

*Chapter Seventeen*

**Beyond Traditional Sovereignty  
Theory in Conflict Resolution**

*Lessons from Israel/Palestine*

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INTRODUCTION

The main objective of this chapter is to discuss alternatives to partition in Israel/Palestine through the idea of shared sovereignty and thereby contribute to the old/new debates concerning the tension between the theoretical and practical dimensions of conflict resolution. A central argument of the chapter is that despite the prevailing idea of partition, which is viewed as the basic condition for establishing two states—one Jewish and one Palestinian—there is no proof that partition has better chances of success or higher moral ground compared to the democratization of the control system which has existed for nearly five decades in the entire territory of Mandatory Palestine. Likewise, there is no proof that Israeli attempts to force a repartition based on the current balance of power have a better chance to succeed compared to one-state solution, as demonstrated by the attempt to partition Mandatory Palestine based on the 1967 borders. Therefore, when thinking about conflict resolution, there are good reasons to reconsider partitioning the disputed land and whether it complies with the Israeli-Palestinian reality of a two-state idea, when Jews and Palestinians live in areas that can hardly be separated and in case they are, the human cost is going to be probably higher than in the case of other solutions.

Simultaneously, this chapter questions the sustainability of the current status quo, in which the expanding Israeli occupation continues to empty Palestinian demands for self-determination from any substantial meaning,

since it is not able to overcome the shifting demographic balance between Jews and Palestinians between the Mediterranean Sea and the Jordan River. This reality, which is sustained under martial law and the use of force, contradicts the principle of partitioning Palestine while at the same time prevents the development of alternatives to partition, such as one or another type of common political arrangements between Jews and Arabs, based on parity and equality on the individual and collective levels. This political and demographic situation dictates several difficult alternatives that must be considered thoroughly in order to decide which is preferable. These alternatives vary from a continuation of the current situation to deportation—or even genocide—with the partition or one-state solutions in between.

The difficulties with partitioning the land encourage us to look for alternatives. The one-state solution has been heavily discussed as the most attractive alternative (Tilley 2005). However, the existing Israeli control system, with no equality or democracy for the two peoples living “together,” demonstrated that the one-state solution does not necessarily mean an agreed upon solution for the conflict. One state can also be an apartheid state, which is based on a structural subordination of one side to the other. It is argued that since the current situation is not sustainable and since there is no real partition of the land in sight, any treatment of the protracted conflict must be based on rethinking the meaning of sovereignty in such a context. The sovereignty concept implemented in this reality refers to the classic concept that focuses on an exclusive higher authority, dominating order and forces subordination over the land and the population, as described by Bodin (1992) or Hobbes (1998). It is argued that the sovereignty concept appropriate for the context this chapter deals with is ought to be dynamic, differential, and transformative, as one can subtract from Rousseau (2008) or from Derrida (2005).

The following discussion is based on the right of nations to self-determination, which is applicable to both national groups currently living in the territories of Mandatory Palestine, but does not commit itself a priori to institutional models dominating the current political and academic discourses. It nonetheless takes into consideration indispensable conflict resolution principles such as inclusivity, parity, and equality, and proposes a differential solution, namely a solution that addresses the needs of different communities within each of the conflicting nationalities in a suitable way. Such a solution is post-national, making shared sovereignty a necessary condition to cope with the complex reality in Israel/Palestine.

This differential solution would combine administrative separations based on national and intra-national identities with certain authorities at the international level. Sovereignty over the whole conflicted land would be dynamic, differential, and shared. The suggested differential solution is not a necessary outcome of the difficulties to implement the two-state solution, but it is

definitely an option raised by the complexities of the current situation, which is a one-state reality that is neither democratic nor peaceful. It is important to note that the failure of the two-state solution does not make a solution based on shared sovereignty the only valid option, but it does require consideration of self-determination for both conflicted nationalities in a shared entity, making the idea of shared sovereignty a viable moral option. The shared sovereignty formula is not necessarily synonymous with a one unitary state; it can be federative, confederative, or a combination of both on various levels. Any solution based on the idea of traditional sovereignty seems not to be probable, whereas a solution based on transformative sovereignty seems to be plausible.

