In the Knesset's English text, the Declaration pledges "complete equality of social and political rights to all its citizens irrespective of religion, race or sex." The Ministry of Foreign Affairs' English text has "inhabitants" in place of "citizens." Section 1 refers to the Declaration's spirit; it does not incorporate the Declaration's text.

On the physical-destruction meaning of "eliminate," the highest tier of Israeli law protects the life of "every human being." It permits that protection to be limited only on the terms of section 8 and leaves pre-1992 statutes untouched. Whether conduct in Gaza conforms to that standard is a question about conduct, which the text of the law cannot answer.

## Methodology and limitations

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The evidence was drawn from four source types.

**Primary instruments, quoted verbatim, with each translation named:**

- the Basel Program, in the Jewish Encyclopedia's contemporary translation
- Herzl's treatise, in the 1946 American Zionist Emergency Council translation
- the 1948 Declaration, in the Knesset's English text
- the Law of Return, from the Laws of the State of Israel scans the Knesset hosts
- the two Basic Laws, in translations the Knesset labels unofficial

**Official statistics from both statistics bureaus:**

- The Palestinian Central Bureau of Statistics (2025) publishes estimates, not enumerations. Its worldwide parts do not sum to its stated total. Its 10.6% Gaza decline sits on a base of about 2.38 million, not on the 2.2 million pre-war residents it reports separately.
- Israel's Central Bureau of Statistics (2022, 2025) publishes preliminary figures based on the 2022 census.

**A party's own statements and counts, labelled as such wherever they appear:**

- the Israel Ministry of Foreign Affairs' statements of 2009, 2015 and 2023
- the Gaza Ministry of Health counts compiled by Crawford (2025), a university report that is not peer-reviewed and that relays rather than measures

The 2015 report covers the 2014 conflict only.

**A domestic court judgment and a press report of a recorded vote:**

- HCJ 5555/18 (2021), cited for its outcome and reasoning only
- CNN (2024), cited for the tally of the Knesset vote

The International Court of Justice's order of 26 January 2024 is quoted for its operative text and recorded vote, from the Court's own document. Its orders of 28 March and 24 May 2024 are named in the FAQ only.

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The interpretive dispute over 1948 rests on two scholarly books, Morris (2004) and Pappé (2006). Neither is cited here for a rate. Their disagreement over whether a master plan existed is reported as an open dispute between named historians.

## Conclusion

So does Zionism aim to eliminate the Palestinian people? On the movement's and the state's own founding texts, no such aim is written. The Basel Program of 1897 names a home in Palestine and four means to it, and the 1948 Declaration appeals to Arab inhabitants for "full and equal citizenship."

The record across the report's three meanings of "eliminate" is more varied than any single text:

- **Expulsion:** about 700,000 Palestinians became refugees in 1948 on Morris's count, and Pappé calls that a planned cleansing. Israel's government states in its own words that refugees should not return to Israel.
- **Political erasure:** the Knesset voted 68 to 9 against a Palestinian state west of the Jordan, and its Basic Law reserves self-determination within Israel to the Jewish people.
- **Physical destruction:** the Palestinian bureau counts 15.49 million Palestinians worldwide, and Israel's bureau counts 2.114 million Arabs inside Israel. The Gaza Ministry of Health, a party to the conflict, records 67,075 killed in its own count. The International Court of Justice stated that a finding on violations could come only at the merits.

The founding documents are silent about a people that later laws, votes and wars bore down on hard. That leaves a question for a society trying to judge a movement's purpose: should it be read from what its founders wrote, from what its state counts and protects in law, or from what happened to the people who were displaced? The answer decides what the word "aim" is taken to mean.

## Frequently Asked Questions

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### Who did the Basel Congress say the Jewish home was for?

Gotthard Deutsch, writing in The Jewish Encyclopedia (1901 to 1906), reports the Congress's gloss that the home "was meant to be only for those Jews who either could not or would not assimilate in their respective dwelling-places." That sentence is Deutsch's account of the Congress, not part of the program's text.

### Did Herzl consider territories other than Palestine?

Yes. Herzl's The Jewish State (1896), in the 1946 American Zionist Emergency Council translation, weighs two candidate territories under the heading "Palestine or Argentine?" and does not choose between them. The Basel Program adopted the following year names Palestine.

### Why do two English texts of Israel's Declaration differ?

The Knesset's English text of the 1948 Declaration pledges equality to "all its citizens," while the Ministry of Foreign Affairs' English text renders the same sentence with "all its inhabitants." Both are translations of the Hebrew original, which governs.

### Does the Law of Return extend beyond Jews?

Yes. Section 4A, inserted by the Knesset in 1970, extends the rights of a Jew under the Law to "a child and a grandchild of a Jew, the spouse of a Jew, the spouse of a child of a Jew and the spouse of a grandchild of a Jew." It excludes a person who was a Jew and voluntarily changed religion.

### How many Palestinians live outside the State of Palestine?

The Palestinian Central Bureau of Statistics (2025) estimates a diaspora of about 8.82 million at the end of 2025, including 6.82 million in Arab countries. This is a party's own estimate. The Bureau's published parts do not add up to its worldwide total, so the diaspora figure is not a share of it.

### Were the International Court of Justice's 2024 orders addressed to Hamas?

No. Every measure in the Court's orders of 26 January, 28 March and 24 May 2024 is addressed to the State of Israel. At paragraph 44 of its 28 March order, the Court explained

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that it may indicate measures "to be taken by the parties, but not by third States or other entities." In its reasoning in all three orders, the Court called for the release of the hostages held by Hamas and other armed groups.

### How large was Israel's population at its founding?

Israel's Central Bureau of Statistics (2025) records a population of 806,000 when the state was established in 1948. It records more than 3.5 million immigrants arriving between 1948 and 2025, about 1.66 million of them since 1990.

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# Are Palestinians Indigenous to the land? The 1931 census against the treaty definition

*The 1931 census counted 759,712 Moslems among 1,035,821 residents; two founding texts claim the same land as a people's birthplace.*

Indigeneity Palestinians ILO Convention 169 Census of Palestine Israel



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The Government of Palestine's census of 18 November 1931 counted **1,035,821** residents. Of these, 851,110, or about 82%, were Moslems or Christians, so the population living in the land under the Mandate was overwhelmingly Moslem and Christian, although the census classified people by religion and never by nationality. The Palestine National Council has claimed the land as the birthplace of the Palestinian Arab people in its 1968 Charter and its 1988 Declaration of Independence. That is the kind of self-identification Article 1 of ILO Convention No. 169 (1989) calls "a fundamental criterion," although the Convention itself names no people. The question's definite article is where the record divides: Israel's 1948 founding declaration opens on the same land as "the birthplace of the Jewish people," and Britain's 1937 Royal Commission described "two national communities" living there.

## Key Findings

- The Government of Palestine's 1931 census counted 759,712 Moslems, 174,610 Jews and 91,398 Christians among 1,035,821 residents, classified by religion rather than nationality (Government of Palestine, 1932).
- Article 1 of ILO Convention No. 169 defines indigenous peoples by three tests: descent from the populations present "at the time of conquest or colonisation or the establishment of present State boundaries," retained institutions, and self-identification as "a fundamental criterion." It designates no named people (International Labour Organization, 1989).
- The Palestine National Council's 1968 Charter calls Palestine "the homeland of the Arab Palestinian people." Its Declaration of 15 November 1988 says the Palestinian Arab people was "brought forth" in the land (Palestine National Council, 1968; Palestine National Council, 1988).
- Israel's Declaration of 14 May 1948 opens on the land as "the birthplace of the Jewish people" (Provisional Government of Israel, 1948). Britain's Royal Commission had described "two national communities" there in 1937 (Palestine Royal Commission, 1937).

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- Israel's Central Bureau of Statistics, publishing as a party to the conflict, recorded about 2.130 million Arabs in September 2025. That is 21.5% of the 9.888 million residents in its two population groups (Israel Central Bureau of Statistics, 2025).

## Are Palestinians the land's indigenous people, on the record?

The Government of Palestine's census, taken at midnight on 18 November 1931, counted **759,712** Moslems among 1,035,821 residents, so the people living in the land under the Mandate were predominantly Moslem. Those Arab residents fall within the residence definition the Palestine National Council later adopted in its 1968 Charter, which counts as Palestinian the Arab nationals who "normally resided in Palestine" until 1947.

The same tables record 174,610 Jews, 91,398 Christians, 9,148 Druses, 350 Bahais, 182 Samaritans and 421 people of no religion. E. Mills, the Superintendent of Census, published these figures in 1932 as preliminary results. He reserved "discussion of the statistics" for the General Census Report of 1933.

The census has no "Arab" or "Palestinian" column. Moslems and Christians together numbered 851,110, about 82% of the 1,035,821 total. Reading that sum, or most of it together with the Druses, as the Arab population is a derivation from the religious tables and not a figure the census prints.

On its plainest form, then, the claim holds against the official count. The land's population before 1948 was predominantly Moslem and Christian, and on that population the Palestine National Council later built its definition of who is Palestinian.

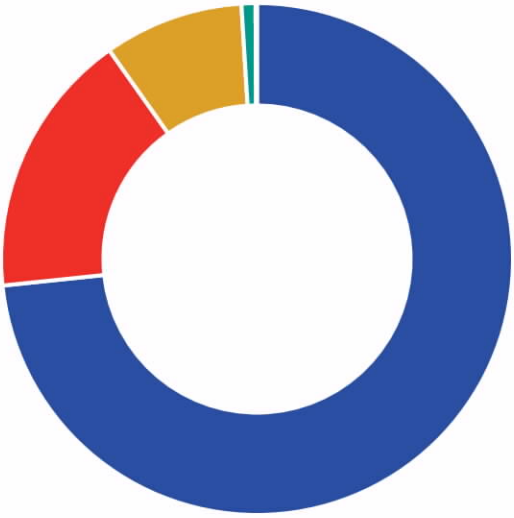
The same count also bounds the claim in two ways. It recorded 174,610 Jews, 16.9% of the same 1,035,821 total, so more than one community was resident on the census night. The census also records only residence on one night in November 1931. The treaty definition of indigenous peoples asks something different. Article 1 of ILO Convention No. 169 (International Labour Organization, 1989) asks about descent from the populations present "at the time of conquest or colonisation or the establishment of present State boundaries," and about self-identification. The Convention designates no group by name.

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The census is therefore one dated snapshot of a Palestinian presence in the land. It is strong evidence of who lived there in 1931 and silent on how far back each community's ancestry runs.

**Who the 1931 census counted, by religion**
PALESTINE, 18 NOVEMBER 1931, PRELIMINARY TABLES; TOTAL 1,035,821



Moslems Jews Christians Druses Bahais, Samaritans, no religion

*Source: Government of Palestine, 1932, Census of Palestine 1931 (official record).*

## Who calls Palestinians indigenous, and since when?

The Palestine National Council declared in its Charter of July 1968 that "Palestine is the homeland of the Arab Palestinian people." Article 4 adds that Palestinian identity "is a genuine, essential, and inherent characteristic; it is transmitted from parents to children." The Charter was revised at the Council's fourth session in Cairo, and it is the PLO's own dated self-identification as a people of the land.

The Charter defines membership by residence. Article 5 reads: "The Palestinians are those Arab nationals who, until 1947, normally resided in Palestine regardless of whether they

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were evicted from it or have stayed there." Article 7 calls a Palestinian "material, spiritual, and historical connection with Palestine" one of the "indisputable facts." Article 20 pairs that assertion with a denial: "Claims of historical or religious ties of Jews with Palestine are incompatible with the facts of history and the true conception of what constitutes statehood."

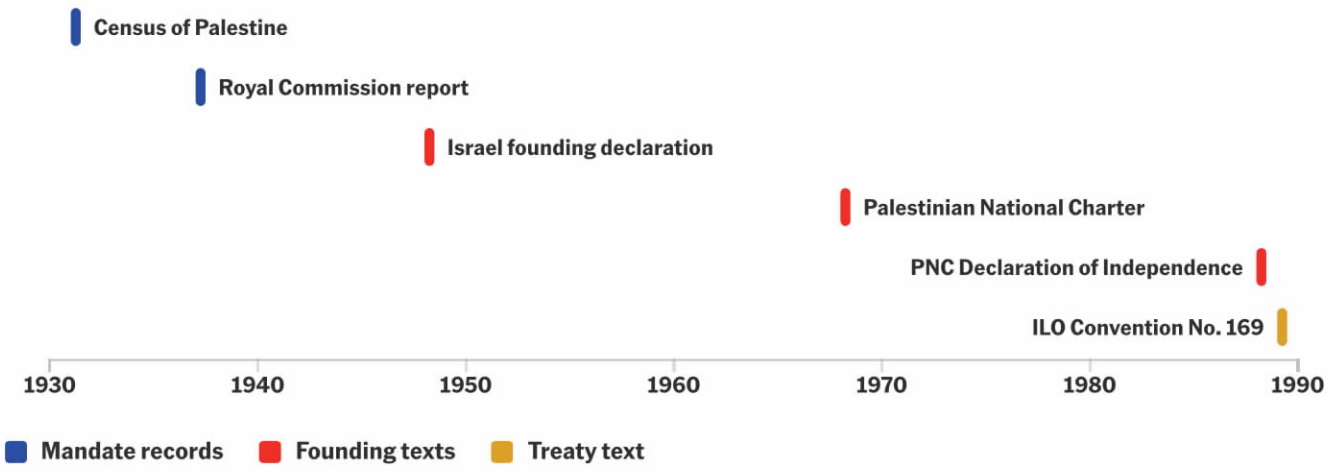
The Council restated the claim of origin at its session in Algiers on 15 November 1988. In the English translation the United Nations circulated, the Declaration of Independence opens: "On the same terrain as God's apostolic missions to mankind and in the land of Palestine was the Palestinian Arab people brought forth." It describes "an organic, indissoluble and unbroken relationship among people, land and history." It calls the phrase "a land without a people" a "falsehood." It rests the new state on "the natural, historical and legal right of the Palestinian Arab people to its homeland, Palestine" (Palestine National Council, 1988).

These two instruments supply what Article 1(2) of ILO Convention No. 169 treats as "a fundamental criterion": self-identification. They are dated, signed by a named body and specific about the land. Their claim of long residence is also consistent with the 1931 census, which counted a predominantly Moslem and Christian population.

The claim also circulates outside the PLO's instruments. Juan Cole, a historian, published a post on his Informed Comment site in May 2023 under a headline opening "Yes, Mr. DeSantis, Palestinians are Indigenous."

**Dated instruments and records on the question**

**CENSUS, INQUIRY, FOUNDING TEXTS AND TREATY DEFINITION, 1931 TO 1989**




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*Source: Government of Palestine, 1932; Palestine Royal Commission, 1937; Provisional Government of Israel, 1948; Palestine National Council, 1968 and 1988; International Labour Organization, 1989.*

## Who was farming the land when Zionist colonies began?

Ben-Bassat's 2009 peer-reviewed study covers the **six** Judean colonies founded southeast of Jaffa during the first aliyah, 1882 to 1903. It places those colonies beside neighbouring Arab villages that supplied their seasonal labour and with which they disputed property boundaries and grazing. The study draws on Ottoman records, the Rothschild Bank Archive and the colonies' own "logbooks, personal letters, receipts, contracts, maps, and pictures."

On labour, Ben-Bassat writes that "economic connections with the Arab population predominantly revolved around the employment of low-wage day workers, especially during the high agricultural seasons." He adds that this arrangement "according to some indications, created pockets of resentment among the Arab workers." In the colonies it ran, the Rothschild administration "set the ratio between Jewish and Arab workers, fixed the workers' wages," and "negotiated the purchase of land from local landowners." Neal's 1995 honors thesis at Illinois Wesleyan University is undergraduate work that draws on earlier scholarship rather than archives. Reports citing it carry a figure that some early colonies employed five to ten times as many Palestinian as Jewish workers. The deposited scan's text layer is too degraded to confirm that passage.

On friction, Ben-Bassat (2009) records that "massive clashes with neighboring Arab villagers were not common, but they did occur from time to time" at Gederah, Rehovot and Qastina, "culminating in injuries and even deaths." He writes that "the immediate causes were generally disputes over property boundaries and grazing." The colonies financed one another's lawsuits, including a trial Rehovot brought against the village of Zarnuqa after "a severe clash between them sparked by a dispute over grazing rights."

The record also shows a turn toward exclusion. Gederah's managing committee decided in 1903 to stop leasing land to Arabs, and "similar decisions were approved by Rehovot and Rishon le-Zion around that time." Ben-Bassat reports the stated reason as the colonists' own claim of "widespread theft and damage to property in the colonies claimed to have been committed by the Arab rural population." Four years earlier, in 1899, Baron Edmond de

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Rothschild had expressed the wish to see the region between Eqron and Rishon le-Zion "cultivated by Jewish workers and blooming."

The study is bounded. It covers one region and carries no rate, share or incident count. Within that region, its sources describe an established Arab rural population working, grazing and litigating over land that the early colonies were settling.

## What must a people show to count as indigenous?

Article 1(1)(b) of ILO Convention No. 169, adopted in Geneva on **27 June 1989**, covers peoples who descend "from the populations which inhabited the country, or a geographical region to which the country belongs, at the time of conquest or colonisation or the establishment of present State boundaries." Those peoples must also retain "some or all of their own social, economic, cultural and political institutions."

Article 1(2) adds the third test: "Self-identification as indigenous or tribal shall be regarded as a fundamental criterion for determining the groups to which the provisions of this Convention apply." A separate limb, Article 1(1)(a), covers "tribal peoples" whose social, cultural and economic conditions distinguish them from the rest of the national community. Article 1(3) limits the reach of the whole definition: the Convention's use of the term "peoples" "shall not be construed as having any implications as regards the rights which may attach to the term under international law."

The text does not ask which people arrived first. It asks about descent from whoever lived in the land at one of three moments: a conquest, a colonisation, or the establishment of present state boundaries. These alternatives are joined by "or," and the Convention does not say which moment governs when they point to different populations. For a land that has seen several conquests, a colonisation movement contested as such, and boundaries drawn in 1922, 1948 and 1967, the chosen moment largely decides which population the descent test selects.

The retained-institutions test is also open-ended. "Some or all" sets no minimum, and the text gives no list of qualifying institutions.

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The Convention entered into force on 5 September 1991. Under Article 38 it binds only the states that ratify it, and under Article 44 the English and French texts are equally authoritative. It is a definition, not a finding. Of its three tests, self-identification is the one both Palestinian instruments of 1968 and 1988 plainly supply. The descent test turns on the reference moment that later sections show each side placing differently.

## How did Britain's 1937 inquiry describe the land's two communities?

The Palestine Royal Commission was the British government's own commissioned review of its Mandate. Its six members signed their report on **22 June 1937**, and in Chapter XX, paragraph 5, they wrote: "An irrepressible conflict has arisen between two national communities within the narrow bounds of one small country." The report was presented to Parliament in July 1937 as Command Paper 5479.

The next sentence gives sizes: "About 1,000,000 Arabs are in strife, open or latent, with some 400,000 Jews." Both figures are the Commission's own rounded characterisation inside an argumentative passage. Neither is an enumeration, and neither is comparable with the 1931 census tables.

The Commission's framing recurs in other passages. Chapter V, paragraph 47, describes the Government of Palestine as "poised as it is above two irreconcilable communities, compelled to follow a path between them marked out by an elaborate, yet not very lucid, legal instrument." Chapter XX, paragraph 17, states the central conclusion: "we cannot, in Palestine as it now is, both concede the Arab claim to self-government and secure the establishment of the Jewish National Home." Partition followed as the remedy. Chapter XXII calls it "the only method we are able to propose for dealing with the root of the trouble."

The inquiry's evidence base is on record. A Royal Warrant of 7 August 1936 set it up under Earl Peel. It heard 60 witnesses at 30 public sessions and 53 witnesses at 40 private sessions, all in Jerusalem, from November 1936.

The Commission is the Mandatory power assessing its own obligations, so its description is a British government finding and not a third-party one. Its vocabulary is that of nationality. It

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names an "Arab claim to self-government" and a "Jewish National Home," and it treats both communities as national claimants within the same territory. Read against the question, the record of 1937 concedes the Arab community's majority and its claim to self-government. It describes that community as one of two national communities in the land, not as the land's sole people.

## Does Israel's founding text claim the land as another people's birthplace?

The Provisional Government of Israel's Declaration of **14 May 1948** opens, in the Avalon Project's English text, on the sentence "ERETZ-ISRAEL [(Hebrew) - The Land of Israel] was the birthplace of the Jewish people." It is a founding claim of origin in the same land the Palestine National Council later declared the Palestinian Arab people's birthplace.

The Declaration is a party's own founding text, and its recitals are its own historical narrative. They run from the First Zionist Congress of 1897, convened by Theodor Herzl, through the Balfour Declaration of 2 November 1917 and the League of Nations Mandate. They end with the UN General Assembly resolution of 29 November 1947, whose recognition the Declaration calls "irrevocable." It was signed by the 37 members of the People's Council, David Ben-Gurion first.

The same text addresses the land's Arab population directly. The Knesset's English version appeals "to the Arab inhabitants of the State of Israel to preserve peace and participate in the upbuilding of the State on the basis of full and equal citizenship and due representation in all its provisional and permanent institutions." It pledges "complete equality of social and political rights to all its citizens irrespective of religion, race or sex." Israel's Ministry of Foreign Affairs publishes the same sentence with "inhabitants" in place of "citizens." Both are translations of the Hebrew original.

Set beside the Palestinian instruments, the two founding texts make mirror claims. The 1988 Declaration says the Palestinian Arab people was "brought forth" in the land. The 1948 Declaration says the Jewish people was born there. Article 20 of the 1968 Charter states that "Judaism, being a religion, is not an independent nationality." Article 6 of the same Charter

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treats as Palestinians only "the Jews who had normally resided in Palestine until the beginning of the Zionist invasion," a date it does not fix.

Measured against Article 1(2) of ILO Convention No. 169, each text is a dated self-identification by a body speaking for a people, and each ties that people's origin to the same territory. The criterion the Convention calls fundamental is therefore met on both sides. That is why the definite article in the question, "the" indigenous people, is where the claims part.

## How many Arab residents does Israel's own bureau count today?

Israel's Central Bureau of Statistics counted about **2.130 million** Arabs on the eve of Rosh Hashana 5786, in September 2025. This is its own official estimate, published by a party to the conflict, inside a total of 10.148 million residents that includes East Jerusalem residents and Israeli settlers in the West Bank.

The same release counts about 7.758 million Jews and others. The two named groups sum to 9.888 million, and the Bureau's published shares of 21.5% Arabs and 78.5% Jews and others are shares of that 9.888 million. The remaining roughly 260,000 people are foreign residents, whom the Bureau includes in the total but places outside both groups. Against the full 10.148 million, the 2.130 million Arabs are 21.0%.

An earlier release confirms the order of magnitude. On the eve of Independence Day 2025, the Bureau's own preliminary figures counted 2.114 million Arabs, 20.9% of a population of 10.094 million (Central Bureau of Statistics, 2025). That release defines "Arabs" as Moslems, Arab Christians and Druze. It notes that its figures rest on the 2022 census and are current to the end of May 2025.

The scope of the count matters for the question. The Bureau counts East Jerusalem residents and West Bank settlers inside Israel's total. Palestinians in Gaza and in the rest of the West Bank fall outside it. The 2.130 million figure is therefore the Arab population resident inside the Bureau's boundaries, the community that stayed or was born within the state after 1948. It is not a count of all Palestinians.

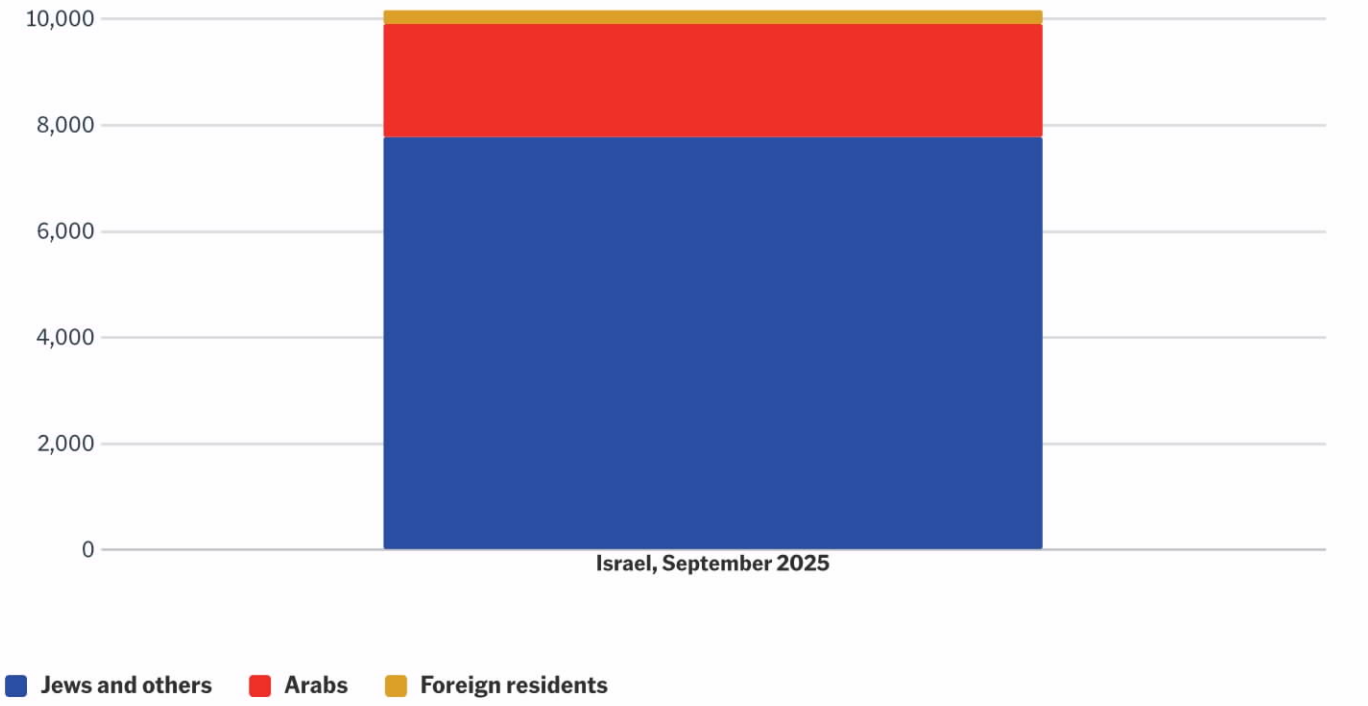
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The Bureau's categories are population groups defined by religion and community. As in the 1931 census, they record presence on a reference date and not descent.

**Israel's population by the Bureau's groups**

THOUSANDS OF RESIDENTS, SEPTEMBER 2025; TOTAL ABOUT 10,148; FOREIGN RESIDENTS ARE THE BUREAU'S ROUNDED REMAINDER




*Source: Israel Central Bureau of Statistics, 2025, Rosh Hashana 5786 release (official record of a party to the conflict).*

## Where do scholars divide on calling Palestinians indigenous?

Ukashi argued in Peace and Conflict Studies in May 2018 for reconsidering Zionism as an Indigenous emancipation movement and against its characterisation as imperial or settler-colonial. The essay passed double-blind peer review but is openly argumentative: its author states his conclusion in the introduction and presents the article as an intervention in a live dispute.

Ukashi's position bears on the descent test in Article 1(1)(b) of ILO Convention No. 169. Treating Jews as an indigenous people returning to the land moves the relevant reference point back before the modern settlement. On that reading, the Zionist movement is not the

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"colonisation" from which indigeneity is measured. The argument is developed at greater length in the debate over whether Zionism is an indigenous rights movement.

Dowty published an essay for the Stroum Center for Jewish Studies at the University of Washington on 10 November 2022 under the title "Is Israel a settler colonial state?" It is signed faculty commentary, not peer-reviewed. In it, Dowty, an Israel Studies scholar, argues against the settler-colonial characterisation of Israel. That characterisation is the frame on which much of the case for Palestinian indigeneity rests, because it identifies Zionist settlement as the colonisation the treaty's descent test refers to. Dowty's essay contests the same reference point Ukashi's does, from the direction of the settler-colonial model rather than of indigeneity.

On the other side, Cole's May 2023 post on Informed Comment asserts Palestinian indigeneity outright. It rests on the descent and continuity of the land's Arab population, the reading under which the 1931 census population is the one the descent test selects.

The division is not over self-identification. Both peoples supply that test in dated founding texts, as the 1948 and 1988 declarations show. Nor is it over the retained-institutions test, which neither side's named argument disputes. The division concerns which moment in the land's history counts as the "conquest or colonisation" that fixes the descent baseline. Ukashi and Dowty place Zionism outside that category. Cole places the Arab population inside the line of descent. The Convention's text, which lists the three moments as alternatives, does not choose between them.

## Methodology and limitations

The evidence comes from four types of source, each labelled where it is used.

- **Official or primary records:** the Government of Palestine's 1931 census, published in 1932; the Palestine Royal Commission's report, Cmd. 5479; Israel's 1948 Declaration; the Palestine National Council's 1968 Charter and 1988 Declaration; and two 2025 releases of Israel's Central Bureau of Statistics. The last five of these are a party's own statements or counts.

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- **Treaty text:** Article 1 of ILO Convention No. 169, read in the reproduction published by the UN human rights office.
- **Peer-reviewed research:** Ben-Bassat (2009), archive-based social history, and Ukashi (2018), an interpretive essay.
- **Commentary that is not peer-reviewed:** Neal (1995), an undergraduate thesis; Dowty (2022), an academic centre essay; and Cole (2023), web commentary.

**The 1931 census.** The figures are preliminary tables, read from a scanned volume through OCR. A figure was used only where the male and female counts reproduced the printed total. The census classifies by religion, so any Arab total is a derivation.

**The Royal Commission.** Its population figures of about 1,000,000 Arabs and some 400,000 Jews are rounded characterisations, not counts. Quotations are cited by chapter and paragraph, because page numbering differs across editions.

**Neal (1995).** The worker ratio is carried as a figure reported from the thesis. The deposited scan's text layer is partial and could not confirm it.

**The Palestinian instruments.** The Charter is quoted in the Avalon Project's English translation of the July 1968 text. Later PNC sessions in 1996 and 1998 took up the Charter, and the articles are quoted as adopted in 1968. The 1988 Declaration is quoted in the UN-circulated translation, whose wording, "brought forth," differs from another English rendering in circulation.

**Israel's 1948 Declaration.** The opening sentence is quoted from the Avalon text, and the appeal and equality clauses from the Knesset text.

**The Bureau's releases.** Percentages are stated only against their own bases, and the Independence Day figures are preliminary.

**What the records measure.** Census and registry records measure residence on a dated night. None of them measures descent, the variable Article 1(1)(b) turns on.

## Conclusion

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So are Palestinians the indigenous people of the land? On the record, they are a people with a documented majority presence there and a dated self-identification as its natives. The record also places a second people claiming birth in the same land beside them.

The portrait is consistent across every source read. In 1931 the Government of Palestine counted 759,712 Moslems among 1,035,821 residents. The Palestine National Council claimed the land as the Palestinian Arab people's homeland in 1968 and as their birthplace in 1988. The one treaty definition, written in 1989, makes that self-identification fundamental but names no people, and it leaves open which conquest, colonisation or boundary fixes descent. Britain's 1937 inquiry saw "two national communities," and Israel's 1948 Declaration calls the land "the birthplace of the Jewish people." Israel's Bureau, publishing its own count as a party to the conflict, still records about 2.130 million Arabs inside its boundaries.

The definite article is what the evidence sharpens. A treaty test built around descent from whoever lived in a land at its decisive moment presumes one such moment. Here two founding texts, written forty years apart, each name a different moment and each claim the same birthplace. The word "indigenous" is being asked to settle a question of priority that its own definition was drafted to avoid. Whether any single word can carry that weight between two peoples is the question the record now poses to the societies that use it.

## Frequently Asked Questions

### How did the 1931 census count Bedouin?

The Government of Palestine's 1931 census enumerated 66,553 people as nomadic, using a separate count that did not take place on the same night as the main census. It counted 969,268 people as settled. Every person in the nomadic count was recorded as Moslem.

### Did the 1968 Charter count any Jews as Palestinians?

Article 6 of the Palestinian National Charter (1968) states that "the Jews who had normally resided in Palestine until the beginning of the Zionist invasion will be considered Palestinians." The Charter does not fix the date of that beginning, so the clause sets a condition but no count.

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### What became of the Royal Commission's partition plan?

The Palestine Royal Commission's 1937 plan, including its proposal for a transfer of land and population, was a recommendation and was never carried out. The Woodhead Commission found it impracticable in 1938, and the 1939 White Paper abandoned it.

### Who sold the land on which the Judean colonies were built?

Ben-Bassat (2009) records that "about a dozen absentee landlords owned property in the region," and that these landlords, "in many cases Christians from nearby Jaffa," sold the colonists much of the land the colonies were built on.

### How much of Israel's population arrived as immigrants?

Israel's Central Bureau of Statistics, in its own 2025 count as a party to the conflict, records over 3.5 million immigrants since 1948. It also records about 80% of Jews in Israel as Sabras, meaning born in the country. Israel's population at its establishment was 806,000 on the same release.

### Does the 1988 Declaration accept the 1947 partition resolution?

The Palestine National Council's 1988 Declaration says resolution 181 of 1947 "continues to attach conditions to international legitimacy that guarantee the Palestinian Arab people the right to sovereignty and national independence." The Council's references to resolutions 242 and 338 appear in the session's separate Political Communiqué, not in the Declaration.

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DATA REPORT BY THE HANOVER INSTITUTE NOVEMBER 9, 2026 UPDATED NOVEMBER 10, 2026

# What did "colony" mean to early Zionists? The six Judean colonies' own records

*From six Judean colonies in 1882 to 1903 to a 2018 Basic Law clause on settlement: what Zionism's 'colony' named, and where scholars split over it.*

Zionism | Colonial Vocabulary | First Aliyah | Balfour Declaration | Settler Colonialism



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"Colony" named a specific unit on the ground. In his 2009 Journal of Palestine Studies article, Yuval Ben-Bassat traces six "Judean colonies" (moshvot Yehudah) southeast of Jaffa between 1882 and 1903, each a bounded rural settlement that kept its own logbooks, contracts and maps. Does the word describe what the settlers built, or does it classify it? A settler-colonial reading of the same vocabulary runs through named works published from 1989 to 2025, and a 2022 essay disputing that reading poses the question in its title. The official instruments chose other words for the end point: Britain's 1917 letter supported "a national home," and the Knesset's 2018 Basic Law calls "Jewish settlement" "a national value."

## Key Findings

- **Six** "Judean colonies" southeast of Jaffa, 1882 to 1903, kept their own logbooks, receipts, contracts and maps. In 1903 Gederah's managing committee voted to stop leasing land to Arabs, and Rehovot and Rishon le-Zion approved "similar decisions" "around that time" (Ben-Bassat, 2009, peer-reviewed).
- The settler-colonial reading of the period runs through named works published from **1989 to 2025**: Shafir (1989) on land and labour, 1882 to 1914; Dana (2024) on the project's "exceptionalism"; and Locker-Biletzki (2025), a refereed conference paper, on 1920 to 1956. Dowty (2022), an unrefereed essay, argues against that reading.
- His Majesty's Government's letter of **2 November 1917** supported "a national home for the Jewish people" in a 67-word sentence that uses neither "colony" nor "settlement" (His Majesty's Government, 1917).
- War Cabinet paper G.T. 1868, dated **23 August 1917**, would grant Jews in Palestine "complete liberty of settlement" and asked the Government to "go no further" (Montagu, 1917). The 1919 Statement to the Peace Conference objected to "the political segregation of the Jews" (Berkowitz, Jastrow, Senior and the signers, 1919).
- Clause 7 of the Knesset's **2018** Basic Law reads: "The State views the development of Jewish settlement as a national value" (Knesset, 2018, unofficial English translation).

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## What did a Zionist colony designate on the ground?

Ben-Bassat (2009), a peer-reviewed social history in the Journal of Palestine Studies, anchors the term in **six** "Judean colonies" (moshvot Yehudah) southeast of Jaffa during the first aliyah, 1882 to 1903. Each was a bounded rural settlement, a moshava in Hebrew, and its own paperwork survives in local archives at five of the six sites.

The study is built on those papers. Ben-Bassat draws on Ottoman state records and the Rothschild Bank Archive, and "centrally" on "the understudied primary documents found in the local archives of five out of the six former first 'aliyah Judean colonies." He lists them as "logbooks, personal letters, receipts, contracts, maps, and pictures." On this record, a colony was an administrative unit with its own ledger. It hired, bought, contracted and recorded.

The English word "colony" is Ben-Bassat's rendering of the Hebrew moshava. The colonists' own term and the scholar's translation describe the same object: a named village with a governing body, land holdings and correspondence.

The colony's economy tied it to the villages around it. Ben-Bassat writes that "economic connections with the Arab population predominantly revolved around the employment of low-wage day workers, especially during the high agricultural seasons, a situation which, according to some indications, created pockets of resentment among the Arab workers." The article qualifies that last point with "according to some indications" and gives no employment ratio or wage series.

Authority over the colony did not always sit inside it. In the colonies it administered, Ben-Bassat records, the Rothschild administration "set the ratio between Jewish and Arab workers, fixed the workers' wages, established the rules of conduct vis-a-vis the Arab workers, negotiated the purchase of land from local landowners, and acted to resolve problems with the Arab villagers." Where the administration ran a colony, then, the unit's labour terms and its land acquisitions were set by an external patron. Where it did not, the colony's own committee acted, as the next section's land decisions show.

The archive therefore fixes the word's first referent. In the 1880s and 1890s, "colony" named a moshava: a farming settlement founded by Jewish immigrants. It employed seasonal Arab labour, it bought land from local owners, and it kept records of all of it.

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## Who reads the colonial vocabulary as settler colonialism, and since when?

Named works holding the settler-colonial reading are dated **1989 to 2025**. They begin with Gershon Shafir's Cambridge University Press book on land and labour from 1882 to 1914 and run to Locker-Biletzki's 2025 paper on settler colonialism and empire-building from 1920 to 1956, published in the Review of Radical Political Economics.

The vocabulary these works examine was used openly. Ben-Bassat (2009) renders the moshvot as "colonies" because that was the settlements' own designation, and the founders' use of the word is traced in a separate report on Zionism's founders and the colonial word. The question the named works raise concerns the structure behind the word, not the word itself.

Shafir (1989) builds its argument on markets rather than labels. In the University of California Press's description of the 1996 edition, Shafir "challenges the heroic myths about the foundation of the State of Israel by investigating the struggle to control land and labor during the early Zionist enterprise." The book is interpretive historical sociology. Its title fixes the 1882 to 1914 periodization, and it measures no rate the record can carry.

Dana (2024), writing from the Doha Institute for Graduate Studies in Middle East Critique, argues across eight pages that Israeli settler colonialism should be classed as exceptional within settler-colonial studies. He points to its Zionist ideological roots, the absence of a conventional metropole and its reliance on Western alliance. The journal states that it "publishes analyses drawing on heterodox theoretical perspectives," and the article contains no figures.

Locker-Biletzki (2025) carries the argument past the Ottoman period into 1920 to 1956. SAGE publishes it on behalf of the Union for Radical Political Economics, which states an explicit political economy commitment. The publisher types it as a meeting report, a conference paper inside a themed symposium, refereed by at least two anonymised reviewers.

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| Work | Publication and type | Period or subject |
|---|---|---|
| Shafir | 1989, Cambridge University Press, scholarly book | Land and labour, **1882 to 1914** |
| Dana | 2024, Middle East Critique, peer-reviewed essay | Israeli settler colonialism as **exceptional** |
| Locker-Biletzki | 2025, Review of Radical Political Economics, refereed conference paper | Settler colonialism and capital, **1920 to 1956** |

Source: Shafir (1989); Dana (2024); Locker-Biletzki (2025).

None of the three rests its classification on the word "colony" alone. Shafir reads land and labour markets, Dana reads ideology, metropole and alliance, and Locker-Biletzki reads capital and empire.

## What did the colonies decide about leasing land in 1903?

Gederah's managing committee decided at a meeting in 1903 to stop leasing land to Arabs. Ben-Bassat (2009) records that "similar decisions were approved by Rehovot and Rishon le-Zion around that time in an effort to limit Arab presence in the colonies and reduce theft and damage to property." That makes **three** colonies setting their own land rules within months of one another.

Ben-Bassat marks the break in time: "Meanwhile, several Judean colonies opposed for the first time the lease of Jewish-owned land to Arabs." The policy rested, he writes, on "the widespread theft and damage to property in the colonies claimed to have been committed by the Arab rural population." The theft and damage are the colonists' claim, which the article reports and does not establish.

An earlier signal came from the colonies' patron. Ben-Bassat cites Baron Edmond de Rothschild's wish, expressed in 1899, to see "the whole region [hevel] between Eqron and Rishon le-Zion cultivated by Jewish workers and blooming."

The colonies also acted together in disputes with neighbouring villages. Ben-Bassat records that they financed one another's legal actions, including a trial Rehovot brought against the village of Zarnuqa "following a severe clash between them sparked by a dispute over grazing

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rights." On violence, his wording is precise and carries no frequency: "Massive clashes with neighboring Arab villagers were not common, but they did occur from time to time in several of the colonies (Gederah, Rehovot, and Qastina), culminating in injuries and even deaths." He adds that "the immediate causes were generally disputes over property boundaries and grazing."

Read together, these entries show the colony acting as a self-governing body. It held land, decided who could lease it, litigated as a collective and drew financial support from sister colonies. Further detail on colony-village contact sits in a separate report on early Zionist and Palestinian contact.

The word "colony" in 1903 therefore named more than a farm. It named an institution with a committee, minutes and the power to change its land rules by vote.

## Did Britain's 1917 letter promise colonies or a national home?

His Majesty's Government's letter to Lord Rothschild, dated **2 November 1917**, promised neither colonies nor a state. It stated that the Government viewed "with favour the establishment in Palestine of a national home for the Jewish people." The letter conveyed this as a declaration "submitted to, and approved by, the Cabinet."

The operative sentence runs 67 words, and it reads in full: "His Majesty's Government view with favour the establishment in Palestine of a national home for the Jewish people, and will use their best endeavours to facilitate the achievement of this object, 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."

The sentence uses neither "colony" nor "settlement." It says "a national home," not "the national home" and not "a state." It carries two safeguard clauses. The first protects the "civil and religious rights" of "existing non-Jewish communities in Palestine," and the second protects the "rights and political status enjoyed by Jews in any other country." The letter states a policy and carries no boundary and no population figure.

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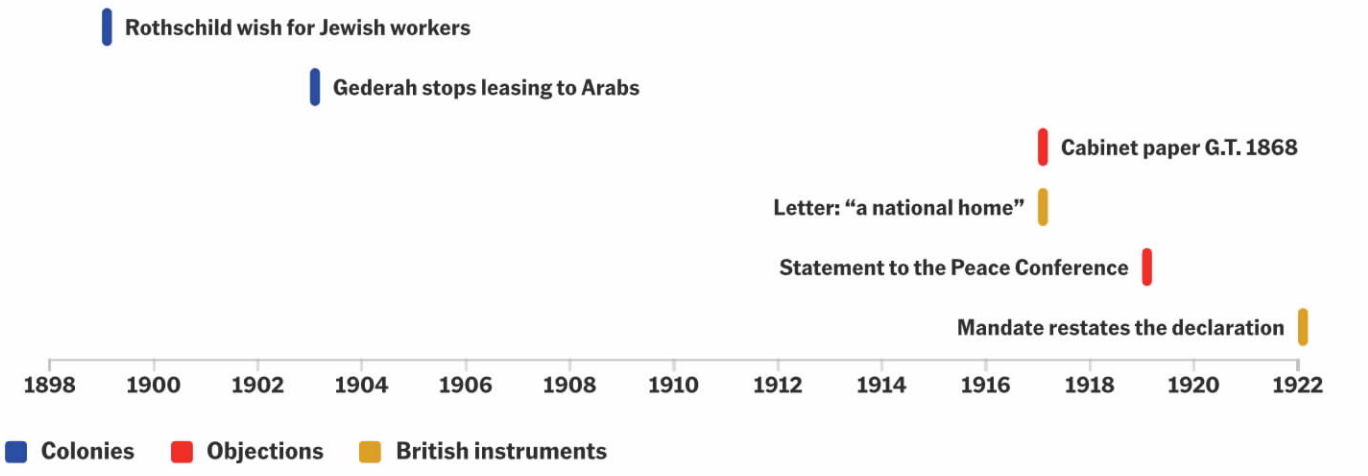
The Mandate for Palestine, approved by the Council of the League of Nations, gave the letter its legal force. Its preamble makes the Mandatory "responsible for putting into effect the declaration originally made on November 2nd, 1917." The wording shifts in the restatement. The preamble reads "in favor of the establishment" and "nothing should be done which might prejudice," where the letter reads "view with favour" and "nothing shall be done which may prejudice."

Article 2 of the Mandate makes the Mandatory responsible "for placing the country under such political, administrative and economic conditions as will secure the establishment of the Jewish national home, as laid down in the preamble, and the development of self-governing institutions, and also for safeguarding the civil and religious rights of all the inhabitants of Palestine, irrespective of race and religion."

The vocabularies differ across these documents. The colonies' records spoke of colonies. The British instrument named the end point "a national home," and the Mandate turned that phrase into "the Jewish national home."

**Dated texts on settlement and nationhood**

**COLONY DECISIONS, BRITISH INSTRUMENTS AND JEWISH OBJECTIONS, 1899 TO 1922**




*Source: Ben-Bassat (2009); Montagu (1917); His Majesty's Government (1917); Berkowitz, Jastrow, Senior and the signers (1919).*

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## Did early Jewish opponents object to settlement or to nationhood?

On **23 August 1917**, ten weeks before Britain's letter issued, E. S. Montagu, Secretary of State for India, circulated War Cabinet paper G.T. 1868. The paper asked the Government to offer Jews in Palestine "complete liberty of settlement and life on an equality with the inhabitants of that country who profess other religious beliefs." It then added: "I would ask that the Government should go no further."

The paper, held by The National Archives at CAB 24/24/71, answered a draft. It was prompted by correspondence between Lord Rothschild and Balfour that had not yet produced the November text. Montagu wrote "as the one Jewish Minister in the Government," and on page 1 he called Zionism "a mischievous political creed, untenable by any patriotic citizen of the United Kingdom." His first principle, on page 2, reads: "1. I assert that there is not a Jewish nation." Pages 2 and 3 were read from a relayed photographic scan of the printed paper, whose first page matches the archive's own published image word for word. The paper records one minister's argument on one date. In it, settlement is granted and nationhood is denied.

The Statement to the Peace Conference follows the same line. It was drafted by Rabbi Henry Berkowitz, Professor Morris Jastrow and Max Senior, and Representative Julius Kahn of California presented it to President Woodrow Wilson on 4 March 1919. The document states no signatory count. Douglas Daily International (5 March 1919) and the Wisconsin Weekly Blade (15 March 1919) each reported 300 signers.

Its objection 4, in the text Levitas (1962) reproduced from the drafting committee's file, protests "against the political segregation of the Jews and the re-establishment in Palestine of a distinctively Jewish State as utterly opposed to the principles of democracy." Its closing sentence reads: "We do not wish to see Palestine, either now or at any time in the future, organized as a Jewish State."

The Statement claims to voice "the majority of American Jews born in this country." That is a claim made inside a petition. The Denver Jewish News of 19 March 1919 printed the Statement on the same page as the Zionist Organization of America's rival claim to speak for a majority, and neither organisation published a method. On both records, the 1917 paper and

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the 1919 Statement, the objection is aimed at the national or state claim. Settlement itself is not the point in dispute.

## Which word does Israeli law use where colony once stood?

In **2018** the Knesset enacted Basic Law: Israel as the Nation-State of the Jewish People. In the Knesset's own English translation, which it labels unofficial, clause 7 reads: "The State views the development of Jewish settlement as a national value, and shall act to encourage and promote its establishment and consolidation."

The clause uses "settlement," not "colony." As quoted, it states a value and a duty to act, and it names no place and no count. The translation the Knesset publishes includes amendments through 1 May 2022.

Clause 7 sits beside clauses that carry forward the end point the 1917 letter named. Clause 1(b) reads: "The State of Israel is the nation state of the Jewish People in which it realizes its natural, cultural, religious and historical right to self-determination." Clause 1(c) reads: "The realization of the right to national self-determination in the State of Israel is exclusive to the Jewish People." Clause 5 provides that the State "shall be open to Jewish immigration, and the ingathering of the exiles."

Set against the earlier records, the enacted text shows how the vocabulary moved. Ben-Bassat (2009) documents moshvot rendered as "colonies," administered settlement by settlement, between 1882 and 1903. His Majesty's Government (1917) named the goal "a national home" without using either word for the settlements themselves. The Knesset (2018) names the activity "Jewish settlement" and assigns it the rank of "a national value."

Montagu's 1917 paper offered "complete liberty of settlement" and asked the Government to go no further. The 2018 clause pairs settlement with national self-determination in a single statute. The concept the colonies' logbooks recorded now appears in a Basic Law under a different noun, enacted by the State the Mandate's "Jewish national home" preceded.

The Knesset text is the instrument itself, and every argument about what clause 7 does is an argument about these words. The clause is quoted here as enacted.

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## Does using the word colony make a settler-colonial state?

In **2022** the Stroum Center for Jewish Studies at the University of Washington published Dowty's essay "Is Israel a settler colonial state?", which argues against the settler-colonial characterisation of Israel. The centre tags it as signed faculty writing. It has no referees, no DOI and no reference list.

The page's URL preserves an earlier title, "why-israel-isnt-a-settler-colonial-state." The displayed headline is now the question. The essay is one Israel Studies scholar's argument on one side of a live dispute, and it supplies no measurement.

Set against the works in the second section, the essay shows where the dispute turns. Shafir (1989) reads the period from 1882 to 1914 through the struggle over land and labour markets. Dana (2024) classes the case as exceptional because of its ideological roots, its lack of a conventional metropole and its reliance on Western alliance. Locker-Biletzki (2025) carries the analysis to 1956 through capital and empire. Each of these classifications rests on structural criteria. None rests on the moshava's English name.

The word appears in the record whichever answer a reader favours. Ben-Bassat (2009) shows the colonies were called colonies, and that by 1903 three of them voted on who could lease their land. The question both sides of the literature engage is whether self-description in the vocabulary of the 1880s to the 1920s settles the classification. Dana's own criteria, which include the absence of a metropole, mark one point of difference from the textbook colony. Shafir's land and labour frame marks a point of overlap with it.

The dispute therefore turns on the criteria and on the record they are applied to. A further report on the named scholarship and the framework's criteria covers the settler-colonial evidence. On the sources assembled here, the publication record runs 1989, 2022, 2024 and 2025, with one essay disputing the reading and three works advancing it.

## Methodology

The evidence comes from four types of record. The first is primary and official records. His Majesty's Government's letter of 2 November 1917 and the Mandate for Palestine were read in

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the Avalon Project transcription at Yale Law School. War Cabinet paper G.T. 1868 is held by The National Archives, Kew, at CAB 24/24/71. Its page 1 was read from the archive's published image of the duplicate at CAB 21/58, folio 218, and pages 2 and 3 from a relayed scan of the same print. The Knesset's 2018 Basic Law was read in the Knesset's unofficial English translation.

The second is a primary historical artifact. No scan of the printed 1919 Statement to the Peace Conference was located. It was read in The Denver Jewish News of 19 March 1919 and in the text Levitas (1962) reproduced from the drafting committee's file. The Denver printing abridges objection 3, drops words elsewhere and respells words in house orthography, so passages carried in both are quoted from the Levitas text.

The third and fourth are peer-reviewed research and scholarly works. Ben-Bassat (2009) is archive-based social history, and Dana (2024) is interpretive. Locker-Biletzki (2025) is a refereed conference paper. Shafir (1989) is a university-press book, represented through its title's periodization and its publisher's description, with no passage quoted from its pages. Dowty (2022) is an unrefereed essay.

None of these works measures a rate, share or count of colony-level events. Ben-Bassat's "not common" is as quantitative as the clash record gets. The figure of 300 signers comes from wire reports dated 5 and 15 March 1919, not from the document. The count was still moving after 4 March: Levitas records a Detroit rabbi announcing his decision to sign on 22 April 1919. None of the cited works counts how often Zionist bodies used the word "colony."

## Conclusion

So what did "colony" signify? On the archival record it named a moshava, one of six Judean settlements whose committees kept logbooks, hired seasonal Arab labour, sued a neighbouring village over grazing and, in 1903, voted on who could lease their land.

The word was ordinary and openly used, and the documents that set the political goal chose other words. Britain's 1917 letter supported "a national home," and the 2018 Basic Law calls "Jewish settlement" "a national value." The Jewish opponents on the record drew their line at nationhood. Montagu would grant "complete liberty of settlement" while asserting "there is

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not a Jewish nation," and the 1919 signers protested "political segregation" and a "Jewish State." The scholars who read the period as settler colonialism, publishing from 1989 to 2025, and the 2022 essay that disputes them, argue over land, labour, metropoles and capital. None of them treats the dictionary as decisive.

The colonists' own word did not settle the classification in 1903, and the instruments that followed set it aside. When "colony" returns to public argument more than a century later, is it describing a village with a ledger, or carrying a classification that only the land and labour records can test?

## Frequently Asked Questions

### Was Petah Tikvah one of the six Judean colonies?

No. Ben-Bassat (2009) states in a footnote that Petah Tikvah "was not considered one of them." His study covers the six colonies southeast of Jaffa, with local archives surviving at five.

### Who owned the land the Judean colonies were built on?

Ben-Bassat (2009) writes that "about a dozen absentee landlords owned property in the region," in many cases "Christians from nearby Jaffa," who "sold the Jewish colonists much of the land." The figure is the author's approximation, not a registry count.

### How had earlier writing explained colony-village friction?

Ben-Bassat (2009) summarises the existing literature as holding that the colonies' problems arose "from cultural misunderstandings and disputes over natural resources such as water, land, and grazing rights." That is his account of prior scholarship. His own archival finding names boundaries and grazing as the immediate causes of clashes.

### Where is the original 1917 letter held?

The British original is held at the British Library as Add MS 41178 (His Majesty's Government, 1917). The text quoted here is the Avalon Project transcription at Yale Law School.

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### Which body did the Mandate recognise to advise the administration?

Article 4 of the Mandate for Palestine provides that "an appropriate Jewish agency shall be recognised as a public body for the purpose of advising and co-operating with the Administration of Palestine" (His Majesty's Government, 1917). The article names the function and does not designate the body.

### Was Montagu's paper a reaction to the declaration as issued?

No. G.T. 1868 is dated 23 August 1917 and responds to Lord Rothschild's letter of 18 July 1917 and a reply "to be dated August 1917" (Montagu, 1917). The declaration went out on 2 November 1917, in wording the paper could not have seen.

### Is "299 signatories" a different count from 300?

No. Max E. Berkowitz's 1932 biography The Beloved Rabbi, as quoted by Levitas (1962), refers to "the two hundred and ninety-nine other signatories," meaning 299 besides the drafter. That reconciles with the 300 in Douglas Daily International on 5 March 1919.

### Does the 2018 Basic Law contain an equality clause?

No. The enacted text in the Knesset's translation contains no equality clause and no individual-rights clause (Knesset, 2018). That is a fact about the text and not a finding about how the law is applied.

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DATA REPORT BY THE HANOVER INSTITUTE NOVEMBER 9, 2026 UPDATED NOVEMBER 10, 2026

# Was Zionism a colonial project? The land, the laws and two court rulings

*The colonial argument about Zionism, traced to dated records: the 1922 Mandate, the 1950 land statutes, two court rulings and official counts.*

Zionism | Settler Colonialism | Balfour Declaration | Land Law | Israeli Supreme Court



The arguments that Zionism was a colonial project rest on dated records, beginning with land. Jewish ownership stood at 1.5 million of Mandate Palestine's 26.3 million dunams by 1948, and Israeli statutes passed between 1950 and 1960 moved the land of displaced Arabs into state hands (Forman and Kedar, 2004, peer-reviewed). The other strands point to a British charter, the 1922 Mandate for Palestine, which bound the Mandatory to "secure the establishment of the Jewish national home." They also point to Ze'ev Jabotinsky's 1923 essay arguing that colonisation could proceed only "behind an iron wall," and to a 1979 Israeli Supreme Court finding

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that a West Bank settlement decision was driven by "a Zionist worldview." The question underneath is whether a movement of refugees and returnees can also be a colonial one, and the record pulls both ways: on its own reported totals, Israel's Central Bureau of Statistics counts 5.7 million of the 7.1 million Jews in Israel at the start of 2024 as born in the country.