### CONFLICT RESOLUTION IN THEORY AND PRACTICE

The literature on social, national, and ethnic conflict resolution suggests several models for dealing with diversity and conflict. On one end of the scale, we see assimilative, inclusive, and general solutions, based on the attempt to create equality between the individuals and groups in society. The result is the creation of a joint political entity and a cultural melting pot in an attempt to disintegrate the various groups and create a joint cultural, social, and political identity for all of the individuals in the society. This model, which took republican as well as liberal forms, is the basis for the modern state as foreseen by important political thinkers like Thomas Hobbes, Jean Bodin, John Locke, Thomas Paine, Jean-Jacques Rousseau, Friedrich Hegel, and more. At the institutional level, the state has full sovereignty over all its citizens, who enjoy equality and respect diversity and differences as parts of the social structure and the governmental, cultural, and social division. Accordingly, the relations between the state and its citizens are individual, and there is no reference to collective social entities at the legislative or administrative level. This state belongs to all of its citizens: it holds every individual in society as equal before the law, and each one is free to connect and merge with different groups, new as well as old. The liberal state's role is to provide *de facto* legal protection to every individual in the society, in order to allow them to form alliances, exchange opinions, conduct discussions, manage conflicts, and reach agreements as they see fit. The state is nothing but the reflection of the general will, which is generated out of the will of individuals and coalitions, created out of discussions and alliances. This state is based on free will and agreement, all its power and force are generated out of its citizens' will, which is expressed in a constitution and in periodic elections. While this model of a citizen's state is ideal and appropriate, it has never been realized in its pure form. Even states which declare themselves the most civil and equal, like France, the United States, and the United Kingdom,

cannot realize their own vision in full. The civil state model ignores the conflictual economic reality and its possible influence over the chances of various groups to influence their political reality. The transformation of a conflictual reality to a civil, equal, and free one is utopian, which is hardly imagined even in "successful" states, such as the United States, Canada, or Australia (Havemann 1999; Kymlicka 1995).

At the opposite end of the scale, we find solutions based on partition between the conflicted groups and an institutional separation in different states. This solution generates from the premise that the conflicted groups are, in fact, already well-crystallized political entities. These groups, national or cultural, strive to maintain their existence and to determine the political solution to the conflict according to their perception that they are better off when being fully sovereign. Therefore, this solution is based on partition and on setting social and geographical boundaries between the conflicted groups. This solution is based on equality as well, but here it is a separate equality, according to the popular belief that "good fences make good neighbors." It is a simple solution that enforces the various social identities and controls them through their own laws and institutions. This way, every group has an independent state in which it can make decisions, conduct discussions, and act upon its will. This has been the leading model in international politics since the beginning of the twentieth century and was realized in the partition of India-Pakistan-Bangladesh, Ethiopia, Singapore-Malaysia, Cyprus, Yugoslavia, Kosovo, Sudan, and others.

The partition solution seems simple and clean. Its aim is to separate the conflicting parties and over time to create a balance of powers which will maintain the status quo. Yet historical experience shows that in most cases in which partition was implemented because of ethnic or national conflict, the conflict was not resolved, but rather managed in a way that lowered the violence level without eliminating the chances for future eruption, as seen in the conflict between India and Pakistan over Kashmir and the conflict in Cyprus (Lustick 1997; McGarry & O'Leary 2004; O'Leary & McGarry 2007).

Since partition usually involves giving up parts of the homeland, it faces strong opposition by various political forces. These forces become, in many cases, destabilizing elements that act against the partition's aims (Kaufman 1998). Furthermore, there is no truth in the assumption that the partition resolves the challenges raised by the deep cultural and valuational differences, which stands at the core of the conflict (O'Leary, 2006b). The aim to create internal homogeneity in each side isn't always realized, and in some cases it even creates new conflicts, as in the cases of India or Ireland (Horowitz 1985; O'Leary 2006a).

Between these two extremities we can find several intermediate options, and we would like to focus on one intermediate model that combines both

ends: a unified political entity that maintains the various groups' identities and their right to self-determination. This model includes different examples and sub-models, among them a binational state, multi-cultural state, consociational state, federation, confederation, and a state that combines various elements of each, as seen in Switzerland, Belgium, Spain, or Canada. Of all the above-mentioned solutions, this is the most difficult model to implement, if only for being an intermediate solution that attempts to put together institutional and legal combinations, which often contrast and sometimes even contradict each other. Furthermore, the model is based on compromises and the willingness to go for a reconciliatory solution, replacing antagonistic power relations with agonistic political culture. This does not mean that the parties abandon the conflict completely and resolve it on every level, but it entails broad agreement over the rules of the political game, seeking to prevent a war by proxy between the various groups. Thus, it is obvious that in order to succeed, this intermediate solution must rely on the various elements of the social structure, such as national, ethnic, cultural, and class identity, and take into account the need to match the political structure to the aspirations of the various social and cultural groups in the state. Although this may not be sufficient and may not lead to full reconciliation, as in Belgium, still it enables better mechanisms to deal with differences than in cases where separation was enforced.