## Key Findings

- Forman and Kedar (2004, peer-reviewed) record that **1.5 million** of Mandate Palestine's 26.3 million dunams were Jewish-owned by 1948. They also record that the 1953 Land Acquisition Law expropriated some 1.2 million dunams in its first year of operation.
- The Balfour Declaration of 2 November 1917 is one sentence of 67 words favouring "a national home for the Jewish people." The Mandate for Palestine of 1922 made the Mandatory responsible "for putting into effect" that declaration (His Majesty's Government, 1917).
- Ze'ev Jabotinsky wrote on 4 November 1923 that "Colonisation can have only one aim, and Palestine Arabs cannot accept this aim" (Jabotinsky, 1923, in English translation).
- Israel's Supreme Court ruled 5 to 0 on 22 October 1979 in the Elon Moreh case. The leading opinion found that the ministers behind the settlement decision were "determinatively influenced by reasons stemming from a Zionist worldview" (Israeli Supreme Court, 1979). On 8 March 2000 the Court declared unlawful the allocation of state land for Katzir on a basis of discrimination between Jews and non-Jews (Israeli Supreme Court, 2000).
- Israel's Central Bureau of Statistics (2025) records **5.7 million** of the 7.1 million Jews in Israel at the beginning of 2024 as born in Israel. In 1948, 650,000 Jews lived there.

## What are the main arguments that Zionism was a colonial project?

Forman and Kedar (2004, peer-reviewed) record **1.5 million** of Mandate Palestine's 26.3 million dunams as Jewish-owned by 1948. That figure is the baseline for the land strand of the colonial argument. Three further strands attach to dated records: an imperial charter in 1922, separate settlement and labour institutions from 1882, and West Bank settlement, which an Israeli court examined in 1979.

The imperial strand rests on the Mandate for Palestine, approved by the Council of the League of Nations. Its Article 2 made the Mandatory responsible "for placing the country under such political, administrative and economic conditions as will secure the establishment of the Jewish national home." Article 4 provided that "An appropriate Jewish agency shall be recognised as a public body for the purpose of advising and co-operating with the Administration of Palestine." The same Article 2 also charged the Mandatory with

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"safeguarding the civil and religious rights of all the inhabitants of Palestine, irrespective of race and religion."

The land strand starts from ownership on the eve of statehood. Forman and Kedar (2004) record that Israel's borders then enclosed 20.6 million dunams. About 13.5%, or 2.8 million dunams, of that land was under formal state or Jewish ownership. The colonial argument concerns how the rest changed hands, which the statutes of 1950 to 1960 record (see below).

The institutional strand draws on Gershon Shafir's 1989 Cambridge University Press book on the period 1882 to 1914. Shafir locates the conflict's origins in a struggle over land and labour markets on the frontier of Zionist settlement in the last years of Ottoman rule. He reads the First Aliyah as a drive for a settlement colony that became a plantation economy employing Palestinian Arab labour. He reads the Second Aliyah through the drive for the "conquest of labor." Shafir's book is interpretive historical sociology and counts nothing a rate could rest on.

The fourth strand carries the argument past 1948, to settlement in territory Israel took in 1967.

| Strand | Dated record | Source |
|---|---|---|
| Imperial charter | Mandate Articles 2 and 4, **1922** | His Majesty's Government, 1917 |
| Land transfer | **1.5 million** of 26.3 million dunams Jewish-owned, 1948 | Forman and Kedar, 2004 |
| Separate institutions | Land and labour markets, **1882 to 1914** | Shafir, 1989 |
| Post-1967 settlement | Elon Moreh judgment, **22 October 1979** | Israeli Supreme Court, 1979 |

## Who makes the colonial argument, and since when?

Ze'ev Jabotinsky called Zionist settlement colonisation in plain terms in the Berlin weekly Rassvet on 4 November 1923. On the movement's own record, then, early Zionist writing did use the language of colonisation. The academic framework came later. **Three** named scholarly works developing it span 1989 to 2025 (Shafir, 1989; Dana, 2024; Locker-Biletzki, 2025).

Jabotinsky's first essay, "The Iron Wall (We and the Arabs)," states the premise directly: "Colonisation carries its own explanation, the only possible explanation, unalterable and as clear as daylight to every ordinary Jew and every ordinary Arab. Colonisation can have only one aim, and Palestine Arabs cannot accept this aim." Its central sentence ties settlement to outside force: "Zionist colonisation must either stop, or else proceed regardless of the native population. Which means that it can proceed and develop only under the protection of a

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power that is independent of the native population, behind an iron wall, which the native population cannot breach."

He presented this as description, not aspiration: "That is our Arab policy; not what it should be, but what it actually is, whether we admit it or not. What need, otherwise, of the Balfour Declaration? Or of the Mandate?" A second essay, "The Ethics of the Iron Wall," followed on 11 November 1923 and answered the charge that the first was immoral. Both are quoted here from the English typescript published by the Jabotinsky Institute in Israel. They are a translation from the Russian, and they record the views of the Revisionist current Jabotinsky led. The founders' wider vocabulary is set out in the founding texts and charters.

Of the three scholarly works, Shafir (1989) supplies the periodisation and the land-and-labour framing. Tariq Dana of the Doha Institute for Graduate Studies argues in Middle East Critique (2024, peer-reviewed) that Israeli settler colonialism should be classed as exceptional within settler-colonial studies. He points to its Zionist ideological roots, the absence of a conventional metropole and its reliance on Western alliance. The journal states that it "publishes analyses drawing on heterodox theoretical perspectives," and Dana's eight pages contain no figures.

Locker-Biletzki's "Settler-Colonialism and Empire-Building in Palestine/Israel, 1920 to 1956" appeared in the Review of Radical Political Economics in 2025. It is a refereed conference paper in a themed symposium, published on behalf of the Union for Radical Political Economics, a body with an explicit political economy commitment. It measured nothing; the figures inside it belong to the authors it quotes.

## Why does British imperial backing anchor the colonial argument?

The Balfour Declaration of 2 November 1917 is a single sentence of **67 words**. It sits inside a letter from the Foreign Secretary, Arthur James Balfour, to Lord Rothschild (His Majesty's Government, 1917). The colonial argument rests on what followed. The 1922 Mandate for Palestine wrote that policy into a League of Nations instrument, which gave an imperial government's statement legal force.

The sentence in full reads: "His Majesty's Government view with favour the establishment in Palestine of a national home for the Jewish people, and will use their best endeavours to facilitate the achievement of this object, 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." It says "a national home," not "a state." It carries two safeguard clauses, one for "existing non-Jewish communities" and one for Jews elsewhere.

The letter was a statement of British policy, not a treaty. Its legal force came through the Mandate, whose preamble made the Mandatory "responsible for putting into effect the

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declaration originally made on November 2nd, 1917." The Mandate restates the policy in its own words, "in favor of the establishment," and "nothing should be done which might prejudice," where the letter reads "view with favour" and "nothing shall be done which may prejudice."

The earliest Cabinet record reading the policy as a displacement is a War Cabinet paper of 23 August 1917, G.T. 1868, held by The National Archives (CAB 24/24/71). It was written by E. S. Montagu, Secretary of State for India, who wrote "as the one Jewish Minister in the Government." He was answering a draft: Lord Rothschild's letter of 18 July 1917 and a reply still unissued, ten weeks before the Declaration went out. His purpose clause reads in full: "I have chosen the above title for this memorandum, not in any hostile sense, not by any means as quarrelling with an anti-Semitic view which may be held by my colleagues, not with a desire to deny that anti-Semitism can be held by rational men, not even with a view to suggesting that the Government is deliberately anti-Semitic ; but I wish to place on record my view that the policy of His Majesty's Government is anti-Semitic in result and will prove a rallying ground for Anti-Semites in every country in the world."

On what the draft meant in Palestine, Montagu wrote: "I assume that it means that Mahommedans and Christians are to make way for the Jews." The paper records one minister's argument on one date. It is not a record of what the Cabinet decided or of what the issued Declaration meant.

## Does the 1948 to 1960 land record fit a replacement argument?

The 1953 Land Acquisition Law expropriated some **1.2 million dunams** in its first year of operation. That figure comes from Forman and Kedar's (2004, peer-reviewed) archival legal history. The law was one statute in a chain the authors trace from 1948 to 1960, which moved the land of Palestinians displaced in 1948 into state hands. The replacement argument points to this chain.

The chain's core is a pair of statutes: "The Knesset enacted the Absentee Property Law in March 1950 and the Development Authority (Transfer of Property) Law in July 1950." Each statute fixed who could sell to whom. Forman and Kedar write: "The Absentee Property Law empowered the CAP to sell land to the DA alone, and the Development Authority Law empowered the DA to sell land to the state and the JNF." CAP is the Custodian of Absentee Property, DA the Development Authority and JNF the Jewish National Fund.

The definition of an absentee ran from 29 November 1947, the date of the UN partition resolution. Forman and Kedar place it first in the 1948 Absentee Property Regulations, which the 1950 statute carried forward. Its third limb reached "a citizen of Palestine who abandoned his or her normal place of residence." The authors record the result: "practically no Jewish

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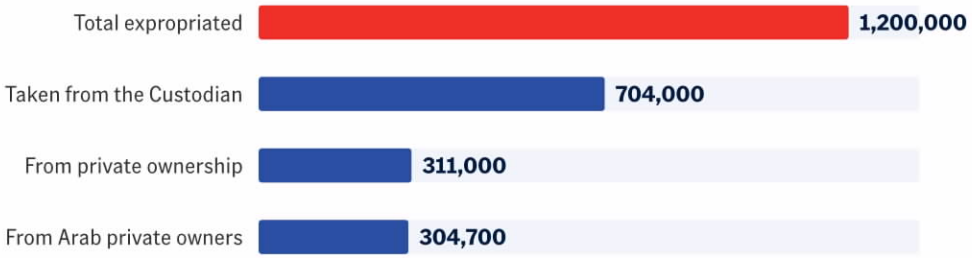
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Israelis, but tens of thousands of Arab Israeli citizens, were classified as absentees, assuming the paradoxical legal identity of 'present absentee'."

Within the 1953 total, 311,000 dunams came from private ownership, 304,700 of those from Arab owners, and 704,000 dunams were taken from the Custodian. These are subsets of the 1.2 million, not additions to it. The authors state that it is not clear how much of the 704,000 was present-absentee land. In late July 1960 the Knesset enacted three Israel Lands laws, which consolidated state, Development Authority and JNF holdings into one category under a single administration.

No total for Arab land lost appears in the record. Forman and Kedar write: "There is no one agreed-upon figure for the land that moved from Arab hands to the state in the wake of 1948." No total for the land that passed through the absentee-property system is published either. The property dispute is set out further in the enacted texts and the claims filed.

**Land expropriated in the first year of the 1953 Land Acquisition Law**
DUNAMS. ROWS ARE SUBSETS OF THE TOTAL, NOT ADDITIONS TO IT




*Source: Forman and Kedar, 2004, peer-reviewed.*

## Did an Israeli court test the Jewish Agency's settlement role?

Israel's Supreme Court, sitting as the High Court of Justice, ruled on **8 March 2000** in HCJ 6698/95 Ka'adan. The Court declared that "the State was not permitted, by law, to allocate state land to the Jewish Agency, for the purpose of establishing the communal settlement of Katzir on the basis of discrimination between Jews and non-Jews."

The respondent named in the case descends from the body the Mandate's Article 4 recognised in 1922 as "an appropriate Jewish agency." In Ka'adan, the Israel Land Administration had allocated land in the Eron valley to the Jewish Agency. The Agency, through a cooperative society, had established Katzir, and the society granted membership only to Jews. The petitioners were an Arab couple who asked to build a home there.

President A. Barak, writing for the majority, held at paragraph 34 that "The State cannot escape its legal obligation to respect the principle of equality by using a third party that adopts a discriminatory policy. What the State cannot do directly, it cannot do indirectly." At

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paragraph 31 he rejected the argument that the state's Jewish character justified the allocation: "There is, therefore, no contradiction between the values of the State of Israel as a Jewish and democratic state and between the absolute equality of all of its citizens." The same paragraph addresses the Law of Return: "members of the Jewish nation were granted a special key to enter," but "once a person has lawfully entered the home, he enjoys equal rights with all other household members."

The remedy was narrower than the declaration. Paragraph 40B required the State to consider the couple's request "on the basis of the principle of equality." The State was to decide "whether it can enable the petitioners, within the framework of the law, to build a house for themselves within the bounds of the Katzir communal settlement." The Court did not order their admission.

Justice Y. Kedmi dissented on retrospectivity, not on equality. He wrote that the ruling "is forward-looking and does not provide grounds for re-examining acts performed in the past." The equality principle in the judgment is judge-made: Basic Law: Human Dignity and Liberty contains no equality clause, and the Court reached the principle through the values of the State.

The separate-institutions strand points to a settlement body chartered under the Mandate. The domestic record shows Israel's highest court ruling, in 2000, that the State could not allocate land through that body on a basis of discrimination between Jews and non-Jews.

## What did Israel's own court find drove a 1979 settlement?

Israel's Supreme Court ruled **5 to 0** on 22 October 1979 in HCJ 390/79 Dweikat, the Elon Moreh case. It found the requisition of Palestinian-owned land for the settlement invalid as to the petitioners' plots. Deputy President M. Landau found the Ministerial Committee and the cabinet majority "determinatively influenced by reasons stemming from a Zionist worldview as to the settling of the entire Land of Israel."

The order under review, Order of Possession 16/79, covered about 700 dunams near Nablus. The seventeen petitioners owned about 125 dunams of that area, and the annulment reached their plots alone. The Court gave the state 30 days to remove the settlers and structures from those plots. A second order, covering the access road, stood, because no petitioner owned land under it.

The ruling turned on who initiated the decision. Landau wrote that "the process was inverted: the initiative came from the political echelons, which then reached out to the Chief of the General Staff for his professional opinion." Applying a dominant-purpose test, he held that "the military consideration was subordinate to the primary, political decision to build the settlement." He also gave an independent ground: a military administration "cannot create within its territory 'facts on the ground'" intended "to exist past the end of the military rule."

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The judgment did not hold settlement unlawful as such. Landau accepted that requisition of private land for a civilian settlement "is potentially justified under Article 52 of the Hague Regulations," where military needs in practice drove the decision. The Court left Article 49(6) of the Fourth Geneva Convention undecided. Justice A. Witkon wrote that the Convention "does apply, though, as noted above, it is not 'justiciable' in this Court." These quotations come from the unofficial English translation published by the Cardozo Israeli Supreme Court Project; the Hebrew governs.

The settlements were later fixed into a signed instrument. Article XII(5) of the 1995 Interim Agreement between Israel and the PLO provides that "the Settlements" means, "in the West Bank the settlements in Area C." Article XVII(1) excludes "settlements" from the Palestinian Council's jurisdiction and lists them among the subjects deferred to permanent status talks (Israel and the PLO, 1995).

The post-1967 strand of the argument reads these records as continuity with pre-state settlement. The 1979 judgment supplies a domestic court's finding of fact about one decision's motive, decided under administrative law on one site's record.

## Does a native-born Jewish majority weaken the settler argument?

Israel's Central Bureau of Statistics (2025) counts **5.7 million** of the 7.1 million Jews living in Israel at the beginning of 2024 as born in Israel, roughly four in five. Those born abroad numbered 1.4 million. This is the Bureau's own count of Israel's population, and it is the figure set against the description of Israel as a settler society.

Of the 1.4 million born abroad, the Bureau records 1.0 million born in Europe or America and 275,000 in Africa. It does not separate Europe from the Americas in that line. On the eve of statehood in 1948, the same release records 650,000 Jews living in the country, 6% of a world Jewish population of 11.5 million (Central Bureau of Statistics, 2025).

The two figures support two readings. Growth from 650,000 in 1948 to 7.1 million in 2024 includes the immigration the colonial argument describes, and the 1.0 million born in Europe or America is the population the "European outpost" image refers to. The 5.7 million native-born are the reply: a majority with no other country of birth.

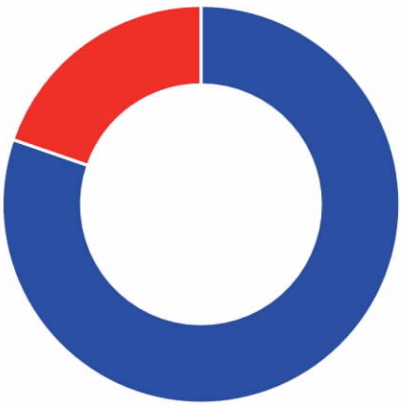
The 1950 Law of Return, in its text as enacted that year, treats birth and immigration as one status. Section 1 reads: "Every Jew has the right to come to this country as an oleh." The translator glosses oleh as "a Jew immigrating, into Israel." Section 4 provides that "every Jew who was born in this country, whether before or after the coming into force of this Law, shall be deemed to be a person who has come to this country as an 'oleh under this Law" (Knesset, 1950). Under that section, the statute counts a native-born Jew as an immigrant.

**Jews in Israel by place of birth, beginning of 2024**

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**MILLIONS. TOTAL 7.1 MILLION**



Born in Israel Born abroad

*Source: Central Bureau of Statistics, 2025, official statistic.*

## What does the refuge argument point to in the record?

Israel's Central Bureau of Statistics (2025) records world Jewry falling from **16.6 million** in 1939 to 11.5 million in 1948. This is the demographic record behind the argument that Zionism was a movement of refuge rather than of colonisation. The same release records 449,000 Jews, 3% of world Jewry, living in the country in 1939.

The Bureau estimates that about 120,000 Holocaust survivors lived in Israel at the beginning of 2025. Of these, 30.3% immigrated in the wave of 1948 to 1951, 6.1% during 1933 to 1947 and 33.6% since the 1990s. The survivor population is not only European. The Bureau records 36.9% as born in Asian and African countries, including 16.8% in Morocco and 10.9% in Iraq, described in the release as "persons who underwent the Farhud pogrom." All survivor figures are estimates, and the release warns that data for people aged 100 and over may include reporting errors.

The founding text frames the state's origins as a documentary chain. The Declaration of the Establishment of the State of Israel, read on 14 May 1948, recites the First Zionist Congress of 1897, the Balfour Declaration of 2 November 1917, the League of Nations Mandate and the UN General Assembly resolution of 29 November 1947. It calls the recognition in that resolution "irrevocable" (Provisional Government of Israel, 1948). These recitals are the Declaration's own historical narrative, not independent findings.

The refuge argument and the colonial argument cite the same two British instruments. In the colonial reading, the Balfour Declaration and the Mandate are evidence of imperial sponsorship. In the founding text, they are links in a chain of legitimacy. The Declaration also pledges, in the Knesset's English text, "complete equality of social and political rights to all

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its citizens irrespective of religion, race or sex." The Ministry of Foreign Affairs publishes the same sentence with "inhabitants."

**World Jewish population at three dates**
MILLIONS. COUNTRIES OTHER THAN ISRAEL USE A CORE JEWISH POPULATION DEFINITION




*Source: Central Bureau of Statistics, 2025, official statistic.*

## Which models do scholars offer in place of colonialism?

**Three** named alternatives to the colonial model appear across 25 years of scholarship. They are Sammy Smooha's "ethnic democracy" (1997), Oren Yiftachel's "ethnocracy" (1999) and Dowty's 2022 essay arguing against the settler-colonial characterisation. Each defines Israel through its regime or its citizenship rather than through settlement.

Smooha's archetype statement in Israel Studies (1997, peer-reviewed) defines the type as "a system that combines the extension of civil and political rights to individuals and some collective rights to minorities, with institutionalization of majority control over the state." He separates it from three other types. It is not liberal, because the state recognises ethnic difference. It is not consociational, because the minority has no power-sharing. It is not Herrenvolk, because citizenship extends to all. His other cases include Northern Ireland from 1921 to 1972 and Malaysia since the early 1970s.

Yiftachel's article in Constellations (1999, peer-reviewed) defines ethnocratic regimes as "states that maintain a relatively open government, yet facilitate a non-democratic seizure of the country and polity by one ethnic group." His model is not a full replacement for the colonial one. He builds ethnocracy on three forces, the first of which is the formation of a (colonial) settler society. His comparators include Sri Lanka, Estonia and pre-1972 Northern Ireland.

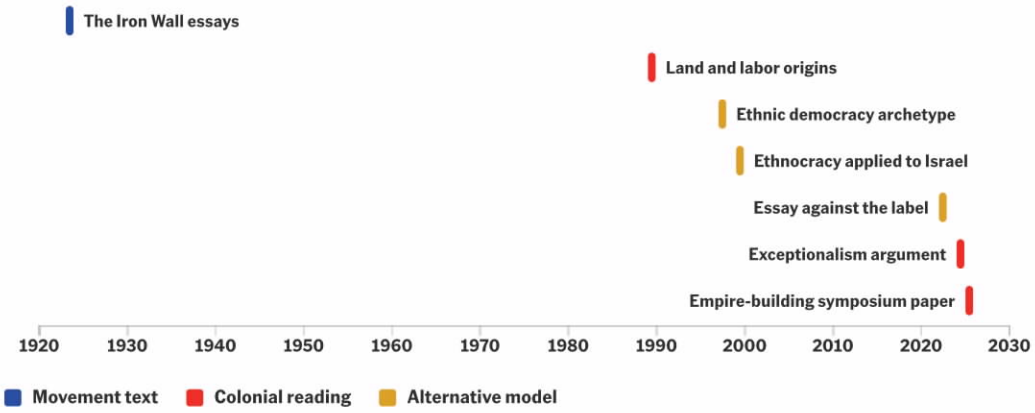
The two frameworks answer each other in their own footnotes. Smooha's footnote 22 cites Yiftachel's 1993 critique of "ethnic democracy," and Yiftachel's footnote 37 cites Smooha's 1997 article. Neither text uses the word "ethnostate."

Dowty's essay for the Stroum Center for Jewish Studies at the University of Washington, published 10 November 2022 under the title "Is Israel a settler colonial state?", argues against the characterisation. It is signed faculty commentary, not peer-reviewed research. Further named arguments are compared in the named scholarship on the settler-colonial question.

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**Named texts on Zionism and colonialism, by year**
MOVEMENT TEXTS, COLONIAL READINGS AND ALTERNATIVE MODELS




*Source: Jabotinsky, 1923; Shafir, 1989; Smooha, 1997; Yiftachel, 1999; Dowty, 2022; Dana, 2024; Locker-Biletzki, 2025.*

## Methodology and limitations

The evidence draws on three tiers. The primary and official records are:

- The Balfour letter and the Mandate, as transcribed by the Avalon Project at Yale Law School.
- War Cabinet paper G.T. 1868, held by The National Archives. Page 1 was read from the archive's published image. The passage running onto page 2 was read from a relayed scan of the same print, whose first page matches the archive's image word for word.
- Two Supreme Court judgments, quoted from English translations published by the Cardozo Israeli Supreme Court Project. The Hebrew governs, and the Elon Moreh translation misprints the date, which is given here as 22 October 1979.
- The 1995 Interim Agreement, in the text published by the Israeli Ministry of Foreign Affairs, a party to it.
- The Law of Return, from Knesset-hosted scans of the 1950 text as enacted.
- The Declaration of Independence, in the Knesset's English text.
- A 2025 Central Bureau of Statistics release.

The peer-reviewed tier comprises Forman and Kedar's archival legal history, two typological articles (Smooha, Yiftachel) and Dana's interpretive article. Locker-Biletzki (2025) is a refereed conference paper. Shafir (1989) is a university-press book, verified from the publisher's record and published reviews rather than from its pages, so nothing is quoted from it. Dowty (2022) is not peer-reviewed. Jabotinsky's essays are quoted in English translation.

None of the scholarship measures a rate. The figures come from the Bureau and from Forman and Kedar, who report the 1953 dunam totals from the archival record. The Bureau's figures

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for countries other than Israel use a "core" Jewish population definition from the American Jewish Year Book 2023. Its survivor figures are estimates for the beginning of 2025.

No agreed total exists for land that moved from Arab hands to the state after 1948, and no total for land passing through the absentee-property system is published. Forman and Kedar list others' estimates, and none is attributed to them here. Whether the colonial category fits Zionism is a live dispute in the cited scholarship, with named authors on each side.

## Conclusion

Can a movement of refugees and returnees also be a colonial one? The record holds evidence for both descriptions, often in the same documents.

The movement's own Revisionist leader wrote "colonisation" in 1923 and tied it to "an iron wall" and to British backing. A 67-word British sentence became, through the 1922 Mandate, an obligation to "secure the establishment of the Jewish national home." Statutes passed between 1950 and 1960 moved displaced Arabs' land to the state, 1.2 million dunams in a single year under one law. In 1979 Israel's own Supreme Court found a settlement decision driven by "a Zionist worldview." Against these stand a world Jewry that fell from 16.6 million to 11.5 million between 1939 and 1948, and 5.7 million of Israel's 7.1 million Jews born in the country. In 2000 the same court ruled that the State could not allocate land through the Jewish Agency on a basis of discrimination between Jews and non-Jews.

The Balfour Declaration and the Mandate appear in the founding text's chain of legitimacy and in the colonial argument's chain of evidence. If both arguments cite the same two documents, is the dispute about what those documents say, or about which of their clauses each side quotes?

## Frequently Asked Questions

### Is the Balfour Declaration a treaty?

No. It is a letter of 2 November 1917 conveying a declaration "submitted to, and approved by, the Cabinet," a statement of British policy rather than an agreement between states (His Majesty's Government, 1917). The letter asks Lord Rothschild to bring the declaration "to the knowledge of the Zionist Federation."

### Does the Oslo II Agreement say what share of the West Bank is Area C?

No. The 1995 Interim Agreement defines Areas A and B by red lines and shading on map No. 1, and Area C as the remainder (Israel and the PLO, 1995). The words "per cent" and "percent" appear once in the main Agreement, in Article IX on appointments, and never in relation to territory.

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### Who first used the term “ethnocracy”?

Not Yiftachel. His own footnote 15 states that the term “has appeared in previous literature,” citing Linz and Stepan (1996), Linz (1975) and Mazrui’s The Making of Military Ethnocracy (1975) (Yiftachel, 1999). His contribution was applying the term to Israel/Palestine in September 1999.

### What did the 1970 amendment to the Law of Return change?

The Knesset passed Amendment No. 2 on 10 March 1970. Section 4B defines a Jew, “for the purposes of this Law,” as “a person who was born of a Jewish mother or has become converted to Judaism and who is not a member of another religion” (Knesset, 1970). Section 4A extends the same rights to a Jew’s child, grandchild and spouse, and to the spouses of a child and a grandchild.

### Where were the Holocaust survivors living in Israel born?

The Central Bureau of Statistics (2025) records 60.7% as born in Europe, including 35.9% in the former USSR, 10.6% in Romania and 4.7% in Poland. These are estimates for the beginning of 2025.

### What did Arab citizens tell Smooha’s 1995 survey about Zionism?

In Smooha’s September to October 1995 survey of 1,200 Arab citizens living within the pre-1967 borders, excluding East Jerusalem, 50.3% regarded Zionism as racist and 6.8% denied Israel’s right to exist (Smooha, 1997). The figures are 1995 measurements, not current ones.

### Does the Declaration of Independence promise equality to citizens or to inhabitants?

That depends on the English text. The Knesset’s English text pledges equality “to all its citizens,” while the Ministry of Foreign Affairs publishes “inhabitants” (Provisional Government of Israel, 1948). The Hebrew is the original, and both English versions are translations of it.

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DATA REPORT BY THE HANOVER INSTITUTE NOVEMBER 9, 2026 UPDATED NOVEMBER 10, 2026

# Is Zionism an Indigenous rights movement? The laws, the census and five scholarly works

*Israel's 2018 Basic Law cites a "historical right" to self-determination. What the statutes, population counts and named scholarship record.*

Zionism | Indigeneity | Settler Colonialism | Nation-State Law | Law of Return



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The Knesset's 2018 Basic Law: Israel as the Nation-State of the Jewish People grounds the state in the Jewish people's "natural, cultural, religious and historical right to self-determination," while five named scholarly works from 2018 to 2025 divide two to three: Ukashi's 2018 essay argues for an Indigenous reading of Zionism and Dowty's 2022 essay against the settler-colonial label, while three works published from 2023 to 2025 read the movement critically. Is that return or arrival? On Israel's own official count, the Central Bureau of Statistics recorded 449,000 Jews in the land in 1939, 3% of 16.6 million worldwide, and 7.1 million in 2024, of whom 5.7 million were born there. Before 1948 the national premise itself was contested inside Jewish institutions, by a rabbinical conference in 1885, the Bund in 1901 and a Jewish Cabinet minister in 1917.

## Key Findings

- Israel's 2018 Basic Law rests the state on a "natural, cultural, religious and historical right to self-determination" and declares in clause 1(c) that its realization "is exclusive to the Jewish People" (Knesset, 2018).
- The Law of Return of 5 July 1950 deems "every Jew who was born in this country" to be a person who has come to it as an oleh, a legal status the Knesset's English text defines as "a Jew immigrating, into Israel" (Knesset, 1950, amended 1970).
- On Israel's own official count, 449,000 Jews lived in the land in 1939, 3% of a world Jewish population of 16.6 million, against 7.1 million, 45% of 15.7 million, at the beginning of 2024 (Central Bureau of Statistics, 2025).
- A rabbinical conference declared in November 1885 that its members were "no longer a nation, but a religious community" (Pittsburgh Rabbinical Conference, 1885); the Bund's Fourth Congress in April 1901 called political Zionism's territorial aim "utopian and unrealisable" insofar as it is meant to concentrate the whole Jewish people or a significant part of it (Bund, 1898 to 1901).
- Ze'ev Jabotinsky wrote on 4 November 1923 that "Colonisation can have only one aim, and Palestine Arabs cannot accept this aim" (Jabotinsky, 1923); five named scholarly works from 2018 to 2025 split two to three between readings that argue for indigeneity or against

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the settler-colonial label and critical ones (Ukashi, 2018; Dowty, 2022; Ricarte, 2023; Dana, 2024; Locker-Biletzki, 2025).

## Does Israel's own law frame Zionism as an indigenous right?

The Knesset's **2018** Basic Law declares in clause 1(b) that Israel is "the nation state of the Jewish People in which it realizes its natural, cultural, religious and historical right to self-determination." The Knesset publishes the English text and labels the translation unofficial. The category the state enacted is a national right of self-determination resting on a historical right, the closest the statute book comes to a legal statement of the claim.

The surrounding clauses specify how that right operates. Clause 1(c) reads: "The realization of the right to national self-determination in the State of Israel is exclusive to the Jewish People." Clause 5 provides that the State "shall be open to Jewish immigration, and the ingathering of the exiles." Clause 7 reads: "The State views the development of Jewish settlement as a national value, and shall act to encourage and promote its establishment and consolidation."

Three of those terms bear directly on the indigeneity question. "Historical right" grounds the claim in the past relationship of a people to a land. "Ingathering of the exiles" describes Jewish immigration as the return of a dispersed people rather than as the arrival of newcomers. "Jewish settlement" uses the vocabulary of building new communities. The law holds all three together in one instrument, enacted in 2018.

The language clause sets out the relation to the other population. Clause 4(a) reads "Hebrew is the language of the State," clause 4(b) gives Arabic "a special status in the State," and clause 4(c) preserves "the status given to the Arabic language in practice, before this basic-law came into force." Clause 3 declares that "The complete and united Jerusalem is the capital of Israel."

The Basic Law contains no equality clause and no individual-rights clause. That is a feature of the enacted text, not a finding about how the state treats anyone, and the question of exclusivity is examined separately in the Institute's reading of the nation-state law and the Jewish supremacy claim.

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What the instrument settles is the legal category. The State of Israel, through its legislature, framed the Jewish claim to the land as a national right of self-determination with historical grounds, exercised exclusively by the Jewish people, implemented through immigration and settlement. Whether that national claim also qualifies as an indigenous one is the question the remaining sections take up, beginning with who holds that it does.

## Who describes Zionism as an indigenous movement, and since when?

Ukashi, writing in the peer-reviewed journal Peace and Conflict Studies in **May 2018**, argued for reconsidering Zionism as an Indigenous emancipation movement, against imperial and settler-colonial characterisations. The article is an interpretive essay rather than a research study, and its author states his conclusion in the introduction and describes his purpose as an intervention in a live argument.

It is often said that Zionism is the indigenous rights movement of the Jewish people. Ukashi's essay is a named, dated, peer-reviewed statement of that position, and it is cited here as one side of a dispute. It measured nothing, and no figure in this report rests on it.

The indigenous reading shares a premise with the state's founding text: a historical chain linking the Jewish people to the land and to the modern instruments that recognised that link. The Declaration of the Establishment of the State of Israel, read in Tel Aviv on 14 May 1948 and signed by the 37 members of the People's Council, David Ben-Gurion first, proclaimed "THE ESTABLISHMENT OF A JEWISH STATE IN ERETZ-ISRAEL, TO BE KNOWN AS THE STATE OF ISRAEL."

The Declaration's own recitals set out a chain of modern instruments behind that act: the First Zionist Congress of 1897, convened by Theodor Herzl; the Balfour Declaration of 2 November 1917; the League of Nations Mandate; and the United Nations General Assembly resolution of 29 November 1947, whose recognition of the Jewish people's right to its state the Declaration calls "irrevocable." These recitals are the founding text's own historical narrative, cited as what it asserts and not as independent historical findings.

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Two features of that founding narrative matter for the indigeneity question. First, its modern links are political acts, a congress, a government letter, an international mandate and a recorded resolution, so the claim it advances is framed as a recognised national right. Second, the Declaration addressed the land's Arab population directly, appealing "to the Arab inhabitants of the State of Israel to preserve peace and participate in the upbuilding of the State on the basis of full and equal citizenship and due representation in all its provisional and permanent institutions."

The founding text therefore names two populations, the Jewish people whose state it establishes and the Arab inhabitants it addresses. The indigenous framing, as Ukashi argues it, concerns the first. The critical framings set out in the final section concern the relation between the two. The earliest of the founding links the Declaration recites, the 1917 letter and the Mandate that carried it, set the international terms on which that relation was administered.

## What did the 1922 Mandate commit Britain to establishing?

The Mandate for Palestine, approved by the Council of the League of Nations in **1922**, made Britain responsible in Article 2 "for placing the country under such political, administrative and economic conditions as will secure the establishment of the Jewish national home." The same article added a duty of "safeguarding the civil and religious rights of all the inhabitants of Palestine, irrespective of race and religion." Its category was a national home administered by a mandatory power.

The Mandate's preamble made the Mandatory "responsible for putting into effect the declaration originally made on November 2nd, 1917, by the Government of His Britannic Majesty, and adopted by the said Powers." That declaration, sent by Foreign Secretary Arthur James Balfour to Lord Rothschild as a letter, is a single sentence of 67 words, quoted here whole because either half alone changes it:

"His Majesty's Government view with favour the establishment in Palestine of a national home for the Jewish people, and will use their best endeavours to facilitate the achievement of this object, it being clearly understood that nothing shall be done which may prejudice the

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civil and religious rights of existing non-Jewish communities in Palestine, or the rights and political status enjoyed by Jews in any other country."

The sentence says "a national home," not "a state" and not "the national home." It carries two safeguards: one for "existing non-Jewish communities in Palestine," limited to their "civil and religious rights," and one for Jews in "any other country." The covering letter called it a "declaration of sympathy with Jewish Zionist aspirations" that had been "submitted to, and approved by, the Cabinet."

The two texts are not interchangeable. The letter reads "view with favour" and "nothing shall be done which may prejudice"; the Mandate's preamble restates it as "in favor of the establishment" and "nothing should be done which might prejudice." The letter was a British government statement, not a treaty; its legal force came through the Mandate. Both are quoted here from the Avalon Project transcription at Yale Law School.

Article 4 gave the national home an institutional partner: "An appropriate Jewish agency shall be recognised as a public body for the purpose of advising and co-operating with the Administration of Palestine."

Read together, the instruments describe a people with a recognised claim to a national home in a country whose existing communities held protected civil and religious rights. The vocabulary is national and administrative: a national home, a mandatory power, a Jewish agency, the inhabitants of Palestine. The Mandate set no boundary for the home and carried no population figure, and it delegated its establishment to an outside power, the arrangement Jabotinsky invoked by name in 1923.

## Why does Israeli law count native-born Jews as immigrants?

The Knesset's Law of Return, passed on **5 July 1950**, provides in section 4 that "every Jew who was born in this country, whether before or after the coming into force of this Law, shall be deemed to be a person who has come to this country as an oleh under this Law." The statute folds birth in the land and arrival from abroad into one legal status of return.

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The operative grant is section 1, quoted from the English text of the Law published by the Knesset: "Every Jew has the right to come to this country as an oleh." A translator's note attached to it defines the terms: "aliya means immigration of Jews, and oleh (plural: olim) means a Jew immigrating, into Israel." The English pages are scans from the series Laws of the State of Israel and are marked neither official nor unofficial.

The defined status is the statute's central device. A Jew arriving from abroad is an oleh. Under section 4, so is a Jew born in the country, before 1950 or after. The law does not create a separate category for Jews whose families never left; it deems them to have come, placing the native-born and the immigrant inside one legal relationship to the land.

The 1950 text also set limits. Section 2(b), as enacted in 1950, granted an oleh's visa to "every Jew who has expressed his desire to settle in Israel, unless the Minister of Immigration is satisfied that the applicant" is "engaged in an activity directed against the Jewish people" or "is likely to endanger public health or the security of the State." A 1954 amendment followed, and the page as printed is the enacted wording, not the wording in force today.

For the indigeneity question, the statute is a record of how the state encoded the claim. The Basic Law of 2018 calls immigration "the ingathering of the exiles"; the Law of Return of 1950 makes that ingathering a right of "every Jew" and treats Jewish birth in the land as equivalent to it. Both describe a return of a people to its land in legal form. The Law carries no number of any kind, so the scale of that return belongs to the bureau that counts it.

## What share of the world's Jews lived in the land in 1939?

Israel's Central Bureau of Statistics recorded in 2025 that 449,000 Jews lived in the land in 1939, **3%** of a world Jewish population of 16.6 million, on the eve of the Second World War. The figure is Israel's own official statistic. Four decades after the First Zionist Congress, the population the movement addressed lived overwhelmingly elsewhere.

The same release gives the count on the eve of statehood: 650,000 Jews in the land in 1948, 6% of a world Jewish population that had fallen to 11.5 million. Between those two dates the world count dropped by 5.1 million, the release's own framing of the Holocaust years.

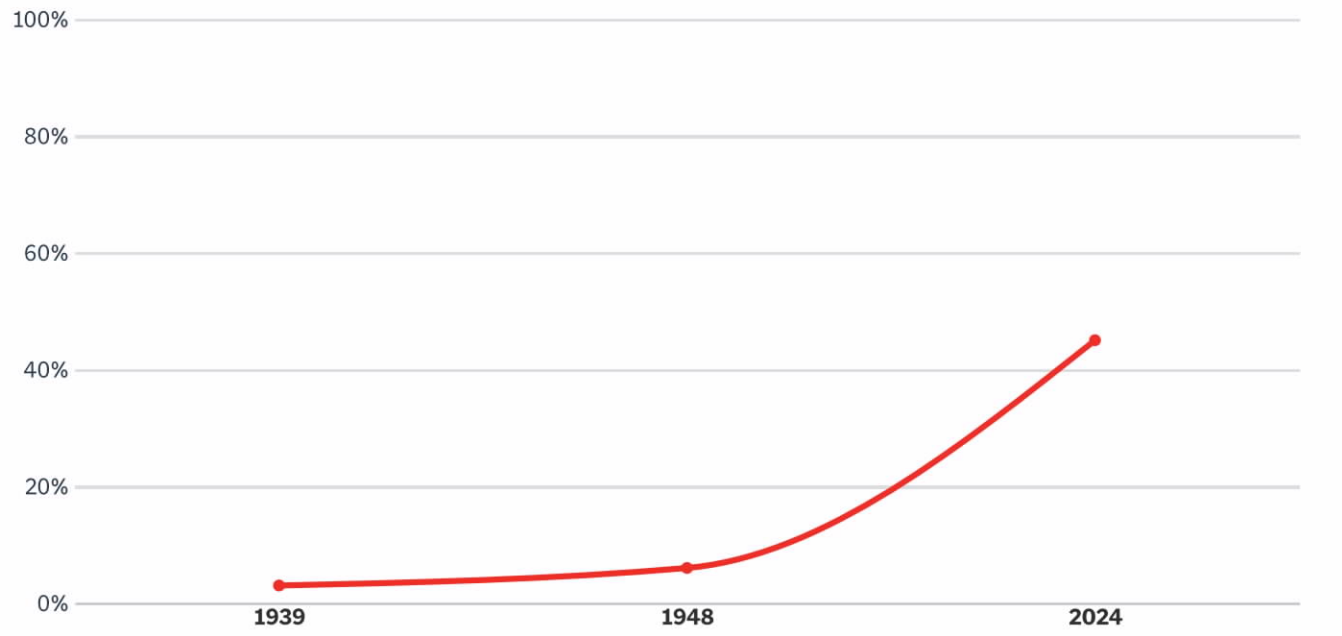
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At the beginning of 2024 the Bureau counted 7.1 million Jews living in Israel, 45% of a world Jewish population of 15.7 million. Of those 7.1 million, 5.7 million were born in Israel and 1.4 million abroad, including 1.0 million born in Europe or America and 275,000 born in Africa.

**Share of the world's Jews living in the land**

**PERCENT OF WORLD JEWISH POPULATION, 1939, 1948 AND BEGINNING OF 2024**




*Source: Central Bureau of Statistics, 2025, Israel's own official statistics; non-Israel counts use the core Jewish population definition.*

The two ends of the series describe different populations, and the indigeneity dispute often turns on which one is meant. In 1939 the people in question was a world population of 16.6 million, of whom 3% lived in the land. In 2024 the Jewish population of Israel was majority native-born, with 5.7 million of its 7.1 million born in the country, the people the Law of Return deems to have come as olim.

The counts carry a method note the release states itself. Jewish population figures for every country other than Israel use a "core" Jewish population definition drawn from the source the release cites, the American Jewish Year Book 2023 published through the Hebrew University

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of Jerusalem, rather than from Bureau collection. A different definition of who counts as Jewish would move the world totals, and therefore the shares.

The series establishes the base rate for any claim about the movement's population: political Zionism drew a people living mostly outside the land, and its state now holds a Jewish population most of whose members were born in it.

## Which Jewish bodies rejected Zionism's national claim before 1948?

The Pittsburgh Rabbinical Conference of **November 1885** declared in article five of its Declaration of Principles: "We consider ourselves no longer a nation, but a religious community, and therefore expect neither a return to Palestine, nor a sacrificial worship under the sons of Aaron, nor the restoration of any of the laws concerning the Jewish state."

The clause predates the First Zionist Congress of 1897 by nearly 12 years, and its middle limb places "the Jewish state" in the register of ancient Temple restoration, not the modern state. The text is published today by the Central Conference of American Rabbis, a successor body founded in 1889. Its Columbus Platform of 1937 affirmed "the obligation of all Jewry to aid in its upbuilding as a Jewish homeland," a reversal traced in the Institute's reading of how Jewish identity is tied to the land.

The Bund, the General Jewish Workers' Union in Lithuania, Poland and Russia, adopted a resolution on Zionism at its Fourth Congress in April 1901. The Central Committee's printed report gives it in full; in the Institute's working translation from the Russian:

"The Congress considers Zionism a reaction of the bourgeois classes against antisemitism and against the abnormal legal position of the Jewish people. The Congress finds the ultimate aim of political Zionism, obtaining a territory for the Jewish people, to be, insofar as that territory would hold a small part of the people, a matter of no great importance that does not resolve the 'Jewish question', and, insofar as it is meant to concentrate the whole Jewish people or even a significant part of it, utopian and unrealisable. The Congress considers that Zionist agitation inflames national feeling and may hinder the development of class

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consciousness. As for the cultural activity of certain Zionist groups, the Congress regards it as it regards any legal activity."

In a separate decision, the same congress resolved that Zionists must "in no case" be admitted to its economic or political organisations.

E. S. Montagu, Secretary of State for India, circulated War Cabinet paper G.T. 1868 on 23 August 1917, writing "as the one Jewish Minister in the Government" against a draft British declaration on Palestine. He set out principles including "1. I assert that there is not a Jewish nation" and "3. I deny that Palestine is to-day associated with the Jews or properly to be regarded as a fit place for them to live in." The paper is one minister's argument against a draft, and its second page, where those principles appear, was read from a relayed scan of the same print.

## How did Jabotinsky describe Zionism and the Arab population in 1923?

Ze'ev Jabotinsky, in "The Iron Wall (We and the Arabs)," published in the Berlin weekly Rassvet on **4 November 1923**, described the enterprise as colonisation: "Colonisation can have only one aim, and Palestine Arabs cannot accept this aim." He referred to the Arab population as "the native population" and argued that settlement could proceed only "behind an iron wall, which the native population cannot breach."

The central passage reads in full: "Zionist colonisation must either stop, or else proceed regardless of the native population. Which means that it can proceed and develop only under the protection of a power that is independent of the native population, behind an iron wall, which the native population cannot breach."

Jabotinsky placed the enterprise inside a general category. He invited readers to "consider all the precedents with which they are acquainted, and see whether there is one solitary instance of any colonisation being carried on with the consent of the native population. There is no such precedent." He drew the conclusion directly: "There can be no voluntary agreement between ourselves and the Palestine Arabs. Not now, nor in the prospective future."

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He presented this as description rather than programme: "That is our Arab policy; not what it should be, but what it actually is, whether we admit it or not. What need, otherwise, of the Balfour Declaration? Or of the Mandate?" The question ties his account to the instruments of 1917 and 1922, which delegated the national home's establishment to an outside power.

A second essay, "The Ethics of the Iron Wall," appeared in Rassvet a week later, on 11 November 1923, answering the charge that the first was immoral. The two essays are distinct and are routinely conflated; every quotation above is from the first. The English is a translation, quoted from the typescript held and published by the Jabotinsky Institute in Israel under archive reference A 1 - 7/14.

The essays are evidence of what Jabotinsky wrote in 1923, as founder of the Revisionist current within Zionism. They are not evidence that his account of the Arab response was accurate, and not evidence of the views of other Zionist currents. For the indigeneity question, they record that a founding Zionist leader's own dated text used the vocabulary of colonisation for the enterprise and of a "native population" for the people already on the land. The wider founding vocabulary is examined in the Institute's reading of Herzl, Jabotinsky and the colonial vocabulary.

## Where do scholars split between indigenous and settler-colonial readings?

**Five** named works published between 2018 and 2025 mark the scholarly split: two argue for the indigenous reading or against the settler-colonial one, Ukashi (2018) and Dowty (2022), and three read the movement critically, Ricarte (2023), Dana (2024) and Locker-Biletzki (2025). None of the five measured anything, and each is an argument on one side of a live dispute.

Ukashi (2018), in the peer-reviewed journal Peace and Conflict Studies, argues for reconsidering Zionism as an Indigenous emancipation movement, against imperial and settler-colonial characterisations. Dowty (2022), in an essay for the Stroum Center for Jewish Studies at the University of Washington, argues against the settler-colonial characterisation of Israel. The essay is signed faculty commentary, not peer-reviewed, and the page displays the title "Is Israel a settler colonial state?"

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Ricarte (2023), in a chapter of a Palgrave Macmillan volume, reads the founding Zionist documents through dehumanization. She writes that "Early signs of a narrative that dehumanizes the 'other' by implicitly or explicitly denying identity and community to the autochthonous populations of Palestine can be seen in the first documents associated with the Zionist Movement." Of the Bilu manifesto of 1882, Herzl's "The Jewish State" of 1896 and the Basle Declaration of 1897, she writes: "Those perspectives either deliberately ignore the existence of several communities that lived in Palestine at that time or imply that their will over the land is not worth consideration." That is her stated reading.

Dana (2024), in the peer-reviewed journal Middle East Critique, argues that Israeli settler colonialism should be classed as exceptional within settler-colonial studies, citing its Zionist ideological roots, the absence of a conventional metropole and its reliance on Western alliance. The journal states that it publishes analyses drawing on "heterodox theoretical perspectives." Locker-Biletzki (2025), in the Review of Radical Political Economics, published by SAGE for the Union for Radical Political Economics, argues about settler-colonialism and capital across 1920 to 1956. The publisher types the piece as a refereed meeting report within a themed symposium.

| Work | Position as stated | Type |
|---|---|---|
| Ukashi, **2018** | Zionism as Indigenous emancipation | Peer-reviewed interpretive essay |
| Dowty, **2022** | Against the settler-colonial label | Academic centre essay |
| Ricarte, **2023** | Founding texts deny local communities | Scholarly book chapter |
| Dana, **2024** | Settler-colonial "exceptionalism" | Peer-reviewed article |
| Locker-Biletzki, **2025** | Settler-colonialism and empire-building | Refereed meeting report |

No body publishes a tally of the readings across the literature, so the split is a list of named positions, not a measured distribution.

## Methodology and limitations

The evidence comes from three source types. Primary and official records: the Basic Law of 2018 and the Law of Return of 1950 with its 1970 amendment, both from English texts

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published by the Knesset; the Declaration of the Establishment of the State of Israel of 1948; the Balfour Declaration of 1917 and the Mandate for Palestine of 1922; the Central Bureau of Statistics release of 2025; and party and movement documents from 1885, 1901 and 1917. Peer-reviewed and scholarly works: Ukashi (2018), Ricarte (2023), Dana (2024) and Locker-Biletzki (2025). One academic centre essay, Dowty (2022), is not peer-reviewed. No source here is a preprint.

The legal and historical texts measure nothing; they record what a legislature enacted, a government declared or a body resolved, on a stated date. The only measured figures are the Bureau's population counts, which are Israel's own official statistics; its figures for countries other than Israel use the core Jewish population definition from the American Jewish Year Book 2023.

Several texts carry translation and transmission limits. The Knesset labels its Basic Law translation unofficial; its Law of Return pages are scans from Laws of the State of Israel, marked neither way. The 1950 text of section 2(b) is the wording as enacted in 1950, not necessarily the law in force; the 1970 amendment's footnote records a 1954 amending statute that the Knesset series does not carry. The Declaration exists in two Israeli government English texts that differ on one word, "citizens" in the Knesset text and "inhabitants" in the Foreign Ministry text; quotations here are from the Knesset text. The Balfour and Mandate texts are the Avalon Project transcription. The Pittsburgh Platform is quoted from the Central Conference of American Rabbis transcription; no facsimile of the 1885 printing was located. The Bund resolution is the Institute's working translation from the Russian documentary edition published by ROSSPEN in 2010. Pages 2 and 3 of Montagu's paper were read from a relayed scan whose first page matches The National Archives' own image word for word. Jabotinsky's essays are quoted in English translation from the Jabotinsky Institute typescript.

The scholarly works are interpretive and contain no figures. Ricarte's chapter is cited only for her reading of the founding documents.

## Conclusion

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So is Zionism a return or an arrival? The record holds both vocabularies at once, and each belongs to a named author on a dated page. Israel's Basic Law of 2018 grounds the state in a "historical right," and the Law of Return of 1950 deems every Jew born in the country to have come as an oleh, making birth and arrival one legal status.

The rest of the record fills in the portrait. The Mandate of 1922 created a national home administered by an outside power, alongside the rights of "all the inhabitants of Palestine." On Israel's own official count, 3% of the world's Jews lived in the land in 1939, and 5.7 million of the 7.1 million counted in 2024 were born there. Jewish bodies rejected the national premise in 1885, 1901 and 1917, and the Reform movement reversed in 1937. Jabotinsky called the enterprise colonisation in 1923 and the people on the land "the native population." The scholarship divides two works to three.

The indigenous framing and the colonial one are not drawn from different archives; they are drawn from the same texts, read for different things. A statute that calls immigration a homecoming and a founder who called it colonisation were describing one movement. If a people can be indigenous to a land while the movement that returned most of it there named its own method in colonial terms, which of those descriptions should govern how a society understands the 5.7 million who were simply born in the country?

## Frequently Asked Questions

### Does the United Nations have a formal definition of indigenous peoples?

The United Nations Department of Economic and Social Affairs states that the UN has adopted no single formal definition of indigenous peoples. Its working description emphasises historical continuity with pre-colonial societies, distinctness from the now-dominant society, a non-dominant position and attachment to ancestral territory. Applying that description to Zionism therefore depends on which elements a writer weighs.

### Who besides Jews gains rights under the Law of Return?

Section 4A, inserted by the Knesset in 1970, vests the rights of a Jew under the Law in "a child and a grandchild of a Jew, the spouse of a Jew, the spouse of a child of a Jew and the spouse of a

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grandchild of a Jew." It excludes "a person who has been a Jew and has voluntarily changed his religion." The extension reaches non-Jewish relatives, so the population entitled to return is wider than the population the Law defines as Jewish.

### How does Israeli law define who is a Jew?

Section 4B of the Law of Return, added in 1970, defines a Jew "for the purposes of this Law" as "a person who was born of a Jewish mother or has become converted to Judaism and who is not a member of another religion." The same amendment inserted section 3A(b) into the Population Registry Law, giving "Jew" "the same meaning as in section 4B" for registry purposes. The two clauses together carry the definition beyond immigration into civil registration.

### Did the Bund adopt an anti-Zionist programme at its founding in 1897?

Arkady Kremer, the founding congress's convener, wrote in a 1922 memoir that "Questions of programme and tactics were not discussed" and that no formulated resolutions were adopted. A 1909 memoir by A. Mutnik describes resolutions passed without debate, so the participants' accounts differ. The resolution on Zionism dates to the Fourth Congress of April 1901.

### Was Montagu's memorandum a response to the Balfour Declaration?

Montagu's paper is dated 23 August 1917 and answers Lord Rothschild's letter of 18 July 1917 and a reply then still in draft. The Balfour Declaration was sent on 2 November 1917, about ten weeks later, in wording the memorandum could not have seen. It argued the policy would be "anti-Semitic in result," stating that he was not suggesting the Government "is deliberately anti-Semitic."

### What did the 1948 Declaration promise non-Jewish residents?

The Declaration of 14 May 1948 pledged that the state "will ensure complete equality of social and political rights to all its citizens irrespective of religion, race or sex," in the Knesset's English text. The Foreign Ministry's English text reads "inhabitants" in place of "citizens"; both translate a Hebrew original. The same text pledged freedom of "religion, conscience, language, education and culture."

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### Where do most Jews outside Israel live today?

The Central Bureau of Statistics counted 6.3 million Jews in the United States at the beginning of 2024, 40% of the world Jewish population, on the core definition it draws from the American Jewish Year Book 2023. France followed with 438,000 and Canada with 400,000. Israel and the United States together held 85% of the world total.

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RELATED RESEARCH

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## Who Are the Indigenous People of Israel/Palestine? Reading the Treaty Criteria, the Recorded Vote and the Two Statistical Registers

No treaty body names one. What the 1989 criteria, the 2007 UN vote and the two official statistical registers actually record.

DATA REPORT AUGUST 13, 2026

## What Evidence Suggests Zionism Is a Settler-Colonial Ideology? Reading the Named Scholarship, the Framework's Criteria and the Enacted Texts

Four classes of evidence carry the settler-colonial reading of Zionism. What the named literature, the framework's criteria and the enacted texts record.

DATA REPORT SEPTEMBER 29, 2026

## How Is Jewish Identity Tied to the Land of Israel? Reading the Founding Texts, the Dissenting Platforms, the Statutes and the Population Record

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Israel's founding text, statutes and census tie Jewish identity to the land; 45% of US Jews call caring about Israel essential to being Jewish.

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DATA REPORT BY THE HANOVER INSTITUTE NOVEMBER 9, 2026 UPDATED NOVEMBER 10, 2026

# Does the IDF tolerate high civilian casualties? Israel's own test, and each side's count

*Israel's stated test sets no fixed civilian toll. Reported thresholds, the IDF's own procedures and both parties' counts, read side by side.*

Israel Defense Forces | Gaza War | Proportionality | Civilian Harm | Targeting



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Israel's published targeting standard sets no fixed number of civilian deaths it will accept. The New York Times reported on 26 December 2024, citing anonymous Israeli officers, that after 7 October 2023 officers could approve strikes expected to kill up to 20 civilians each. The IDF, as The Times of Israel relayed, confirmed that its rules of engagement changed when the war began.

Israel's own legal papers place tolerance in the harm expected before each strike, not in the toll afterward. In the Foreign Ministry's 2023 words, compliance "is conduct-oriented, not result-oriented." Neither party's published death count links a single death to a strike or to the estimate approved for it.

## Key Findings

- The State of Israel's May 2015 report on the 2014 Gaza conflict, a party's own account, states at paragraph 330 that "Excessiveness, however, is not measured using absolute numbers. It is assessed on a case-by-case basis" (Israel Ministry of Foreign Affairs, 2015).
- The Times of Israel reported on 26 December 2024 that the IDF confirmed its rules of engagement changed when the war broke out on 7 October 2023. The IDF maintained that all practices remained consistent with international law. The per-strike thresholds of 20 and 10 civilians in the same article are The New York Times's figures from anonymous officers, not the IDF's (The Times of Israel, 2024).
- Israel's Foreign Ministry, in a paper updated to 2 November 2023, states its own legal position: a strike causing "more collateral damage than expected" does "not necessarily indicate a violation: compliance is conduct-oriented, not result-oriented" (Israel Ministry of Foreign Affairs, 2023, Key Legal Aspects).
- The IDF Military Advocate General's Corps reported **74** criminal investigations opened as at 3 August 2024, against over 1,000 incidents referred for factual assessment. These are its own count, not independently verified. They were produced under a threshold in which civilian death "in most cases" does not by itself indicate "a reasonable suspicion of criminal conduct" (Israel Defense Forces, Military Advocate General's Corps, 2024).
- Gaza's Ministry of Health recorded 73,670 cumulative deaths in its daily report of 10 September 2026. That is a party's own count, not independently verified, and the

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ministry's published name lists carry no field linking a death to a strike (Ministry of Health, Gaza, 2024 to 2026).

## Is there a fixed number of civilian deaths the IDF accepts?

The State of Israel's May 2015 report on the 2014 Gaza conflict states at paragraph 330: "Excessiveness, however, is not measured using absolute numbers. It is assessed on a case-by-case basis." That is a party's own statement of its standard. Its published text sets no numeric ceiling on the civilian deaths a strike may be expected to cause.

The IDF restated the same structure for the current war on its page on data technologies, dated 18 June 2024 and updated 14 September 2026. "In each attack, IDF procedures require conducting an individual assessment of the anticipated military advantage and the incidental damage expected to civilians and civilian objects," the page states. "Such assessments are to be made in relation to each specific strike, and not categorically." The procedures, it adds, "do not permit carrying out strikes on a category basis, without conducting individual assessments per strike."

Who counts as a civilian in that assessment is set by a separate line in the same 2015 report. Paragraph 265 states that Hamas's military wing "is an organised armed group, and its members are therefore lawful targets of attack at all times and in all places," except when "hors de combat or entitled to special protection." Israel's Foreign Ministry repeated the principle in its paper "Hamas-Israel Conflict 2023: Key Legal Aspects," updated to 2 November 2023: "the IDF only targets persons who are members of organized armed groups or civilians directly participating in the hostilities." The expected civilian toll of any strike is therefore a count of people outside that category, as the IDF classifies them.

Three documents, published in 2015, 2023 and 2024 to 2026, describe the same test: an expected-harm estimate weighed against an expected military advantage, strike by strike, with no published number on either side of the scale. All three are a party's own description of its rules. None of them reports how often the rules were applied, what expected tolls were approved, or how the outcomes compared with the estimates. Under this test, a level of tolerance would show up in the expected-harm figures written into individual approvals. For the war that began in October 2023, no approval of that kind has been published by the IDF.

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## Who says the IDF accepts high civilian tolls, and since when?

The Times of Israel reported on 26 December 2024 that the IDF had responded to a New York Times investigation. In that response it confirmed that its rules of engagement changed when the war broke out on 7 October 2023, and it maintained that all practices remained consistent with international law. The confirmation is the outlet's paraphrase of a party's own response.

The numbers in that reporting are the newspaper's, not the IDF's. The New York Times, as The Times of Israel summarised it, drew on anonymous officers to describe thresholds of 20 and 10 civilians per strike and a tightening it dated to 5 November 2023. The IDF told the paper that "officers always verified the information provided" by AI systems. It described those tools as no more than a "starting point" of target selection. The Guardian had published an analysis on 3 April 2024 under the headline "Israel's rules of engagement seem looser than ever." So the record from 2024 onward holds a claim of loosened thresholds and a party's confirmation that the rules changed. It holds no IDF figure for what the new rules permit.

The largest figure in circulation comes from the documentary NAZA. An interviewee in a promotional clip, quoted by The Times of Israel on 14 September 2026, was asked for the largest expected civilian toll ever approved for a strike. He replied: "I don't know how many were killed, because they never check this, but there was once an approval for 500." His own sentence makes the 500 an approval figure, not a death toll, and states first that the outcome was never checked.

The IDF answered on X on 14 September 2026, Israel time: "This is completely false. The IDF has never planned, approved, or carried out a strike in Gaza in which 500 civilians or anything near that number were anticipated to be killed." As quoted by Israel Hayom, the statement continued: "Nor was any credible claim raised throughout the war suggesting that an IDF strike had caused anything near that number of fatalities." Both outlets quote its further line that "nothing about the interviewee, not his service nor his role can be independently checked and verified." The IDF's reply is a party's own statement. The interviewee's claim rests on one unnamed witness. The documents each side has offered are set against each other in a separate reading of the IDF's targeting records.

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## What does Israel say a higher-than-expected civilian toll means legally?

Israel's Foreign Ministry, in "Hamas-Israel Conflict 2023: Key Legal Aspects," updated to 2 November 2023, states its own legal position: "If the attack results in more collateral damage than expected, this does not necessarily indicate a violation: compliance is conduct-oriented, not result-oriented." Under that test, the civilian toll after a strike is not, on its own, the measure of what was accepted.

The same paper names the difficulty that sits inside the test: "Estimating expected civilian harm can be very challenging, especially when operating in a complex and dense urban environment where civilian presence is dynamic and often hard to ascertain." The 2015 report on the 2014 conflict adds a constraint on the process. Paragraph 247 states that "certain input, such as fact-specific legal advice, will not be available in real time" in time-sensitive combat. In such cases commanders "rely on the training they have received, as well as directives that specify the checks and authorisations required prior to carrying out attacks."

This is the point at which two readings of the same practice part company. One reading measures tolerance by outcome: a war-level toll, or the deaths in a given strike. Israel's stated test measures conduct by expectation: what the commander anticipated, on the information available, at the moment of approval. A large gap between the expected and the actual toll is, on Israel's stated position, not a breach in itself. The same gap can be read as evidence of what was tolerated under the other approach. Both readings describe the same strikes. They differ on which number is the measure.

The test also determines what evidence would settle the question. On Israel's own terms, the decisive record is the expected-harm figure and the information behind it for each approval. The 2015 report reproduces one such approval, for a 2014 strike. Neither the 2023 paper nor any IDF publication on the current war prints an expected-harm figure for a single strike.

## Why does Israel judge each strike's civilian toll on its own?

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Israel's Foreign Ministry, in its FAQ updated to 8 December 2023, states at question 8 that proportionality is "to be applied to each and every attack independently." Its illustration: "one attack causing 500 casualties should logically, and legally, be seen differently than 500 attacks against military objectives resulting overall in the same number of casualties." Both statements are a party's own legal position.

The 500 in that passage is a hypothetical published in December 2023, almost three years before NAZA, and it is not a reply to the film. It shows how the stated method is built. Each strike carries its own expected harm and its own expected military advantage. A cumulative toll for the war is therefore a sum of many separate judgments, and no war-level tolerance figure exists anywhere in the method.

The IDF's data-technologies page of 2024, updated in 2026, applies the same rule from the other direction: assessments are made "in relation to each specific strike, and not categorically." The 2015 report's paragraph 330 rejects "absolute numbers" on the same ground.

The consequence for the question is one of category. An aggregate toll and a per-strike threshold answer different questions. The first describes what the war produced. The second describes the rule an officer applied before a single strike. The thresholds of 20 and 10 civilians per strike that The New York Times reported in 2024, from anonymous officers, belong to the second category. The cumulative counts published by Gaza's Ministry of Health belong to the first. Under Israel's stated method, a tolerance level would be read from the distribution of expected-harm figures across approvals. No party to the war publishes that distribution.

## Does a warning change how much civilian risk Israel accepts?

The State of Israel's 2015 report states at paragraph 306 that "the provision of a warning never, on its own, affected a proportionality assessment." The same paragraph states that after a warning "the IDF did not assume that a relevant site or area had been evacuated." This is a party's own account of its 2014 practice.

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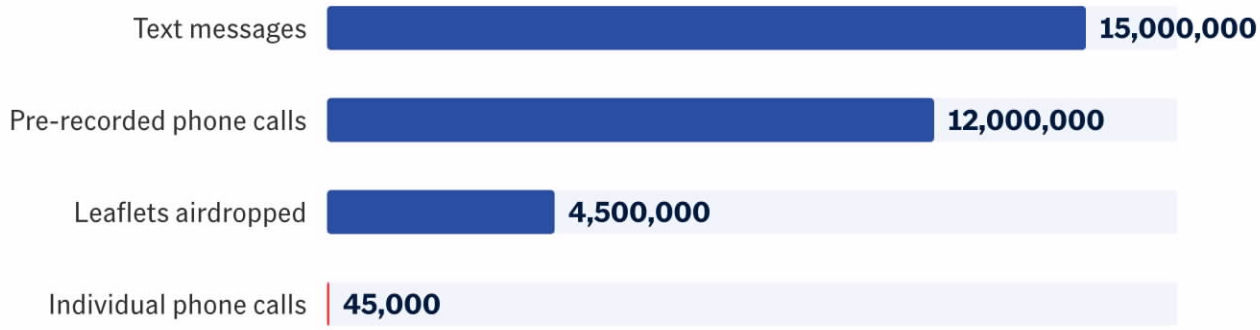
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The 2023 Key Legal Aspects paper carries the same rule into the current war: "the IDF does not assume that there are no civilians in areas or sites where advance warnings had been given." Warnings also have a stated exception. The 2015 report, paragraph 308, says none is required "where the element of surprise is necessary for the success of a military operation (e.g., where a target is a militant who would escape if warned)." The 2023 paper restates it: where a warning is not feasible, "there is no legal requirement to do so." The 2015 report adds at paragraph 307 that civilians who stayed after a warning were not regarded "as voluntary human shields and thus legitimate targets for attack."

Israel's Foreign Ministry FAQ to 8 December 2023 gives its own counts of the warning effort. It reports over 45,000 individual phone calls and over 15 million text messages. It also reports over 12 million pre-recorded calls and over 4.5 million leaflets. Each figure is a floor, cumulative to that date, and a party's own count. The channels overlap, so the figures are never summed into a number of people warned.

**Warnings Israel reports sending in Gaza, by channel**

**FLOORS, CUMULATIVE TO 8 DECEMBER 2023; CHANNELS OVERLAP AND ARE NOT SUMMED**




*Source: Israel Ministry of Foreign Affairs, 2023, Hamas-Israel Conflict 2023: Frequently Asked Questions, question 3. A party's own counts, not independently verified.*

By Israel's own account, then, a warning works on the inputs to the estimate, not on the threshold. It may reduce the number of people present, and the estimate is supposed to count whoever remains. None of the published counts measures how many people left after any warning. The effect of warnings on expected harm is therefore stated in the record but not quantified.

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## Where does expected civilian presence enter the IDF's approval chain?

The IDF's undated targeting presentation, slide 18, places "Civilians in Target?" among four yes-or-no gates in an eight-step chart. The chart runs from "Intel Based Targets" to "Permission to Strike." The other three gates are "Area Evacuated?", "Proximity to Sensitive Sites?" and "Target Coherent RoE?". The chart is a party's own diagram of its procedure.

**The IDF's nine-stage targeting process**
AS DRAWN IN AN UNDATED IDF BRIEFING DECK




*A separate approval chart in the same deck adds a yes-or-no gate, Civilians in Target?; no count of gates failed is published.*

*Source: Israel Defense Forces, undated, targeting process presentation, slides 6 and 18. A party's own diagram.*

The input to that gate is described on slide 10. A Southern Command team "led by a Brigadier General" developed "a layered map which divides Gaza into 630 sectors. For each sector, the unit made continuous assessments of the population presence that is there." The deck mixes material from 2014 with material from the current war, and slides 10 to 13 belong to the current war. Israel's Foreign Ministry FAQ of December 2023 describes a matching "Civilian Harm Mitigation Unit" that "constantly monitors in real time the implementation of these evacuation recommendations." How that unit's 630-sector map relates to strikes in populated areas is read separately.

The 2015 report, paragraph 245, describes what a commander may do when the civilian picture is uncertain. A senior commander may "suspend the attack (for instance, because more information about potential collateral damage is necessary), or (iii) abort the attack altogether." Paragraph 316 adds that "individual pilots exercised their discretion to cancel or delay planned strikes due to the presence of civilians."

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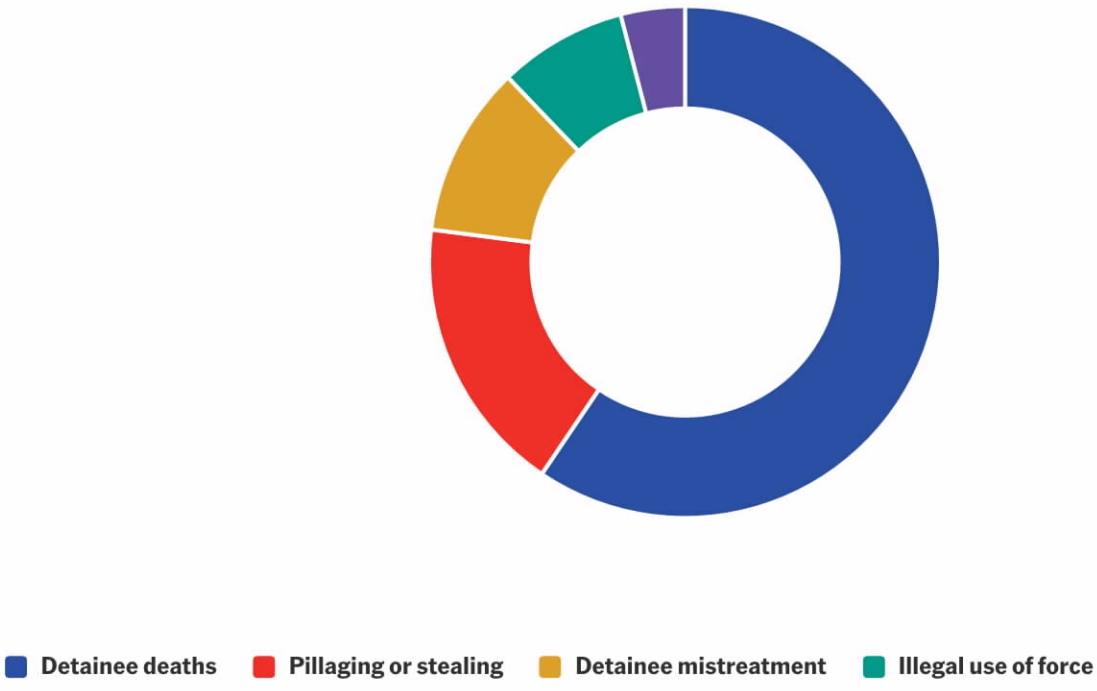
What the deck does not supply is a count. Slide 17 states: “Many strikes were cancelled due to unexpected presence of civilians.” “Many” is the whole quantification, and the only dated example on the slide is from 14 July 2014. The FAQ of December 2023 says “countless attacks have been aborted or avoided completely,” which is also not a number. The party’s own record shows where the civilian-harm judgment sits in the chain. It does not show how often that judgment stopped a strike in this war.

## Of over 1,000 reviewed incidents, how many became criminal cases?

The IDF Military Advocate General’s Corps reported **74** criminal investigations opened as at 3 August 2024. Over 1,000 incidents had been referred for factual assessment by that date. These are the IDF’s own count of its own processes, published by a party to the events and not independently verified. They are investigations opened, not findings, indictments or convictions.

**Criminal investigations the MAG Corps reports opening**

**74 INVESTIGATIONS, AS AT 3 AUGUST 2024**




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Property destruction

*Source: Israel Defense Forces, Military Advocate General's Corps, 2024. The party's own count, not independently verified.*

The count is a product of the threshold the Corps applies, and the threshold travels with it. In the Corps' own words, civilian death or injury, "while tragic and regrettable, in most cases do not by themselves indicate a reasonable suspicion of criminal conduct, as they can be explained as reasonable aftermath of lawful operational activity." This is the after-the-fact form of the conduct-oriented test in Israel's 2023 legal paper. A civilian toll opens a criminal file only when something beyond the toll suggests criminal conduct.

The breakdown shows where the files sit. Forty-four concern deaths of detainees held by the IDF. Of the five published categories, 6 allege illegal use of force and 3 allege destruction of civilian property without military necessity. No category in the published breakdown is named for a strike's expected civilian harm. The Corps said hundreds of the referred incidents were still under assessment at the time of writing.

The review body, the Fact-Finding and Assessment Mechanism, was created during the 2014 Gaza conflict on a recommendation of the Turkel Commission. It now operates as "a permanent body which conducts factual assessments." The Corps states that "The MAG is subject only to the law on professional matters and operates with full independence." It adds that its decisions can be challenged before Israel's Attorney General and Supreme Court. Those are the Corps' own statements about its own process.

## Can the published death counts show the harm accepted per strike?

Gaza's Ministry of Health recorded **73,670** cumulative deaths in its daily report of 10 September 2026. That is its own count as a party to the war, not independently verified. Its published name lists carry no field for the strike, the place of death or combatant status, so no death on them can be tied to an approval or an expected-harm estimate.

The lists are built from identity records. The ministry's list to 30 June 2024 has seven columns: serial number, name, document number, date of birth, sex, age and source. No list

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read for this report carries a date of death. On 29 July 2024 the ministry stated that a death was registered either on the family's report or on the date the body reached hospital. A committee was then formed to audit the actual date. The same ministry reported 28,185 records with complete data and 9,715 whose data was not yet complete as of 30 June 2024. The figures each register counts are compared in a reading of the ministry's two registry channels.

The IDF's own figure measures something else. The IDF Spokesperson stated on 29 February 2024 that over 13,000 people the IDF describes as terrorists had been eliminated in Gaza since the war began. That classification is the IDF's own and is not independently verified. The two figures come from different dates, different parties and different classifications. No ratio between them is computed here.

| Record | What it counts | Strike-level field |
|---|---|---|
| Gaza Ministry of Health daily report, 10 September 2026 | **73,670** cumulative deaths, the party's own count | None |
| Gaza Ministry of Health name list to 30 June 2024 | **28,185** records with complete data, the party's own count | None; date of birth, not date of death |
| IDF Spokesperson briefing, 29 February 2024 | Over **13,000** people the IDF describes as terrorists, its own count | None |

Source: Ministry of Health, Gaza, 2024 to 2026; Israel Defense Forces, 2024, press briefing of 29 February 2024. Both are parties to the war.

Each count describes an outcome across the war. Under Israel's stated test, tolerance is measured per strike, against the estimate made before it. No body publishes a record joining deaths to the strikes that caused them and the expected-harm figures approved for those strikes.

## Methodology and limitations

The evidence is drawn from three source types. The first is official and primary records of the parties. These include the State of Israel's May 2015 report on the 2014 Gaza conflict, chapter VI, cited by paragraph and by report page 144 for the target card. They also include two Israeli Foreign Ministry papers of November and December 2023, the IDF's data-

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technologies page (18 June 2024, updated 14 September 2026), and the IDF Military Advocate General's Corps account of 24 February 2024, updated 3 August 2024. To these are added the IDF Spokesperson's briefing of 29 February 2024, the IDF's statement of 14 September 2026, an undated 18-slide IDF targeting presentation provided to the Institute, and Gaza's Ministry of Health daily reports and name lists. The second type is press relays of named statements: The Times of Israel, Israel Hayom and The Guardian. The documents were read directly on 22 September 2026, and the Gaza ministry documents on 10 September 2026.

Every figure from the IDF, an Israeli ministry or Gaza's Ministry of Health is a party's own count or statement. Each describes a stated standard or a self-reported total and is not evidence of compliance or independently verified. The New York Times thresholds of 20 and 10 civilians per strike reach this report through The Times of Israel's summary. They rest on anonymous officers and are the newspaper's figures. The NAZA interviewee is unnamed, and his account cannot be checked. The IDF's statement in reply was read from the post's public syndication record and, where truncated, from the two outlets' quotations.

The targeting presentation is undated and mixes periods. Slide 15 is the same 2014 target card Israel published in May 2015, and slide 17's only dated example is from July 2014. Slide 12 dates to February 2024, and slides 10 to 13 are current-war material. The deck publishes no count of warnings, approvals or cancellations. Gaza's Ministry of Health lists change schema between rounds, so each field statement refers to a named list. Every count in the record is cumulative or a floor, and none is broken down by strike.

## Conclusion

So does the IDF have a high tolerance for civilian casualties? The answer depends on which number is taken as the measure, and the record holds only one side of the comparison. Israel's own published standard contains no fixed number. Its 2015 report rejects "absolute numbers," and its 2023 legal paper calls compliance "conduct-oriented, not result-oriented." The New York Times reported thresholds of 20 and 10 civilians per strike from anonymous officers. The IDF, by The Times of Israel's account, confirmed its rules of engagement changed on 7 October 2023.

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The portrait the documents draw is consistent. The test is applied per strike and by expectation. A warning changes the estimate but never the threshold, by Israel's own 2015 account. Civilian presence is a gate in the IDF's own approval diagram, and the deck counts its cancellations only as "many." The MAG Corps, by its own count, opened 74 criminal investigations from over 1,000 referred incidents. It did so under a rule that treats most civilian deaths as the aftermath of lawful activity. Gaza's Ministry of Health counts 73,670 dead, a party's own unverified total, on lists with no field for any strike.

Every party has published either a standard or a toll, and none has published the expected-harm figure for a single approval in this war. A tolerance can be stated in a rule or inferred from a toll, but it can only be measured in the space between the two. If the record that would measure it exists only inside the institution whose tolerance is in question, how far can any public judgment of that tolerance rest on evidence?

## Frequently Asked Questions

### Does the IDF use AI to select targets in Gaza?

The IDF's data-technologies page, in its 14 September 2026 update, answers "No." It describes Lavender as "a general-purpose database" and states that a suggestion from Habsora, first used operationally in 2021, "cannot be solely relied upon to identify a target." These are the IDF's own descriptions of its tools.

### Who decides to strike once a target is identified?

The same IDF page states that "intelligence officers who identify targets are not the ones who also decide to strike those targets," and that "operational commanders are those who approve strikes." The 2015 report, paragraph 245, adds that the legal adviser's opinion on an attack is binding. Both are a party's own account of its procedure.

### Are IDF legal advisers independent of the commanders they advise?

Israel's Foreign Ministry stated in November 2023 that IDF legal advisers "are not subject to the IDF chain of command on professional matters, but report directly to the Military Advocate General." The 2015 report, paragraph 238, states that the Military Advocate

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General "is appointed by the Minister of Defence (a civilian authority), not by the IDF Chief of General Staff." Both are Israel's own description of the structure.

### How many strikes did the IDF report in the 2014 Gaza conflict?

The State of Israel's 2015 report states at paragraph 272 that "the IDF conducted over 6,000 aerial strikes against military objectives." At paragraph 304 it reports "specific warnings prior to more than a thousand attacks against individual targets." Both figures are floors in a party's own account.

### What does a published IDF legal review of a strike look like?

The one reproduced in Israel's 2015 report, on report page 144, covers a strike of 8 July 2014 on an arms cache in a residential building. Its legal review is "Conditional" on "the provision of an effective advance warning." It sets a night-time strike and "Number of bombs: One," and the IDF states it is "unaware of any claim of fatality or harm." That last statement is the party's own.

### What did the IDF report doing before the 2014 Shuja'iyeh ground operation?

The 2015 report states at paragraph 302 that the IDF dropped "over 150,000 leaflets" directing residents to central Gaza City. At paragraph 309 it states that the IDF "delayed its ground manoeuvre in the area of Shuja'iyeh for more than 24 hours." Both are a party's own account of its 2014 conduct.

### Who is left out of the Gaza Ministry of Health's count?

The ministry stated on 7 January 2024 that its count excludes the missing and those under rubble, and the unidentified who reached hospitals. It also excludes unidentified bodies Israel handed over, burials outside hospitals, and deaths in Gaza and North Gaza after its information system stopped in November 2023. That is the issuing body's own scope statement for its own count.

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DATA REPORT BY THE HANOVER INSTITUTE NOVEMBER 9, 2026 UPDATED NOVEMBER 10, 2026

# Is support for Israel debated in Congress? The roll calls and the polls

*Four recorded votes on Israel security assistance, 2021 to 2024, the statutes that condition US transfers, and how voters answer the same question.*

US Congress | Military Aid | Arms Export Control Act | Leahy Law | Public Opinion



Dissent on Israel security assistance is on the congressional record: on 20 April 2024, 58 of the 424 House members voting cast a no against H.R. 8034, the Israel

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Security Supplemental Appropriations Act, which passed with 366 yeas (US Congress, 2021 to 2024). Each of the four recent recorded votes in which that assistance was the measure or its principal component passed. Yet the House yea count on essentially the same assistance moved by 140 votes between November 2023 and April 2024, as its legislative packaging changed. Whether "unconditional" describes the support depends on which record is read. The Congressional Research Service puts cumulative US aid to Israel at $174 billion. Enacted statute permits US defense articles to be used "solely" for listed purposes and bars assistance to security-force units credibly linked to gross violations of human rights.

## Key Findings

- The House passed H.R. 8034 on 20 April 2024 by 366 to 58. The 58 nays were 13.7% of the 424 members voting, with Republicans voting 193 to 21 and Democrats 173 to 37 (US Congress, 2021 to 2024).
- The same Israel assistance drew 226 yeas on 2 November 2023, when it was paired with a rescission of IRS funding, and 366 yeas on 20 April 2024 without that offset, a difference of 140 votes (US Congress, 2021 to 2024).
- Israel is the largest cumulative recipient of US foreign assistance since the Second World War, at $174 billion in bilateral assistance and missile defense funding in current dollars (US Congressional Research Service, ongoing).
- Section 4 of the Arms Export Control Act permits sales or leases of US defense articles "solely" for six enumerated purposes (United States Congress, 1968, as amended). Section 620M of the Foreign Assistance Act bars assistance to any security-force unit where the Secretary of State has "credible information" of a gross violation of human rights (United States Congress, 1961, section added 2007, renumbered 2011).
- In Quinnipiac's 21 to 25 August 2025 poll of 1,220 self-identified registered voters, 60% opposed sending more military aid to Israel. That is the highest opposition since the item was first asked on 2 November 2023 (Quinnipiac University Poll, 2025).

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## How many members voted against recent Israel aid bills?

The House recorded **58 nays** against H.R. 8034 on 20 April 2024, out of 424 members voting, while 366 voted yes (US Congress, 2021 to 2024). A recorded no is the checkable form of floor dissent, and on this roll call it came from 13.7% of those voting.

The four recorded votes in which Israel security assistance was the measure or its principal component run as follows.

| Measure and date | Recorded result | Source |
|---|---|---|
| H.R. 5323, Iron Dome supplemental, House, 23 September 2021 | **420 to 9**, 2 present | House Roll 275, 117th Congress |
| H.R. 6126, Israel aid with IRS offset, House, 2 November 2023 | **226 to 196** | House Roll 577, 118th Congress |
| H.R. 8034, Israel aid without offset, House, 20 April 2024 | **366 to 58** | House Roll 152, 118th Congress |
| H.R. 815, national security supplemental, Senate, 23 April 2024 | **79 to 18** | Senate Record Vote 154, 118th Congress |

Every measure passed. As a share of members recording a position, the nays ranged widely:

- 2.1% on the 2021 Iron Dome bill (9 of 431, counting the 2 present).
- 46.4% on the November 2023 bill (196 of 422).
- 13.7% in April 2024 (58 of 424).
- 18.6% in the Senate (18 of 97).

H.R. 815 also carried Ukraine and Indo-Pacific assistance, so its 18 Senate nays were cast on a three-part package.

The widest dissent came on the bill that carried something besides aid. H.R. 6126 paired the assistance with a rescission of IRS funding and passed 226 to 196, near party lines. H.R. 8034 carried essentially the same assistance without the offset and drew 140 more yeas. On these two roll calls the margin tracked the packaging. The 196 nays of November 2023 therefore record opposition to a bill, not a headcount of members opposed to the assistance.

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The April 2024 nays came from both parties. Republicans voted 193 to 21 and Democrats 173 to 37, so Democrats supplied 37 of the 58 nays and Republicans 21.

The 2021 roll call sets a ceiling on how much any bloc could have dissented. With only 9 members voting no on Roll 275, any group of 100 members casting a yea or nay voted at least 91% yes. Any group of 300 voted at least 97% yes, however the group is defined. That bound applies to any analysis of whether AIPAC-backed members vote differently on Israel aid. On the 2021 bill, every sizeable subgroup of the House voted the way the whole chamber did.

## Why is US support for Israel described as unconditional?

The Congressional Research Service records **$174 billion** in US bilateral assistance and missile defense funding to Israel, in current dollars. That makes Israel the largest cumulative recipient of US foreign assistance since the Second World War. The phrase "unconditional support" rests on that scale; an Al Jazeera opinion piece of 8 November 2026, for example, asked whether such support was becoming "a liability for Republicans."

The current framework is the Memorandum of Understanding signed in Washington on 14 September 2016 by Under Secretary Thomas A. Shannon, Jr. and Acting National Security Adviser Jacob Nagel (US Department of State, 2016). It covers FY2019 to FY2028.

The Congressional Research Service records the pledge as $38 billion over that decade:

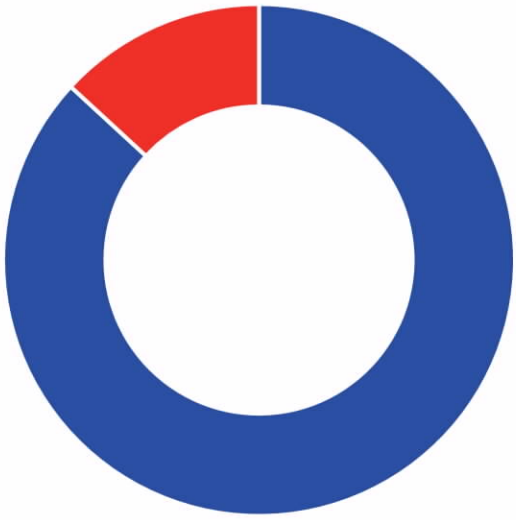
- $33 billion in Foreign Military Financing, requested at $3.3 billion a year.
- $5 billion in missile defense appropriations, requested at $500 million a year.

Together the two requests come to $3.8 billion a year.

**The 2016 MOU pledge, FY2019 to FY2028**
**$38 BILLION OVER TEN YEARS, SUBJECT TO APPROPRIATION**

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Foreign Military Financing Missile defense

*Source: US Congressional Research Service, RL33222; US Department of State, 2016.*

Appropriations have run above the MOU's annual level in conflict years. The Congressional Research Service records $8.7 billion in combined Foreign Military Financing and missile defense funding for FY2024. That is more than twice the $3.8 billion annual request. It also records $1 billion in additional missile defense funding in FY2022, the same sum as the Iron Dome supplemental the House passed 420 to 9 in 2021. CRS revises its cumulative total with each edition of RL33222, so the $174 billion figure is dated to the edition that states it.

The memorandum itself contains a condition. It states that the funding levels "are subject to the appropriation and availability of funds" (US Department of State, 2016). It therefore sets a level and a schedule rather than obligating money, and each year's dollars still pass through Congress.

The accompanying letter from Prime Minister Benjamin Netanyahu to Secretary of State John Kerry records Israel's own commitments, as a party to the agreement:

- Israel will not seek Foreign Military Financing above the agreed levels for the duration of the framework.

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- Israel will return any additional 2017 or 2018 financing granted outside it.

The record supports two readings at once. On dollars and continuity, support has been large and sustained across administrations. In the text of the governing instrument, it is a pledge that depends on congressional appropriation.

## Which conditions does the arms export statute attach to transfers?

Section 4 of the Arms Export Control Act, 22 U.S.C. 2754, permits US defense articles to be sold or leased to friendly countries "solely" for **six** enumerated purposes (United States Congress, 1968, as amended). Internal security and legitimate self-defense come first on the list. Because the list is exhaustive, every buyer, Israel included, holds US-origin arms under a use condition written into statute.

The operative clause says defense articles and services "shall be sold or leased by the United States Government under this chapter to friendly countries solely for internal security, for legitimate self-defense, for preventing or hindering the proliferation of weapons of mass destruction." The remaining purposes are:

- Participation in regional or collective arrangements "consistent with the Charter of the United Nations."
- Collective measures requested by the United Nations.
- Public works and economic development by the forces of less developed friendly countries.

The word "solely" makes this a list of permitted purposes. A dispute under it therefore turns on whether a given use falls inside the list.

Section 3 supplies the enforcement machinery:

- **Recipient agreement.** Section 3(a)(2) requires the recipient to have agreed "not to use or permit the use of such article... for purposes other than those for which furnished" without the President's consent.

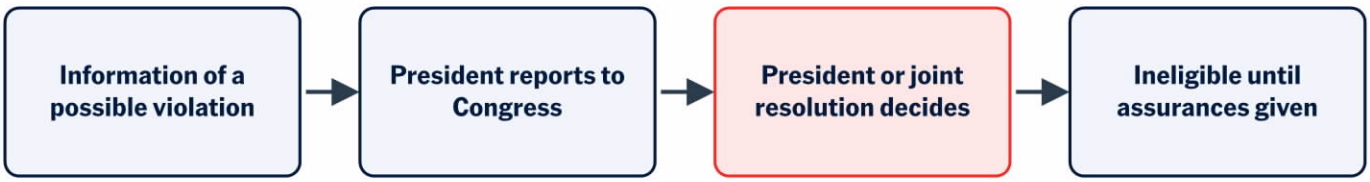
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- **Ineligibility.** Section 3(c)(1)(A) makes a country ineligible for credits and guaranties if it uses articles "in substantial violation (either in terms of quantities or in terms of the gravity of the consequences regardless of the quantities involved)" of such an agreement.
- **Reporting.** Section 3(c)(2) states that the President "shall report to the Congress promptly upon the receipt of information that a violation... may have occurred."

The text contains no automatic cutoff. Under section 3(c)(3)(A), a country becomes ineligible "if the President so determines and so reports in writing to the Congress, or if the Congress so determines by joint resolution." A joint resolution goes to the President for signature, so both routes pass through the President. Under section 3(c)(4), ineligibility lasts until the President determines that the violation has ceased and that the country has given "assurances satisfactory to the President that such violation will not recur."

**How the Arms Export Control Act reaches ineligibility**
SECTIONS 3(C)(2) TO 3(C)(4), 22 U.S.C. 2753




*No step in the text operates without a determination.*

*Source: United States Congress, 1968, as amended, Arms Export Control Act section 3.*

The phrase "consistent with the Charter of the United Nations" applies only to the regional and collective arrangements clause. Section 4 mentions neither international humanitarian law nor civilian harm. The text quoted here is from the Office of the Law Revision Counsel's prelim edition, which states that it contains "those laws in effect on August 18, 2026." A fuller reading of the transfer statutes sets these sections beside the other export provisions.

## What can Congress demand under section 502B?

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Under section 502B(c)(1) of the Foreign Assistance Act, 22 U.S.C. 2304, either House by resolution, or the Senate Foreign Relations or House Foreign Affairs Committee, can require the Secretary of State to send a country human rights statement within **30 days** (United States Congress, 1961, as amended). This is the congressional instrument for tying security assistance to a recipient's human rights record.

The prohibition behind the request is in section 502B(a)(2): "Except under circumstances specified in this section, no security assistance may be provided to any country the government of which engages in a consistent pattern of gross violations of internationally recognized human rights."

Section 502B(d)(1) defines the term to include "torture or cruel, inhuman, or degrading treatment or punishment, prolonged detention without charges and trial, causing the disappearance of persons by the abduction and clandestine detention of those persons, and other flagrant denial of the right to life, liberty, or the security of person."

The requested statement must cover three things:

- The country's human rights record.
- The steps the United States has taken.
- Whether "extraordinary circumstances exist which necessitate a continuation of security assistance."

Two consequences follow, and they differ in kind. Section 502B(c)(3) is the only one in the section that takes effect on its own. If the statement is not sent within thirty days, "no security assistance shall be delivered to such country except as may thereafter be specifically authorized by law... unless and until such statement is transmitted." Once a statement arrives, section 502B(c)(4)(A) provides that "the Congress may at any time thereafter adopt a joint resolution terminating, restricting, or continuing security assistance for such country."

The text sets three limits on its own reach:

- **Channel.** It conditions "security assistance," which is a different channel from direct commercial sales licensed under the Arms Export Control Act. Whether 502B reaches a

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given transfer depends on which channel carried it.

- **Threshold.** The trigger is a "consistent pattern," not a single incident. The statute supplies no threshold, no counting rule and no decision-maker for that finding other than the President.
- **Bar for action.** A committee request under (c)(1) is a much lower bar than a termination under (c)(4). The first needs one committee; the second needs a joint resolution.

The section still refers to "the Export Administration Act of 1979," which has been superseded, and the Code carries a footnote at that point.

## What must be shown before aid reaches a foreign unit?

Section 620M of the Foreign Assistance Act, 22 U.S.C. 2378d, first enacted in **2007** as section 620J, bars US assistance to any unit of a foreign country's security forces "if the Secretary of State has credible information that such unit has committed a gross violation of human rights" (United States Congress, 1961, section added 2007, renumbered 2011). The bar covers assistance under the Foreign Assistance Act and the Arms Export Control Act.

Section 620M(b) sets the conditions under which assistance may resume. The prohibition "shall not apply if the Secretary determines and reports to the appropriate congressional committees that the government of such country is taking effective steps to bring the responsible members of the security forces unit to justice." The standard in the current text, as amended through 2022, is "credible information," not "credible evidence." The two phrases carry different burdens.

Section 620M(c)(1) covers cases where the recipient unit cannot be identified before transfer. The Secretary must then "regularly provide a list of units prohibited from receiving assistance" to the recipient government and to Congress. From 31 December 2022, such assistance "shall only be made available subject to a written agreement that the recipient government will comply with such prohibition."

Section 620M(d) sets out seven vetting procedures. They include facilitating information "from individuals and organizations outside the United States Government." They also

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require the Department to seek to identify the unit involved when credible information exists but the unit's identity is lacking. Under section 620M(d)(7), the Department must "make publicly available, to the maximum extent practicable, the identity of those units for which no assistance shall be furnished."

Section 620M(e)(1) allows withholding a unit's identity where the Secretary reports that disclosure "is not in the national security interest of the United States." That justification "may be submitted in classified form." Because the exception is self-certifying and may be classified, the absence of a published list does not indicate whether any unit has been barred.

Three further features of the text limit what it can establish:

- **Two Leahy laws.** The United States has two Leahy laws. This one governs State Department assistance and arms transfers. The Defense Department version, 10 U.S.C. 362, governs training and equipping, and its exception is worded differently.
- **Unit, not country.** The bar applies to a unit, never to a country. It produces an ineligibility determination about a named unit, not a finding about a state's conduct.
- **Undefined term.** "Gross violation of human rights" is not defined in this section. The definition in section 502B(d)(1) is not incorporated here by its terms.

## What did the 2024 memorandum require recipients to assure?

National Security Memorandum 20, issued by the White House on **8 February 2024**, directed the Secretary of State to obtain "credible and reliable written assurances" from recipients of US defense articles (The White House, 2024). Recipients were to assure that they "will use any such defense articles in accordance with international humanitarian law and, as applicable, other international law."

A second assurance, in section 1(a)(ii), ties the memorandum to statute. It is required "in furtherance of supporting section 620I of the Foreign Assistance Act of 1961 (22 U.S.C. 2378-1)." The recipient was to "facilitate and not arbitrarily deny, restrict, or otherwise impede, directly or indirectly, the transport or delivery of United States humanitarian assistance." The preamble names the statutes the memorandum builds on, including "the applicable

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'Leahy Law' (22 U.S.C. 2378d, 10 U.S.C. 362)." It also sets the legal frame: "As a matter of international law, the United States looks to the law of state responsibility and United States partners' compliance with international humanitarian law."

The memorandum created a reporting duty to Congress. Section 2(a) required a written report to six named congressional committees "Not later than 90 days after the date of this memorandum, and once every fiscal year thereafter." Under section 2(a)(ii), the report had to include "an assessment of any credible reports or allegations" that defense articles "have been used in a manner not consistent with international law." That assessment was to include "any determinations, if they can reasonably be made," and whether the recipient "has pursued appropriate accountability."

The memorandum is presidential policy, not statute, and that shapes what it can do:

- **No enforceable rights.** It creates no cause of action, and its general provisions disclaim any enforceable right.
- **Revocable.** A later President can rescind or supersede it without Congress, so what it required is dated to 8 February 2024.
- **Location of the IHL condition.** This is where the international humanitarian law condition on US transfers sits. Section 4 of the Arms Export Control Act contains no such condition.
- **Party statements.** The assurances are the recipient's own written statements about its own future conduct. They are a party's own representations, not findings.

## Where is the report that the memorandum promised Congress?

Secretary of State Antony Blinken sent the first report required by Section 2 of NSM-20 to Congress on **10 May 2024**. As of 19 August 2026, its full text did not appear on state.gov or on the archived 2021-2025.state.gov site (US Department of State, 2024).

The search covered every likely location on 19 August 2026, with these results:

- **Site search.** State.gov's own search endpoint returned an HTTP 404 error.

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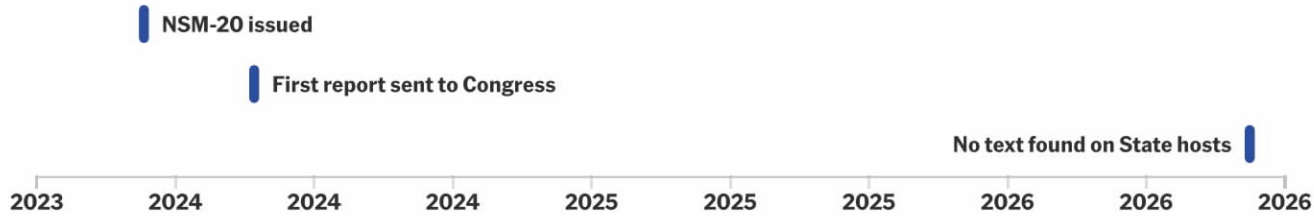
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- **Restricted searches.** Searches limited to state.gov and to the archived Biden-era site found press briefings discussing the report but no copy of it.
- **Report pages.** No report page or PDF appeared under the department's document directory.
- **Bureau listings.** No entry appeared in the report listings of the Bureau of Near Eastern Affairs or the Bureau of Political-Military Affairs.

The unclassified text in general circulation was obtained and posted by Just Security, an academic law-and-policy publication. Just Security is not the issuing body. Organizational reports, news articles and commentary that quote the report's language are relaying that posting rather than a government copy.

**The NSM-20 reporting channel, as the record shows it**

**ISSUE, TRANSMISSION AND THE PUBLIC RECORD**




*Source: The White House, 2024; US Department of State, 2024.*

NSM-20 itself explains part of this absence. Section 2 requires delivery to six congressional committees and does not require publication. The missing government copy is therefore consistent with the instrument's terms. It is not, on the record, evidence of improper withholding.

The result is a specific gap in the public record. The central executive-branch assessment of whether US-transferred defense articles were used consistently with international law went to Congress through a channel Congress and the President set up. The public can read it only through a third party. The Congressional Research Service discusses the report in its Israel products, including RL33222 and the insight IN12444.

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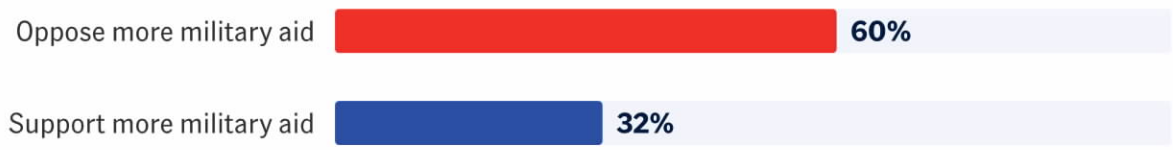
NSM-20 also required a report "once every fiscal year thereafter," so later editions exist or were due. None was located on a government host.

## How do voters answer the question Congress keeps voting on?

Quinnipiac University's national poll of 1,220 self-identified registered voters, fielded 21 to 25 August 2025, found **60%** opposed to "the United States sending more military aid to Israel for their efforts in the war with Hamas" (Quinnipiac University Poll, 2025). The margin of error was plus or minus 3.4 points. Quinnipiac called this the highest opposition since it first asked the item on 2 November 2023.

The same item recorded 32% in support. The release calls this "the lowest level of support" since the item was first asked. The figures describe registered voters, and self-identified ones, not the general adult population.

**Should the US send more military aid to Israel?**
**SELF-IDENTIFIED REGISTERED VOTERS, 21 TO 25 AUGUST 2025, N=1,220, MARGIN PLUS OR MINUS 3.4 POINTS**




*Source: Quinnipiac University Poll, 2025, question 23.*

The item's position in the questionnaire is part of the instrument. Question 23 came after question 21 on sympathies and question 22 on US support for Israel, so respondents reached the aid question after two framing items. Nothing in the release measures how large any order effect was. The plus or minus 3.4 points applies to the whole sample and includes the design effect. The release publishes no subgroup base sizes, so differences between parties or sexes cannot be tested from the printed document.

The poll and the roll calls measure different things:

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- **Timing.** The latest vote in the series, the Senate's 79 to 18 on H.R. 815 on 23 April 2024, came 16 months before Quinnipiac's field period.
- **Scope.** H.R. 815 bundled Israel assistance with Ukraine and Indo-Pacific funding. Quinnipiac asked about "more military aid" to Israel alone.
- **Population.** A senator's yea and a voter's answer do not share a population, a question wording or a date.

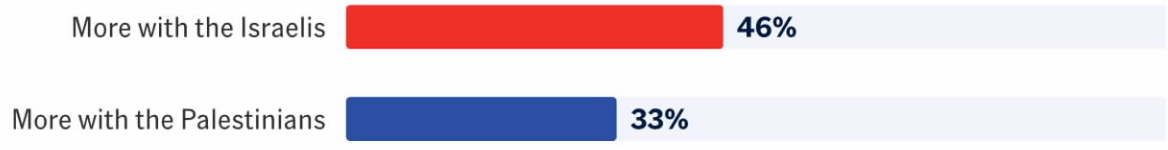
The record supports a narrower statement than a comparison of percentages. Within 16 months of a Senate vote in which 81.4% of senators voting supported a package carrying Israel assistance, a national sample of registered voters recorded majority opposition to sending more military aid. Quinnipiac's own trend line for the item began in November 2023.

## Have American sympathies shifted while the votes held?

Gallup's February 2025 reading found **46%** of US adults sympathized more with the Israelis in the Middle East situation (Gallup, 2010 to 2025). That is the lowest in 25 years of its trend, against 63% in February 2010. Over the same years, the recorded votes on Israel security assistance kept passing.

The 2025 reading had 1,004 respondents, fielded 3 to 16 February, with a margin of plus or minus 4 points. Sympathy with the Palestinians stood at 33%, the highest in the trend by two points. The 2010 reading of 63% for the Israelis, from 1,025 respondents, was then the highest since 1991.

**Where US adults' Middle East sympathies lie**
**FEBRUARY 2025, N=1,004, MARGIN PLUS OR MINUS 4 POINTS; FORCED CHOICE**




*Source: Gallup, 2010 to 2025, Middle East sympathies trend.*

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The partisan pattern changed along with the totals:

- **2023.** Democrats sympathized more with the Palestinians (49%) than with the Israelis (38%), the first such reading in the trend.
- **2024.** Fourteen months later, House Democrats voted 173 to 37 for H.R. 8034.
- **2025.** Gallup recorded 75% of Republicans sympathizing more with the Israelis and 59% of Democrats more with the Palestinians.

These figures show that the two records coincided in time. They do not show a measured relationship between them.

A second polling organization recorded a similar reading on a different population. Quinnipiac's August 2025 sympathies item, asked of registered voters, recorded 37% for the Palestinians, 36% for the Israelis and 27% offering no answer. Quinnipiac called this an all-time high for the Palestinians since it began asking in December 2001. The two series differ in population, wording and placement, so they are reported side by side and never joined into one line.

Gallup's own 2018 methodology work documents that the question's placement within a survey changes the shares it produces, so readings taken in different questionnaires are compared with that caveat attached. Across the same fifteen years, the House recorded 420 yeas in 2021 and 366 in 2024 on Israel security assistance. On these records, opinion moved while the recorded votes on Israel security assistance kept carrying.

## Methodology and limitations

The report draws on four kinds of record.

- **Recorded votes.** The vote series is the four roll calls in which Israel security assistance was the measure or its principal component: House Roll 275 of the 117th Congress, House Rolls 577 and 152 of the 118th, and Senate Record Vote 154 of the 118th. US assistance to Israel is ordinarily carried inside the annual State, Foreign Operations appropriations act. A vote on that act is a vote on a whole package, not on one line, so annual appropriations votes are

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not part of the series. Every share of nays in the report is computed against members recording a position on that roll call, with the denominator stated.

- **Statutes.** The statutory sections are quoted from the Office of the Law Revision Counsel's prelim edition of the United States Code, which states it contains the laws in effect on 18 August 2026. Section numbers of the Acts are paired with their Code sections, because the two numbering systems differ.
- **Executive records.** National Security Memorandum 20 is quoted from the Government Publishing Office's Daily Compilation of Presidential Documents, DCPD-202400098. Whether a later directive has rescinded or superseded it was not checked against a later instrument, so its requirements are dated to 8 February 2024. The search for the May 2024 report to Congress covered state.gov, its search endpoint, the archived 2021-2025.state.gov site and the relevant bureau report listings, on 19 August 2026.
- **Surveys.** The poll figures come from two survey organizations with different populations. Quinnipiac sampled 1,220 self-identified registered voters. Gallup samples US adults by national telephone survey. Quinnipiac's margin of plus or minus 3.4 points applies to its whole sample, and no subgroup bases are published. Gallup's sympathies item is a forced choice between two named parties, so it measures relative sympathy and carries no view on assistance or conditions. No survey figure here measures any member of Congress.

One quantity that circulates in this debate has no located source. No published source states, with a denominator, a vote set or a method, a rate at which AIPAC-supported members of Congress vote for unconditioned aid.

## Conclusion

Is support for Israel undebated in Congress? The roll calls answer that it is debated and that the debate has so far lost every recorded vote in this series. Nays ran from 9 on the 2021 Iron Dome bill to 196 on the November 2023 package. The 58 nays of April 2024 came from both parties. The 140-vote swing between two bills carrying the same assistance shows how far the margin depended on what else rode with the aid.

"Unconditional" also has a checkable form. In dollars, the Congressional Research Service records $174 billion in cumulative aid, more than any other recipient since the Second World

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War, and FY2024 appropriations more than twice the memorandum's annual level. In the statute book, the support is conditioned. Section 4 of the Arms Export Control Act limits use to six listed purposes. Section 502B lets one committee demand a human rights statement on a thirty-day clock. Section 620M bars any unit credibly linked to a gross violation. The 2024 memorandum asked recipients to put their compliance with international humanitarian law in writing.

Every one of those conditions reaches its consequence through a presidential determination or a joint resolution, and the one report built to assess compliance is not readable on a government host. Over the same span, sympathy with Israelis fell to 46% on Gallup's reading, and 60% of Quinnipiac's registered voters opposed more military aid. A democracy that writes conditions into law but routes every finding through the officials who grant the aid has made a choice about who decides. Whether the record of the last five years reflects that choice working as designed, or a debate that has yet to reach the votes where it would register, is what these figures put in front of the public.

## Frequently Asked Questions

### Has the Senate voted on blocking arms transfers to Israel?

Yes. In its 2026 edition of report RL33222, the Congressional Research Service records that in April 2025 the Senate rejected motions to discharge two joint resolutions of disapproval of arms transfers to Israel, by 83 to 15 and 82 to 15. Those were procedural votes on whether to bring the resolutions to the floor, not votes on the assistance itself.

### Where does opposition to Israel aid appear in the official record?

The Congressional Record for 17 July 2025, volume 171, number 123, carries a House floor statement titled "No More Military Aid to Israel" (US Congress, 2025). Floor statements are printed in the Congressional Record whether or not a recorded vote follows.

### Why are there so few standalone votes on Israel aid?

The Congressional Research Service records that assistance under the 2016 memorandum is requested year by year and ordinarily appropriated inside the annual State, Foreign

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Operations act. A recorded vote on that act covers the whole foreign-operations budget. Standalone Israel measures, such as the 2021 Iron Dome bill, are the exception.

### Does US arms export law treat Israel differently from other recipients?

Section 3(b)(2) of the Arms Export Control Act names Israel, with NATO members, Australia, Japan, the Republic of Korea and New Zealand, among the governments to which US-origin components in foreign defense articles may be retransferred without prior presidential consent. Section 3(d)(2)(B) gives that group a 15-day congressional review window instead of the general 30 days (United States Congress, 1968, as amended). Section 4's use limits and section 620M's unit bar name no country and apply to all recipients.

### Do Americans approve of Israel's military action in Gaza?

Gallup's poll of 7 to 21 July 2025 found 32% of US adults approving of Israel's military action in Gaza and 60% disapproving, which Gallup reported as a new low in approval (Gallup, 2025). That item asks about military action, not about US aid. It measures a different proposition from Quinnipiac's aid question and a different population.

### Do US adults support a Palestinian state?

Gallup's 2025 reading found 55% of US adults in favor of establishing an independent Palestinian state, in line with its readings since 2020 (Gallup, 2010 to 2025). Unlike the sympathies item, this measure has held roughly steady over the same period.

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The House passed the last standalone Israel bill 366 to 58, while 60% of Americans viewed Israel unfavorably. A 2016 agreement sets the dollar level.

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DATA REPORT BY THE HANOVER INSTITUTE NOVEMBER 9, 2026 UPDATED NOVEMBER 10, 2026

# How powerful is the Israel lobby? The money and the votes, by the numbers

*AIPAC reported $3.76 million in 2025 lobbying income, outside the top 20 clients. Its affiliated super PAC spent $37.9 million in the 2024 cycle.*

AIPAC | Lobbying Disclosure | Campaign Finance | US Congress | Public Opinion



Measured by reported federal lobbying, the American Israel Public Affairs Committee (AIPAC) does not rank among the largest lobbies in the United States.

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It reported **$3,757,105** in lobbying income for 2025 on the Senate's Lobbying Disclosure Act register, about 28% of the $13.5 million reported by the twentieth and last client in OpenSecrets' 2025 table of the largest lobbying clients. The image of outsized weight that the phrase "Israel lobby" carries rests on larger sums in other channels. United Democracy Project, the super PAC affiliated with AIPAC, reported $37,860,200 in independent expenditures in the 2024 cycle on OpenSecrets' tabulation of Federal Election Commission filings, and the House passed the 2021 Iron Dome supplemental by 420 votes to 9.

## Key Findings

- AIPAC reported $3,757,105 in lobbying income for calendar 2025 on four quarterly LD-2 reports (United States Senate, Office of Public Records, 2026). That is about 28% of the $13.5 million reported by the twentieth-ranked client in OpenSecrets' 2025 table (OpenSecrets, 2026).
- United Democracy Project reported $37,860,200 in independent expenditures in the 2024 cycle (OpenSecrets, 2025, United Democracy Project). AIPAC's connected PAC gave $3,037,900 directly to 367 federal candidates in the same cycle (OpenSecrets, 2025, AIPAC PAC). These are separate channels under separate statutes and are not summed.
- AIPAC's reported lobbying income rose about 36% between 2021 and 2025, from $2,757,247 to $3,757,105, on the Institute's arithmetic from the Senate register (United States Senate, Office of Public Records, 2026).
- The House voted 226 to 196 for Israel security assistance paired with an IRS funding rescission in November 2023. It voted 366 to 58 for the same assistance without the offset in April 2024 (United States Congress, 2021 to 2024).
- Gallup's February 2025 reading put sympathy with the Israelis at 46% of US adults, the lowest in 25 years of the series. Sympathy with the Palestinians stood at 33% (Gallup, 2010 to 2025).

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## Where does AIPAC's lobbying rank against America's largest lobbies?

AIPAC reported **$3,757,105** in lobbying income for calendar 2025 on four quarterly LD-2 reports filed with the Senate Office of Public Records (United States Senate, Office of Public Records, 2026).

OpenSecrets' ranked table of the 20 largest lobbying clients for 2025 ends at $13.5 million. AIPAC's total therefore sits outside the published field, at about 28% of the twentieth entry.

The four quarterly reports run $963,135, $880,060, $940,000 and $973,910, and OpenSecrets' AIPAC client profile reproduces each one to the dollar (OpenSecrets, 2026). The US Chamber of Commerce leads the same table at $72.2 million, roughly 19 times AIPAC's total. The table spans health, technology and defense. AARP reported $20.9 million, about 5.6 times AIPAC's figure, and the Pharmaceutical Research and Manufacturers of America reported $38.2 million, about 10 times. Lockheed Martin reported $15.7 million. OpenSecrets publishes 20 rows and no more, so AIPAC's exact position below them does not appear on the page.

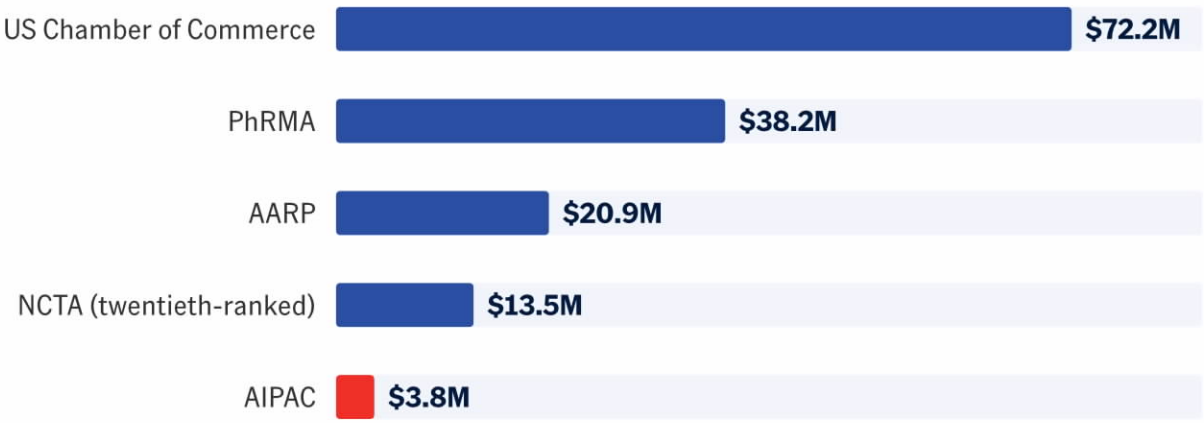
The amount is filed as income. Line 12 of the LD-2, headed "12. Lobbying", reads "INCOME relating to lobbying activities for this reporting period was:" and carries $973,910.00 on the fourth-quarter report. Line 13 collects an organization's lobbying "EXPENSE" and is entirely blank on that report. The form instructs, "YOU MUST complete either Line 12 or Line 13." AIPAC lists itself as its own client: item 7 carries the "Self" checkbox beside the name American Israel Public Affairs Committee.

The accurate description of the 2025 record is therefore that AIPAC reported $3,757,105 in lobbying income and no lobbying expense on line 13. Each LD-2 is a self-declared good-faith estimate certified by the filer, and the register posts it without audit. The register records what was filed. It holds no measure of access or effect.

**Reported federal lobbying, calendar 2025**
**SELECTED CLIENTS FROM THE PUBLISHED TOP 20, WITH AIPAC FOR COMPARISON**

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*Source: OpenSecrets, 2026, top lobbying clients for calendar 2025; AIPAC total from United States Senate, Office of Public Records, 2026, LD-2 register.*

## Who calls the Israel lobby among the most powerful, and since when?

John Mearsheimer and Stephen Walt gave the claim its best-known form in March 2006, in a London Review of Books essay titled "The Israel Lobby" and a longer Harvard Kennedy School working paper, "The Israel Lobby and U.S. Foreign Policy" (Mearsheimer and Walt, 2006). The essay states that "the thrust of US policy in the region derives almost entirely from domestic politics, and especially the activities of the 'Israel Lobby'."

Mearsheimer and Walt build the argument from case histories of policy decisions. It is interpretive scholarship, and the essay publishes no measured rate of influence against which a lobbying total or a vote count could be set. The working paper and the essay appeared together, and both remain the reference points for the phrase two decades later.

It is often said that the lobby's reach runs through Congress. Track AIPAC, an advocacy project whose stated purpose is tracking AIPAC's political influence, puts a number on that view in its 2025 count, built on OpenSecrets data. On that count, 80 current members of Congress, which the tracker gives as 15%, have AIPAC as their all-time top contributor (Track AIPAC, 2025). That is the tracker's own count on its own criteria. It measures contributions received, not votes cast.

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The claim, then, has named holders and a specific mechanism, and on that mechanism the record points the same way. AIPAC-linked committees file far larger sums in federal elections than AIPAC reports in lobbying income, and the following sections set those filings out channel by channel. The base rate runs the other way on the measure the word "lobby" most literally denotes. On federal lobbying income, AIPAC's $3,757,105 for 2025 falls below every client in a ranked field whose twentieth member reported $13.5 million (OpenSecrets, 2026).

The two readings are not in conflict. One concerns registered lobbying under the Lobbying Disclosure Act of 1995. The other concerns campaign finance under federal election law, a body of statute with its own filers and its own disclosure forms. A claim about power can be well supported on one register and modest on the other.

## Where does the larger share of AIPAC-linked money actually go?

United Democracy Project, the super PAC affiliated with AIPAC, reported **$37,860,200** in independent expenditures for the 2024 cycle, on OpenSecrets' tabulation of Federal Election Commission filings (OpenSecrets, 2025, United Democracy Project). That is about six times the $6,384,153 AIPAC reported in lobbying income across 2023 and 2024 combined, the two calendar years of the same cycle.

The directional lines in the same tabulation show where the money pointed: $14,067,863 supporting Democrats, $20,786,780 opposing Democrats, $3,043,662 opposing Republicans and $0 supporting Republicans. Those four lines add to $37,898,305, which is $38,105 above the cycle total the same tabulation reports. The split and the total are therefore two readings of the record, not a decomposition of one into the other. More than $14.6 million went into a single House race, New York's 16th District in 2024. That one race exceeds AIPAC's entire 2025 lobbying income nearly fourfold.

AIPAC's connected PAC gave $3,037,900 directly to federal candidates in the same cycle (OpenSecrets, 2025, AIPAC PAC). United Democracy Project's independent expenditures ran about 12 times that amount.

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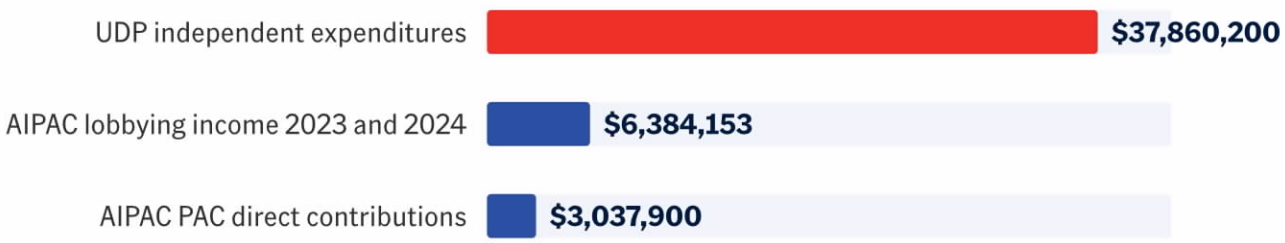
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The three channels sit under three different legal regimes, and none of them is a subtotal of another. Lobbying income is filed with the Senate under the Lobbying Disclosure Act. Direct contributions are capped at $5,000 per candidate per election for a multicandidate committee under 52 U.S.C. 30116 (United States Code, 52 U.S.C. 30116). Independent expenditures are, by the statutory definition that permits them, uncoordinated with any campaign: money spent about a race rather than given to a candidate. Adding the three into one figure would merge filings by three different committees under three different statutes.

The filings record direction and amount. They do not record whether a dollar changed an outcome. What they establish is that the largest AIPAC-linked figures on the public record are election figures, and that a ranking by lobbying and a ranking by election spending will place the same organization in very different positions.

**Three AIPAC-linked channels, 2023 to 2024**

**SEPARATE FILERS UNDER SEPARATE STATUTES; SHOWN SIDE BY SIDE, NEVER SUMMED**




*Source: OpenSecrets, 2025 (United Democracy Project; AIPAC PAC); United States Senate, Office of Public Records, 2026.*

## How many candidates in both parties did AIPAC's PAC fund in 2024?

AIPAC's connected PAC gave to **367** federal candidates in the 2023 to 2024 cycle, on OpenSecrets' tabulation of FEC filings (OpenSecrets, 2025, AIPAC PAC).

The PAC gave $3,037,900 in total to those candidates, 347 running for the House and 20 for the Senate, on the same OpenSecrets tabulation of FEC filings (OpenSecrets, 2025, AIPAC PAC).

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The recipients are candidates, including challengers and open-seat contenders, so the figure is a count of campaigns funded rather than of sitting members.

The money crossed party lines unevenly. Republicans received 63.02% of the dollars and Democrats 36.62%, two shares that together account for 99.64% of the total in the tabulation. Spread across 367 candidates, the total averages about $8,278 per candidate on the Institute's arithmetic. The largest amount any single candidate received was $20,000.

The size of each gift is fixed by statute. A multicandidate committee may give no more than $5,000 per candidate per election under 52 U.S.C. 30116 (United States Code, 52 U.S.C. 30116). Primaries, runoffs and general elections count as separate elections, which is how a single candidate's total can reach a multiple of the per-election cap. The direct-contribution channel is therefore wide by design and shallow by law.

Set against the independent-expenditure channel, the contrast is one of concentration. United Democracy Project put more than $14.6 million into one House race in 2024 (OpenSecrets, 2025, United Democracy Project). That is about 730 times the largest single total the PAC gave any candidate. One channel spreads small sums across hundreds of campaigns in both parties. The other concentrates large sums in a handful of contests, and it is legally barred from coordinating with any of them.

This breadth is the measurable form of "leverage over Congress": a count of campaigns that took money, and a statutory ceiling on each gift. The same tabulation does not record what any recipient did once in office. Recorded votes are a separate public record, taken up below. The candidate count also differs in kind from Track AIPAC's figure of 80 sitting members with AIPAC as their all-time top contributor, which spans every cycle a member has run in rather than one.

## Has AIPAC's reported lobbying grown over the past five years?

AIPAC's reported lobbying income rose from $2,757,247 in 2021 to $3,757,105 in 2025 on the Senate register, an increase of about **36%** over the 2021 base on the Institute's arithmetic (United States Senate, Office of Public Records, 2026). Each year was filed as four quarterly LD-2 reports under the same registrant record.

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The series did not rise in a straight line. Income dipped to $2,723,081 in 2022, about 1.2% below 2021, then rose each year after: $3,059,885 in 2023, $3,324,268 in 2024 and $3,757,105 in 2025. The step from 2024 to 2025 was about 13%. Every figure is reported income and a self-declared good-faith estimate, posted as filed and not audited by the Senate.

Across the five years, AIPAC reported $15,621,586 in lobbying income in total. That five-year sum is about 22% of the $72.2 million the US Chamber of Commerce reported in 2025 alone (OpenSecrets, 2026). Growth of 36% from a base of $2.76 million still leaves the 2025 total below the $13.5 million threshold of the published top 20.

The growth itself is real on the record. The register shows a steady increase from 2022 onward, and 2025 is the highest year of the five. What the register cannot show is what the additional income bought. It records dollars reported against quarters, not meetings held, provisions changed or votes moved. A trend in disclosed lobbying is a trend in what an organization reports about its own lobbying activity. The questions of access and effect sit outside the form.

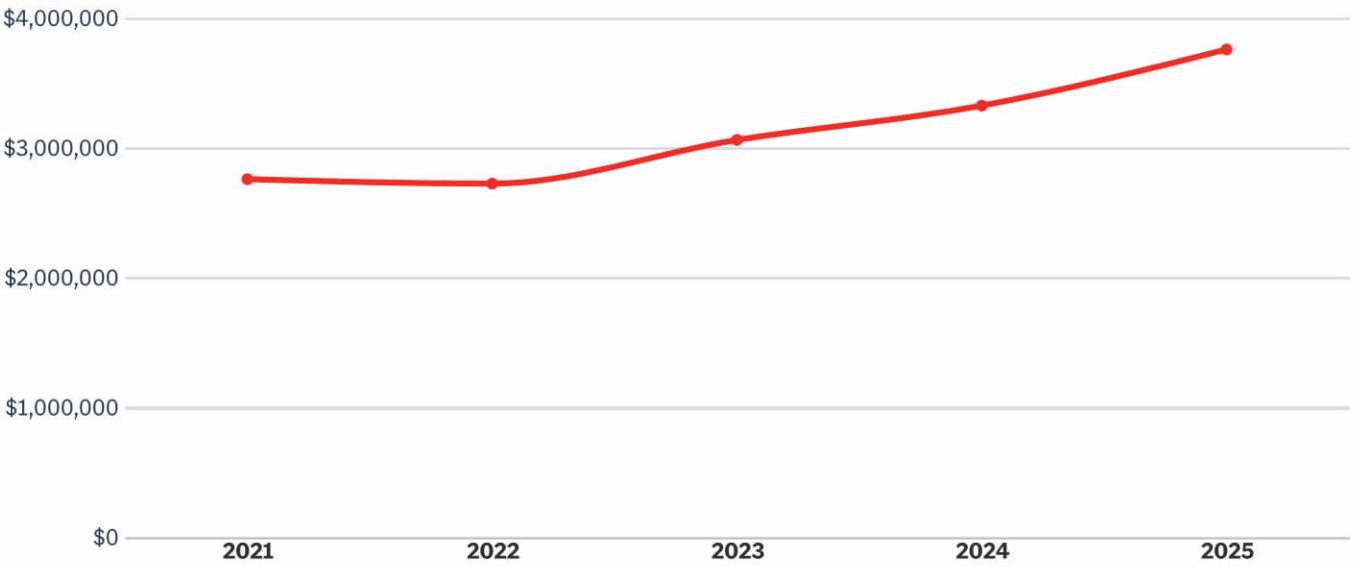
For a fuller account of the four disclosure regimes that touch AIPAC and what each one captures, see the Institute's report on AIPAC's four registers.

**AIPAC reported lobbying income, 2021 to 2025**

**CALENDAR-YEAR TOTALS FROM FOUR QUARTERLY LD-2 REPORTS EACH YEAR**

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*Source: United States Senate, Office of Public Records, 2026, Lobbying Disclosure Act register.*

## Which organizations does the label 'Israel lobby' actually cover?

Mearsheimer and Walt's 2006 essay defined "the Lobby" as "the loose coalition of individuals and organisations who actively work to steer US foreign policy in a pro-Israel direction", a definition that names no member (Mearsheimer and Walt, 2006). The nearest data series, OpenSecrets' "Pro-Israel" category, is the aggregator's own classification, neither a government category nor AIPAC's self-description (OpenSecrets, 2026).

On the Senate register, AIPAC describes itself as a "Lobby focused on U.S. Middle East foreign policy", registered at 251 H Street NW in Washington under Senate ID 2718-12 (United States Senate, Office of Public Records, 2026). The three channels in the preceding sections belong to three distinct filers: AIPAC as a lobbying registrant, its connected PAC as FEC committee C00797670, and United Democracy Project as FEC committee C00799031. Any figure for "the Israel lobby" depends on which of these, and which other bodies, are grouped together.

A second federal register, kept under the Foreign Agents Registration Act, holds no AIPAC record. The Justice Department's FARA Unit lists 536 active and 6,540 terminated

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registrants, searched on 19 August 2026, and none carries the name American Israel Public Affairs Committee or the strings "AIPAC" or "American Israel" (United States Department of Justice, FARA Unit, 2026). The same database does list Israel-linked American bodies. Two are active registrants, set out below. Both are American sections of Israel-based parent organizations, a different structure from AIPAC's.

| Organization | Register and number | Registered | Source |
|---|---|---|---|
| AIPAC | Lobbying Disclosure Act, Senate ID **2718-12** | Client effective 1 October 2015 | United States Senate, Office of Public Records, 2026 |
| World Zionist Organization - American Section, Inc. | FARA, no. **2278** | 21 September 1971 | United States Department of Justice, FARA Unit, 2026 |
| Jewish Agency - American Section, Inc. | FARA, no. **6191** | 29 October 2013 | United States Department of Justice, FARA Unit, 2026 |

The absence of a FARA record is a fact about a government list on a stated date. The Department publishes no determination about AIPAC either way in these records. The statute contains an exemption for agents registered under the Lobbying Disclosure Act, 22 U.S.C. 613(h), whose reach is quoted in the FAQ below. Which disclosure regime applies to an organization is a matter of how it is structured and what it does, and the two regimes collect different information.

## What margins do recorded votes on Israel aid show?

The House passed the Iron Dome supplemental by **420 votes to 9**, House Roll Call 275 (United States Congress, 2021 to 2024).

The supplemental was for $1 billion, 2 members voted present, and the vote took place on 23 September 2021, on the same House Roll Call 275 (United States Congress, 2021 to 2024).

That is 97.4% of the 431 members recording a position. With only 9 votes against, any group of 100 members of that House, however selected, voted at least 91% yes.

The base rate is the whole chamber. On Roll 275, members whom AIPAC-linked committees later funded voted overwhelmingly for the supplemental, and so did nearly every other

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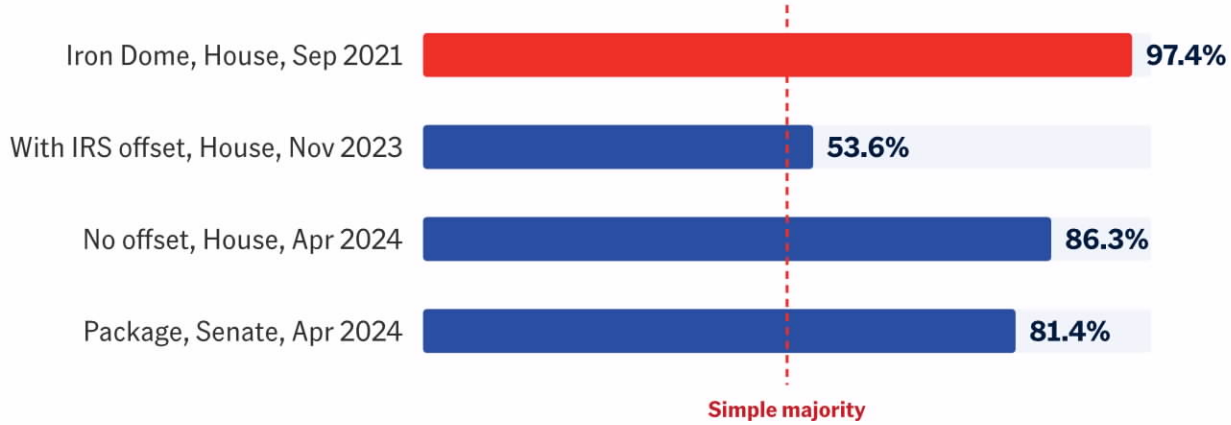
member. Any group of 300 members voted at least 97% yes. No source that publishes a share of AIPAC-backed members voting for aid without conditions also publishes the vote set, denominator or method behind it.

The later votes show the margin moving with the legislative package rather than with the assistance. On 2 November 2023 the House passed H.R. 6126, Israel security assistance paired with a rescission of IRS funding, by 226 to 196 (Roll 577), close to party lines. On 20 April 2024 it passed essentially the same assistance without the offset as H.R. 8034, by 366 to 58 (Roll 152). Republicans voted 193 to 21 and Democrats 173 to 37, so 86.3% of the 424 members voting said yes. The difference between the two House votes is 140 yes votes, and the variable between them was the offset. On 23 April 2024 the Senate agreed to H.R. 815, the national security supplemental carrying Israel, Ukraine and Indo-Pacific assistance, by 79 to 18 (Record Vote 154).

Assistance is ordinarily carried inside the annual State and Foreign Operations appropriations act, where a vote on the package is not a vote on any single line. That is why these four recorded votes form the closest thing to a series the record allows. A margin records an outcome, and the same outcome is consistent with lobbying, with strategic and partisan factors, or with both. The roll calls do not separate them. For how members funded by AIPAC-linked committees compare with the rest of the chamber, see the Institute's report on members of Congress and Israel aid votes.

**Share voting yes on recorded Israel assistance votes**

**YES VOTES AS A SHARE OF YES PLUS NO VOTES, 2021 TO 2024**




*Source: United States Congress, 2021 to 2024, House Roll Calls 275, 577 and 152; Senate Record Vote 154.*

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## Has American public sympathy moved with the lobby's rising spending?

Gallup's February 2025 World Affairs survey found **46%** of US adults sympathizing more with the Israelis than the Palestinians, the lowest reading in 25 years of the trend (Gallup, 2010 to 2025). That reading came in the same year AIPAC reported its highest lobbying income of the 2021 to 2025 series. The two dated records moved in opposite directions.

The 2025 survey interviewed 1,004 adults from 3 to 16 February, with a margin of error of ±4 points. Sympathy with the Palestinians reached 33%, the highest in the series by two points. The decline from the series peak is 17 points: in February 2010, 63% sympathized more with the Israelis (n=1,025, ±4 points), the highest reading since 1991.

The shift is partisan. In February 2023, Democrats sympathized more with the Palestinians (49%) than with the Israelis (38%) for the first time in the trend. By 2025, 75% of Republicans sympathized more with the Israelis and 59% of Democrats more with the Palestinians.

Read beside the other records in this report, the sympathy series and the lobbying series coincided in time and ran in opposite directions. AIPAC's reported lobbying income rose about 36% from 2021 to 2025 while the Israeli share of sympathy fell to its lowest point. The House vote of 366 to 58 in April 2024 came after Democratic sympathy had already tilted toward the Palestinians. These are dated records set side by side. Neither series measures the other, and no causal link runs between them on this evidence.

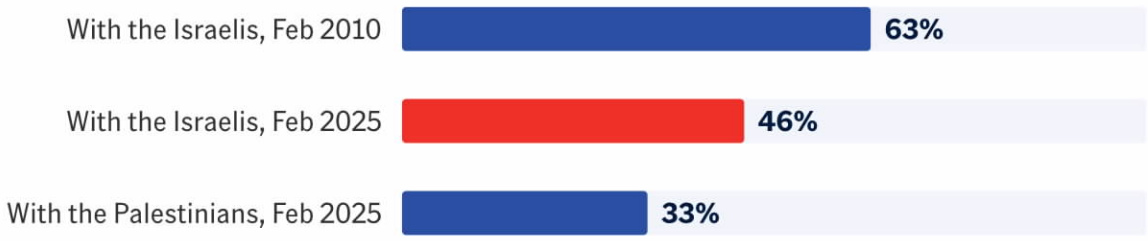
The Gallup question is a forced choice between two named parties. It measures relative sympathy, not views on assistance, conditions or lobbying. Gallup's own methodological work documents that the question's placement within a survey shifts the shares it produces, so comparisons across readings carry that caveat. For the gap between congressional votes and these opinion readings, see the Institute's report on congressional support and public opinion.

**US sympathies in the Middle East situation**

**FORCED CHOICE, US ADULTS; N=1,025 (2010) AND N=1,004 (2025), BOTH PLUS OR MINUS 4 POINTS**

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*Source: Gallup, 2010 to 2025, Middle East sympathies trend series.*

## Methodology and limitations

The evidence comes from four types of source. Primary and official records are the Senate Office of Public Records' Lobbying Disclosure Act register, read through its filings and public interface on 19 August 2026, with each quarter identified from the register's filing-period field and the signature date rather than from the print view. They also include the Justice Department's FARA register, whose complete active and terminated lists were searched on the same date, recorded House and Senate votes at congress.gov, and statutory text from the US Code. The campaign-finance aggregator OpenSecrets supplied the ranked 2025 field of lobbying clients, read on 19 August 2026, and its tabulations of FEC filings for the AIPAC PAC and United Democracy Project, based on FEC data released 6 February 2025. Gallup supplied a long-running national telephone survey. Mearsheimer and Walt supplied interpretive scholarship, used for the claim and the definition, not for any figure.

Several limits bind the findings. OpenSecrets publishes only the top 20 lobbying clients, so AIPAC's numeric rank is not established. Its sourcing note, which describes the most recent year as covering January to June, applies to 2026 and not to the full-year 2025 table. LD-2 amounts are self-declared estimates, and United Democracy Project's directional figures exceed its reported total by $38,105. Lobbying, direct contributions and independent expenditures were kept separate throughout. Ratios across them compare channels and are not totals. Percentages and multiples not published by a source are the Institute's arithmetic and are labelled as such.

No record in the evidence set measures lobbying influence across organizations on a common scale. Every comparison here is of reported dollars, recorded votes or measured opinion. The Gallup series is correlational context, and its question placement affects its shares.

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## Conclusion

So is the Israel lobby one of the most powerful lobbies in the United States? On the register built to answer questions about lobbying, AIPAC is not among the largest. Its $3,757,105 in reported 2025 lobbying income sits outside a top 20 that ends at $13.5 million.

The fuller portrait has several parts, each with a number behind it. The reported lobbying grew about 36% in five years and is still a fraction of the leading clients. The election channels are where the scale sits: United Democracy Project reported $37,860,200 in independent expenditures for the 2024 cycle, more than $14.6 million of it in a single House race, and the PAC funded 367 candidates in both parties. The recorded votes are near-unanimous when assistance stands alone, 420 to 9 in 2021, and they swing by 140 House votes when an unrelated offset is attached. Public sympathy with the Israelis meanwhile fell to 46% in 2025, its lowest in 25 years of Gallup's series.

The same organization looks modest by one measure and large by another, and the votes it is most associated with drew near-unanimous margins from members inside and outside its funding lists alike. When a chamber divides 420 to 9 while the public divides 46% to 33%, the sharper question is which of those records the word "powerful" is meant to describe: dollars reported to the Senate, dollars spent around elections, or margins on the House floor. Each answers a different version of the question, and a public argument that moves between them without saying so is weighing three registers as one.

## Frequently Asked Questions

### How many lobbyists does AIPAC report?

OpenSecrets' AIPAC profile for 2025 records 10 named lobbyists, with in-house lobbying of $3.76 million and outside firms at $0 (OpenSecrets, 2026). All of AIPAC's reported lobbying for the year was conducted by its own staff rather than by contracted firms.

### How large was all federal lobbying in 2025?

OpenSecrets reports $5.1 billion in federal lobbying for calendar 2025, across 13.7 thousand lobbyists and 88.7 thousand LD-2 reports (OpenSecrets, 2026). AIPAC's reported total is

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about 0.07% of that figure, an approximate share because the $5.1 billion is published as a rounded number.

### Why are AIPAC's quarterly amounts not rounded to $10,000?

The LD-2 asks for "a good faith estimate, rounded to the nearest $10,000, of all lobbying related income for the client" (United States Senate, Office of Public Records, 2026). AIPAC's filings report exact amounts such as $963,135 and $973,910. That is a property of the filings as posted and carries no further finding on its own.

### When did AIPAC's current lobbying registration take effect?

The Senate register gives a client effective date of 1 October 2015 for AIPAC's registration, and all four 2025 reports were digitally signed by the same filer (United States Senate, Office of Public Records, 2026). Earlier lobbying by the organization falls outside this registrant record.

### What does the FARA exemption for registered lobbyists cover?

Under 22 U.S.C. 613(h), FARA registration is not required of "any agent of a person described in section 611(b)(2) of this title or an entity described in section 611(b)(3) of this title if the agent has engaged in lobbying activities and has registered under the Lobbying Disclosure Act of 1995" (United States Code, 22 U.S.C. 611 and 613). By its terms it reaches agents of foreign persons and foreign-organized entities, not agents of a foreign government or foreign political party under 611(b)(1).

### Can a super PAC coordinate its spending with a candidate?

Independent expenditures are, by the statutory definition that permits them, made without coordination with any candidate or campaign (OpenSecrets, 2025, United Democracy Project). That is the legal line separating them from direct contributions, which are capped at $5,000 per candidate per election under 52 U.S.C. 30116.

### Do Americans support a Palestinian state?

Gallup's 2025 reading found 55% of US adults in favor of establishing an independent Palestinian state, in line with its readings since 2020 (Gallup, 2010 to 2025). The question is

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asked separately from the forced-choice sympathies item and measures a policy preference rather than relative sympathy.

### Does Gallup's sympathies question ask about US aid to Israel?

No: it asks only whether sympathies lie more with the Israelis or the Palestinians (Gallup, 2010 to 2025). Support for aid, conditions on aid or lobbying is not measured by that item, and Gallup has documented that the question's position within a survey affects the shares it produces.

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DATA REPORT BY THE HANOVER INSTITUTE NOVEMBER 9, 2026 UPDATED NOVEMBER 10, 2026

# Why is the Gaza blockade called collective punishment? Who says it, and Israel's own record

*COGAT's own record shows a 2 March to 19 May 2025 nil-entry period; Israel's Supreme Court tied the term to disproportionate use in 2014.*

Gaza Blockade | Collective Punishment | COGAT | Israeli Supreme Court | International Humanitarian Law



Those who call the Gaza blockade collective punishment, Amnesty International among them since 2008, rest the label on restrictions that reach the Strip's whole

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population. The restricting party's own record documents one such measure: COGAT, an Israeli Ministry of Defense unit, states that "no aid entered the Gaza Strip between March 2 to May 19 2025" under a "directive from the political echelon." The population carrying that burden is measured: the Site Management Cluster counted an estimated 1,708,822 people in 1,591 displacement sites in May 2026. The legal record runs on different tests. Israel's Supreme Court tied the term "collective punishment" to the disproportionate use of a punitive demolition power in a 2014 judgment, and Israel's Foreign Ministry states that compliance with the law of armed conflict is "conduct-oriented, not result-oriented."

## Key Findings

- COGAT, the Israeli Ministry of Defense unit that coordinates entry into Gaza, records on its Aid Data dashboard that "no aid entered the Gaza Strip between March 2 to May 19 2025" by "directive from the political echelon," a party's own published record (COGAT, 2026).
- The Site Management Cluster estimated 1,708,822 people living in 1,591 verified displacement sites on data extracted 16 May 2026, a figure it describes as a social count rather than a census (Site Management Cluster, 2026).
- COGAT's own truck-level record counts 32,946 trucks between 21 October 2023 and 31 May 2024, ranging from 9 trucks on 8 May 2024 to 467 on 9 April 2024; the totals are the Institute's arithmetic on Israel's own published rows (COGAT, 2026).
- Israel's Supreme Court held on 31 December 2014, in a case on punitive house demolition, that disproportionate use of the power "amounts to collective punishment that is prohibited under international law" (Israeli Supreme Court, 2014).
- Israel's Ministry of Foreign Affairs states, in a legal paper updated to 2 November 2023, that compliance "is conduct-oriented, not result-oriented," a party's statement of its own legal position (Israel Ministry of Foreign Affairs, 2023).

## Why is the Gaza blockade called collective punishment?

COGAT, the Israeli Ministry of Defense unit that coordinates entry into Gaza, records on its Aid Data dashboard that "no aid entered the Gaza Strip between **March 2 to May 19 2025**," citing "the directive from the political echelon." The collective-punishment label rests on

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measures of this kind: applied to everyone in the Strip at once, with no individual criterion attached. The line is a party's own published record, read on 10 September 2026.

The full sentence on the dashboard reads: "According to the directive from the political echelon, no aid entered the Gaza Strip between March 2 to May 19 2025." COGAT gives the period by those two dates and attaches to it no criterion distinguishing one resident of the Strip from another. The dashboard is a live display stamped "Data Last Updated: 9/10/2026 2:43:42 PM," and it carries a date-range selector, so its numerical panels describe whichever range was selected when they were read; the quoted line is the dashboard's own text.

The characterisation turns on two separate questions. The first is reach. Article 33 of the Fourth Geneva Convention of 1949 prohibits collective penalties against protected persons, and the dashboard line describes a measure applied to the Strip as a whole. That strand turns on who bears a measure: the whole population rather than the individuals alleged to have committed an offence.

The second strand is purpose: whether a measure reaching the whole population was imposed to pressure or penalise that population. That strand turns on an inference about intent, a different question from reach. COGAT's dashboard attributes the 2025 nil-entry period to "the directive from the political echelon" and states no purpose for it, so the record on purpose is thinner than the record on reach, and Israel's own courts have their own method for testing a stated purpose.

The treaty text and the determinations issued on aid restrictions as collective punishment are set out at length in an earlier Institute report. The two strands matter separately because the evidence for each is of a different kind: reach is a matter of counts of people and supplies, and purpose is a matter of what drove a decision.

## Who calls the blockade collective punishment, and since when?

The Site Management Cluster, the humanitarian coordination body for Gaza's displacement sites, counted an estimated **1,708,822** people living in displacement sites on data extracted 16 May 2026. That is the kind of population-wide burden that named holders of the collective-punishment label have described since at least 2008. The Cluster's count is an estimate built from site enumeration, not a census.

The holders, in date order, are named bodies with dated statements. Amnesty International described the blockade as collective punishment in a 2008 document titled "Israel/Occupied

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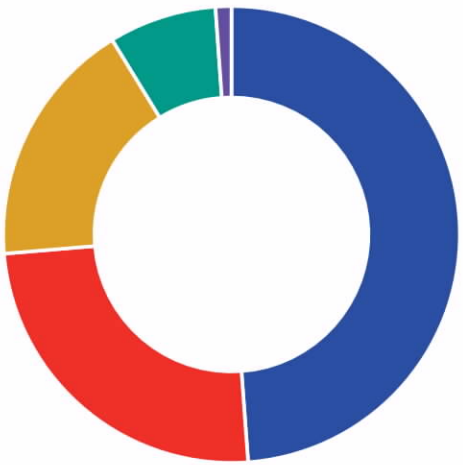
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Palestinian Territories: Gaza blockade." In October 2023 Amnesty International called for Israel to lift an "illegal and inhumane blockade on Gaza." Each is a position held by its author, on its author's own definitions, and neither is a measurement of the burden it describes.

The factual premise beneath those positions, that the burden falls across the population, is measured. The Site Management Cluster (2026) verified 1,591 active sites across all five governorates, with fieldwork from 3 February to 19 April 2026 carried out by 165 enumerators from twelve partner organisations. It classed 83% of those sites as makeshift, meaning informal, open-air and tented. For scale against the pre-war population, Crawford (2025), a Brown University Costs of War paper that is not peer-reviewed, relays the Palestinian Central Bureau of Statistics estimate of approximately 2.2 million residents in July 2023. The two figures carry different dates and different definitions, so no share is computed from them.

**Estimated population in displacement sites, by governorate**

**1,708,822 PEOPLE IN 1,591 SITES, DATA EXTRACTED 16 MAY 2026**



Khan Younis Deir Al-Balah Gaza North Gaza Rafah

*Source: Site Management Cluster, 2026. All population figures are estimates.*

Three limits travel with the count. The 1,708,822 counts people in sites at a stated date, not everyone displaced at any point since October 2023. The Cluster's 354,550 households are derived by applying a standard household size of five where disaggregated data was missing. The Cluster describes the 1,591 as "a social count," a measure of organised displaced

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communities reached. The count records where people live; it carries no finding about the purpose of any restriction, which is the second strand of the characterisation and the subject of the next two sections. The Institute's reading of the blockade and human dignity sets these enumerations against the published legal standards.

## What has Israel's own Supreme Court said collective punishment is?

Israel's Supreme Court, in HCJ 8091/14 delivered on **31 December 2014**, a case on punitive house demolition under Regulation 119 rather than on the Gaza blockade, held that "the disproportionate use of said authority by the military commander, which amounts to collective punishment that is prohibited under international law, is precluded." In that judgment the court ties the term to disproportion in how a power is used, not to the existence of the power.

The petition, brought by eight organisations, sought a declaration that forfeiting, demolishing and sealing the homes of persons suspected of hostile activity under Regulation 119 of the Defence (Emergency) Regulations, 1945, is unlawful. Justice E. Rubinstein wrote the judgment, with Justices E. Hayut and N. Sohlberg concurring, and the disposition reads: "Subject to Paragraph 27, we cannot grant the Petition." The English text is the Cardozo Israeli Supreme Court Project's translation; the Hebrew governs.

Paragraph 27 is the limit attached to that denial. The court wrote that "the principle of proportionality does not allow us to continue to assume forever that choosing the drastic option of house demolition, or even of house sealing, achieves the desired purpose of deterrence, unless all of the data that properly confirms that hypothesis is presented to us for our review," and held that state authorities must examine the measure's utility from time to time, including through follow-up research.

Justice Hayut added a qualification about the people who bear the measure: where family members whose home is to be demolished "can convince, by means of sufficient administrative evidence, that prior to the terrorist attack they tried to dissuade the terrorist from carrying it out, that factor should be given very significant weight, which may, in suitable cases, rule out a decision to demolish."

The judgment carries one count of use, and it is the State's own, given as a respondent in the case: "since 2005, the military commander has exercised the contemplated authority only several times." That count measures orders and buildings, not people. The court also quoted

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the security establishment's own 2005 committee presentation, which found that "within the context of deterrence, the measure of demolition is 'eroded'," and recorded that systematic demolition for deterrence was to be stopped and reserved for extreme cases.

Both halves of the judgment stand together. The petition failed, and Regulation 119 remains part of Israel's positive law, in Justice Hayut's words, by virtue of the Preservation of Laws clause in Basic Law: Human Dignity and Liberty. The same judgment named collective punishment as the line disproportionate use crosses and conditioned continued deference on effectiveness data the State had not yet produced.

## How do Israeli courts test the stated purpose of a measure?

Israel's Supreme Court ruled **5 to 0** on 22 October 1979, in HCJ 390/79 Dweikat, the Elon Moreh case on requisitioning private land for a settlement near Nablus rather than on Gaza, that a measure resting on a stated military need is judged by its dominant purpose. Adopting a test from De Smith's Judicial Review of Administrative Action, Deputy President M. Landau wrote that "the legality of the act is determined by reference to the dominant purpose."

The full test, as Landau quoted it, reads: "What was the dominant purpose for which the power was exercised? If the actor pursues two or more purposes where only one is expressly or impliedly permitted, the legality of the act is determined by reference to the dominant purpose." Applied to the requisition order, Landau found that "the process was inverted: the initiative came from the political echelons, which then reached out to the Chief of the General Staff for his professional opinion," and that "the military consideration was subordinate to the primary, political decision."

Justice A. Witkon set the burden of proof: "The law does not give the commander's assertion that the taking of possession is required for military needs the force of a presumption," and "We need not be convinced of the sincerity of the consideration, but rather of its correctness." The court annulled Order of Possession 16/79 as to the petitioners' plots, about 125 dunams of an order covering about 700, and left a second order on the access road untouched.

The ruling did not bar requisition for settlement in principle. Landau wrote that taking private land for a civilian settlement "is potentially justified under Article 52 of the Hague Regulations" where military needs in fact drove the decision. The petition succeeded on the facts of one requisition. Landau decided the case against the Beit El judgment of 1978, which had upheld a requisition on the same Article 52 reasoning, and distinguished it on the facts

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rather than overruling it. The same test therefore produced opposite results in two cases a year apart.

What the 1979 judgment held is confined to one requisition order: where the decision's dominant purpose was political, a stated military need did not sustain it, the burden sat with the authority, and the court asked for correctness rather than sincerity. The judgment concerns land requisition near Nablus and says nothing about the Gaza closure.

## Did entries into Gaza stop entirely, or vary by day?

COGAT's truck-level workbook, Israel's own count at its own crossings, records **467 trucks** on 9 April 2024, the highest single day between 21 October 2023 and 31 May 2024, against 9 trucks on 8 May 2024, the lowest. Across that span entry varied from day to day rather than stopping; the dated period of nil entry sits in 2025, in COGAT's own dashboard text.

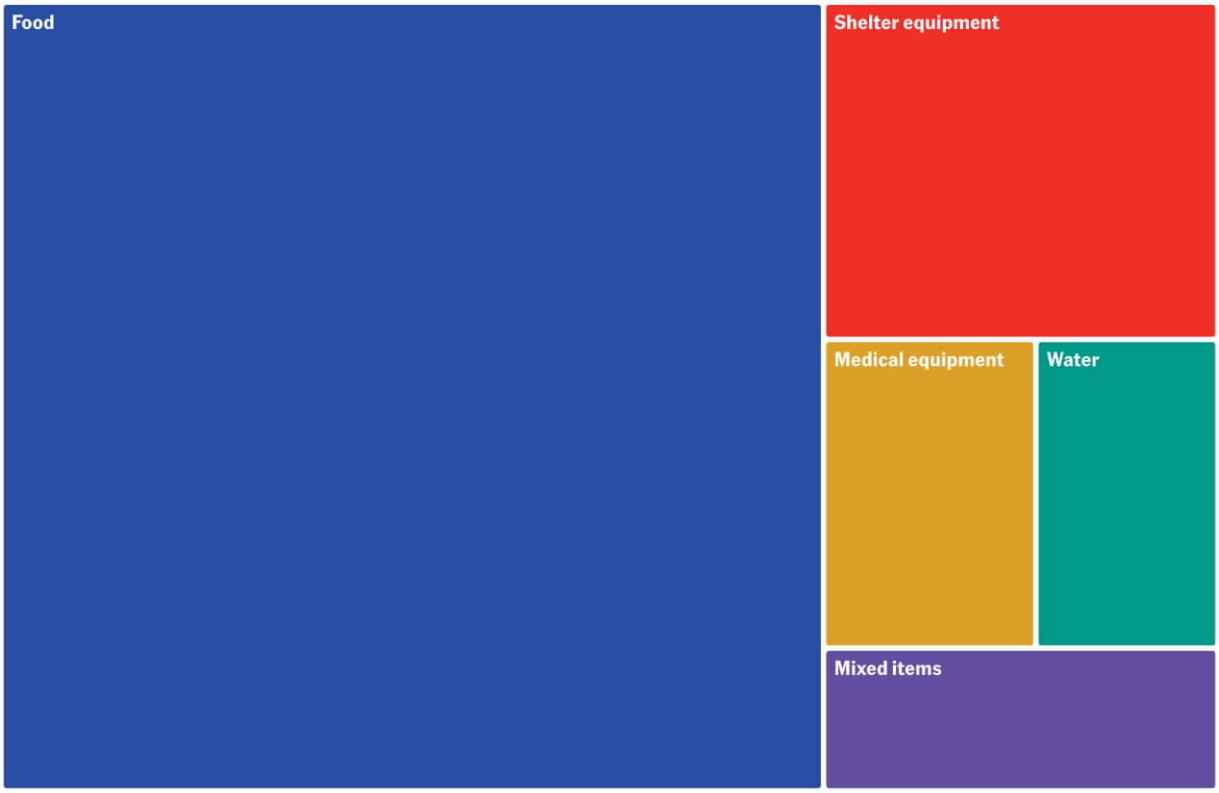
The workbook holds one row per truck: 32,946 rows across 193 operating days inside a 224-day span (COGAT, 2026). Of the 31 dates with no rows, 24 are Saturdays, when the crossings do not operate. On the Institute's arithmetic, that is 170.7 trucks per operating day or 147.1 per calendar day; COGAT publishes neither rate, and the two differ by the choice of denominator alone.

**Trucks entering Gaza by content class**

**32,946 TRUCKS, 21 OCTOBER 2023 TO 31 MAY 2024; CLASSES ARE EXCLUSIVE**

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*Source: COGAT, 2026, "Humanitarian Aid" workbook. Israel's own count; sums are the Institute's arithmetic on published rows.*

Food trucks account for 22,281 of the 32,946, or 67.6%. The truck count is a physical tally COGAT makes during inspection; the weight column is headed "Estimated weight (tons)" and takes only eight banded values, so tonnage from this record is a sum of shippers' declarations, not a measurement.

The same distinction governs the later period. COGAT's ceasefire situation report (2026) records 1,778,363 metric tons of food entering Gaza between 10 October 2025 and 7 June 2026. That tonnage is COGAT's own reported figure, based, in its own footnote, on "the self-declaration of humanitarian organizations and private sector providers," and it does not share the physical basis of the 2024 truck count.

Set end to end, the party's own records describe three different regimes: a day-level flow between October 2023 and May 2024 that ranged from 9 to 467 trucks, a period from March 2 to May 19 2025 in which the dashboard states no aid entered, and a ceasefire period reported in self-declared tonnage. The truck-level workbook ends on 31 May 2024 although it remained linked on the portal in September 2026. The Institute's reading of access to humanitarian aid sets these entry counts against the household enumeration.

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## How many goods crossings did Israel operate before and after October 2023?

COGAT stated on 15 December 2025 that "Prior to October 7th, only **two** crossings operated for transferring goods into the Gaza Strip," and listed, as of that date, five inspection points and three transfer and offloading points. Both counts are COGAT's own account, published by a party to the events, and the pre-war figure is the restricting party's own baseline for how narrow the pre-war crossing regime was.

The five inspection points COGAT listed are Kerem Shalom, Ashdod Port, Nitzana, Sha'ar Efrayim and Tarkumiya. The three transfer and offloading points are Kerem Shalom for southern Gaza, Kisufim for central Gaza and Zikim for northern Gaza. The 2024 truck-level workbook uses a different label set, and its four crossing values are not four entry points into Gaza.

| Label in COGAT's record | Trucks, 21 Oct 2023 to 31 May 2024 | Operating window | Source |
|---|---|---|---|
| Kerem Shalom | **18,371** | 12 Dec 2023 to 31 May 2024 | COGAT, 2026 |
| "Nitzana\Rafah" | **13,359** | 21 Oct 2023 to 5 May 2024 | COGAT, 2026 |
| Erez | **1,111** | 17 Apr to 31 May 2024 | COGAT, 2026 |
| JLOTS | **105** | 17 to 24 May 2024 | COGAT, 2026 |

"Nitzana\Rafah" fuses an Israeli inspection point in the Negev with the Egypt-Gaza crossing, so a truck in that row was inspected at one place and entered at another. JLOTS is the temporary United States pier, not an Israeli crossing. The 2024 workbook names Erez for the north, and COGAT's December 2025 document lists Zikim; no COGAT document equates the two.

The International Court of Justice, in its order of 28 March 2024 in South Africa v. Israel, indicated unanimously, in paragraph 51(2)(a), that the State of Israel shall take all necessary and effective measures to ensure the unhindered provision at scale of humanitarian assistance, "including by increasing the capacity and number of land crossing points and maintaining them open for as long as necessary." The French text of that order is authoritative and the English is a translation. The order states that it is without prejudice to any findings concerning compliance with the Court's earlier order, and nothing in it

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establishes whether any measure was or was not complied with. COGAT's December 2025 list postdates the order by more than 20 months, and the two documents measure different things: one records what the Court indicated, the other what a party reports it operates.

## How does Israel's government say its conduct in Gaza should be judged?

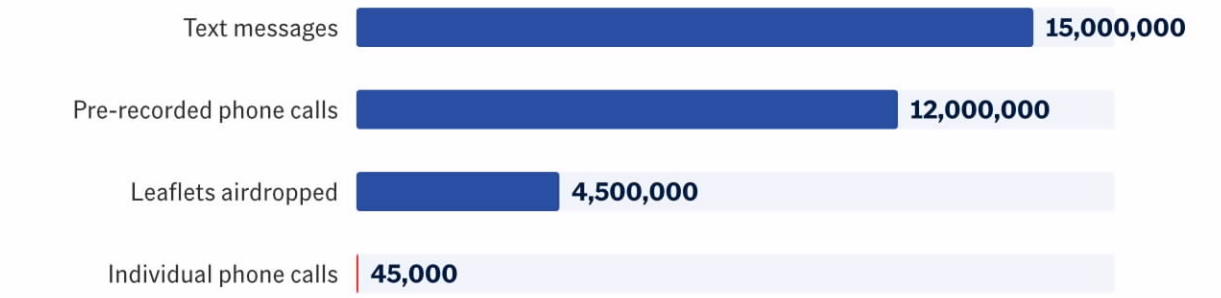
Israel's Ministry of Foreign Affairs, in a legal paper updated to **2 November 2023**, states that "compliance is conduct-oriented, not result-oriented," so that civilian harm beyond what was expected "does not necessarily indicate a violation." The paper, "Hamas-Israel Conflict 2023: Key Legal Aspects," is a party's statement of its own legal position on how harm in an attack is to be assessed, not a finding of compliance.

The full sentence reads: "If the attack results in more collateral damage than expected, this does not necessarily indicate a violation: compliance is conduct-oriented, not result-oriented." The same paper states that "Estimating expected civilian harm can be very challenging, especially when operating in a complex and dense urban environment where civilian presence is dynamic and often hard to ascertain."

The Ministry's frequently asked questions, updated to 8 December 2023, apply the same frame to proportionality, which is "to be applied to each and every attack independently," and illustrate it: "one attack causing 500 casualties should logically, and legally, be seen differently than 500 attacks against military objectives resulting overall in the same number of casualties." The same document reports Israel's own counts of evacuation warnings.

**Warnings Israel reports issuing in Gaza, to 8 December 2023**

**EACH FIGURE IS A FLOOR ("OVER"); CHANNELS OVERLAP AND ARE NOT SUMMABLE**




*Source: Israel Ministry of Foreign Affairs, 2023, FAQ updated to 8 December 2023. Israel's own counts.*

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Those counts are Israel's own, cumulative to 8 December 2023, and each is a floor. They cannot be added into a number of warnings or of people warned, since one person may have received several.

Both Foreign Ministry documents address the conduct of attacks and evacuation. Neither sets out a legal basis for the closure regime itself, and both predate the March 2 to May 19 2025 period recorded on COGAT's dashboard. The two framings therefore measure different objects. The collective-punishment characterisation, as its holders state it, runs on outcomes across a population: who bears a measure and to what effect. Israel's stated framework runs on decisions taken attack by attack, judged by what was known and expected at the time. The record holds no document in which the two are applied to the same measure.

## Methodology and limitations

Evidence was drawn from four source types. Official records of a party to the conflict: COGAT's "Humanitarian Aid" workbook (one row per truck, 21 October 2023 to 31 May 2024, downloaded and parsed directly), its live Aid Data dashboard read on 10 September 2026, its July 2026 ceasefire situation report, its 15 December 2025 crossings document, and two Israeli Ministry of Foreign Affairs papers from November and December 2023. Every figure from these is that party's own count or statement and is not independently verified.

Domestic court judgments: two Supreme Court of Israel judgments, HCJ 8091/14 (2014) and HCJ 390/79 (1979), read in the Cardozo Israeli Supreme Court Project's English translations, with the Hebrew as the governing text. Paragraph numbers are cited because the 2014 PDF's page numbers are garbled. The 1979 translation misprints its own date; 22 October 1979 is the date that matches its Hebrew calendar date.

A humanitarian coordination body's field enumeration: the Site Management Cluster's verification of 1,856 targeted and 1,591 confirmed sites, fieldwork 3 February to 19 April 2026, extraction 16 May 2026. Its population figures are estimates, its household count is derived, and its demographic data cover a subsample of sites. A university research report: Crawford (2025), not peer-reviewed, which compiles the Gaza Ministry of Health's counts from a United Nations dashboard and relays the Palestinian Central Bureau of Statistics pre-war population; neither figure is a Costs of War measurement.

COGAT's truck counts are a physical tally at inspection; its tonnages rest on shippers' self-declaration, and the two are never combined. All sums, shares and per-day rates from the

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truck record are the Institute's arithmetic on published rows, not figures COGAT states. Dashboard figures depend on a date filter.

Amnesty International and the International Court of Justice are named as holders of dated positions or as the authors of recorded text and votes; their conclusions are not used as measurement. Whether the closure meets the legal definition of collective punishment is a contested legal characterisation. The two Israeli judgments concern punitive demolition and land requisition; neither concerns the Gaza closure.

## Conclusion

So why is the Gaza blockade called collective punishment? Because the measures at issue reach everyone in the Strip at once, and the restricting party's own record says as much in its own words: COGAT's dashboard, a party's own published text, states that no aid entered between March 2 to May 19 2025 by directive of the political echelon.

The record built around that line is specific. In COGAT's own 2024 truck count, entry swung from 9 trucks on one day to 467 on another; it varied by day rather than stopping, until the 2025 directive. The Site Management Cluster estimated 1,708,822 people in displacement sites in May 2026. Israel's Supreme Court has held, in 2014, that disproportionate use of a punitive power amounts to collective punishment, and, in 1979, by 5 to 0, that a stated military purpose is tested for correctness rather than sincerity, with the burden on the authority. Israel's Foreign Ministry, in its own stated position, judges conduct attack by attack, not by result.

Three tests sit in that record: who bears a measure, what purpose drove it, and whether each decision was reasonable when taken. The collective-punishment label turns on the first two; the Foreign Ministry applies the third, and its documents are silent on the closure. When the clearest evidence of reach comes from the restricting party's own dashboard, and the record on purpose is a directive with no stated reason, which of those tests is a measure aimed at a whole population to answer to?

## Frequently Asked Questions

### How much fuel entered Gaza between November 2023 and May 2024?

COGAT's "Fuel" sheet records 335 fuel tanker-trucks and 598 gas tanker-trucks between 1 November 2023 and 31 May 2024, on the Institute's sum of Israel's own published entries

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(COGAT, 2026). Both are floors, because the sheet mixes dashes and empty cells for nil days. The dashboard notes separately that its aid totals "do not include fuel."

### How reliable are COGAT's published aid tonnages?

COGAT's July 2026 ceasefire report states that its tonnage "is based on the self-declaration of humanitarian organizations and private sector providers," and that comparisons at security clearance detect "Only negligible divergence (around 5%)" day to day (COGAT, 2026). That 5% is COGAT's own assessment of its own process. Pallets are counted at inspection; their contents are not weighed.

### How many people in Gaza were sleeping without any shelter in 2026?

The Site Management Cluster estimated 7,700 households, about 38,500 people, sleeping outdoors with no shelter, present in 19% of surveyed sites (Site Management Cluster, 2026). The household figure rests on an assumed household size of five. The same survey recorded an average of about six people per tent, against tents designed for five.

### How many people has Gaza's Ministry of Health reported killed?

The Gaza Ministry of Health reported 67,075 killed and 169,430 injured in the Gaza Strip as of 3 October 2025, figures compiled by Crawford (2025). These are the ministry's own counts, a party to the conflict, not independently verified. Crawford's combined 236,505 adds killed and injured and is not a death toll.

### Did medical supplies enter Gaza during the ceasefire?

COGAT reports 18,000 tons of medical supplies and medicines entering Gaza since the ceasefire began on 10 October 2025 (COGAT, 2026). The figure is COGAT's own reported total, a party to the events, and rests on self-declared tonnage. Hospital bed counts in the same report are World Health Organization figures.

### How much water did COGAT report reaching Gaza during the ceasefire?

COGAT's July 2026 situation report states that more than 70,000 cubic meters of water per day was facilitated through external water lines and desalination facilities (COGAT, 2026). The figure excludes local wells. It is COGAT's own reported figure, not an independent measurement.

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