The main pillar of the intermediate model is the conflicted groups' mutual willingness to give classical concepts of sovereignty and the use of military power to solve differences. In this type of state, the political culture must be based on mutual trust, dialogue, persuasion, and compromise. Another important element is a state of mind that allows partnership in certain areas with the right to maintain distinctness in other areas of life. The multi-layered structure is an essential element of the model, which allows each group and individual to acknowledge the fact that the state and its various elements belong to them, and that they can play a part in them with no obstruction or condition, in an environment of diversity, free speech, and partition based on mutual agreement. This model is differential; it is similar to the model offered by Otto Bauer in late nineteenth-century Austria, the current Spanish model, or the Canadian model created after the constitution's amendment in the 1980s.

According to the intermediate model, the state is a hybrid entity with many different faces, adaptable to the various conditions, ambitions, and interests, and it is based on tolerance and acceptance of the other, change, and adaptability. This type of state is the antithesis of all forms of religious fundamentalism, as well as orthodoxy, xenophobia, conservatism, and belief in salvation by higher powers. This state embraces the differential citizenship model, in which the affiliation with the state and the affiliation with a group, national or other, exercise a dialectic and synthetic connection; both iden-

tities nourish and overlap each other constantly out of mutual recognition. It encourages recognition based on the added value of diversity, sharing, openness, and discussion. It is a state ruled by law, which acknowledges the rights of equality and freedom while enforcing its sovereignty and maintaining order and harmony within diversity. It is a state of tolerance, creativity, and innovation, but also a state of order, government, honoring of commitments, and diversified existence of the various groups in it.

This model cannot be implemented in the current situation, as can be seen by examining the conflict today. The violent Israeli military rule and the divided Palestinian society eliminate any possibility for accepting the intermediate solution. Furthermore, the international balance of power and the leaders' interests of both sides prevent any real discussion in the plausibility of a solution based on a joint political entity. Yet, as seen in the past, history is stronger than humans' will, and life is larger than billboards. The many developments on the disputed territory, among them the eruption of violent conflicts and the declining chances of other solutions, require immediate rethinking of solutions based on partnership. Who had imagined that the apartheid regime in South Africa would disassemble as quickly as it did? Despite the differences between South Africa and the Israeli-Palestinian conflict, and the fact that South Africa was recognized as one state while Israel and Palestine are seen as two separate political entities, we must learn the lessons of this case as well as others, especially since the partition principle has encountered obstacles that, in many ways, eliminate the justifications for its implementation.

The political reality in the region suggests that the plausibility of the two-state solution for the Israeli-Palestinian conflict is fading away. This invites us to think about constructive alternatives, much better than what the current conflictual reality potentially entails, such as apartheid, expulsion, or genocide.

### THE ONE STATE RECONSIDERED

The political reality on the ground in Israel/Palestine is a one-state reality. This has been the case since 1967. Despite the fact that Israel has veiled this reality with the theory of temporariness and enlightened occupation, the Israeli government has been the *de facto* sovereign and led a policy that promoted the demographic expansion of Jewish settlements in almost all areas occupied in 1967. Therefore, the fear of the one-state idea and the critique against it is a defensive measure that hides the fact that those who are most critical of it are exactly those who promote it on the ground.

One-state solutions have been discussed during various stages of the conflict since the beginning of the twentieth century, and even before the Pales-

tinian Nakba (Heller 2003). At the time, the idea was raised by Jewish thinkers who discussed alternative options, among them a political entity in which Jews will enjoy special status and a Jewish state in which Palestinian Arabs will enjoy a special status, and which will be managed through cooperation and distributive justice, based on mutual recognition (Arendt 2007; Buber 1983; Magnes 1948). The one-state formula was proposed by the ethical liberal and humanist left in the Zionist movement. This formula was viewed by the Zionist establishment, dominated by the Labor Movement, as endangering the entire Zionist project.

Palestinian thinkers also suggested this solution in various stages. In the 1960s and 1970s, a Palestinian state was suggested in which Jews will enjoy constant immunity and a special status without sovereignty (Hourani 1990). Following the 1967 occupation, when the whole Palestinian homeland fell under Israeli sovereignty, the one-state solution was raised once again by Palestinian organizations and mainly the Fatah. The one-state formula, which originated in the Democratic Front for the Liberation of Palestine, never gained wide support and after the initial enthusiasm, it was replaced by the two-state solution as the better way to reach Palestinian sovereignty (Jamal 2005).

The one-state model was edited out of the official political Palestinian discourse under international pressure when the Palestine Liberation Organization (PLO) was forced to give up the idea of freeing Palestine in exchange for its recognition as the sole representative of the Palestinian people. As early as 1972, the Palestinian National Council implied that it would be willing to accept the partition principle and establish a Palestinian state in the territories occupied by Israel in 1967. By 1974, it was clear that the Palestinian leadership deserted the dream to free the entire territory of Palestine and accepted the partition principle (Jamal 2005). Yet, since then, the one-state solution has reappeared as an integral part of the political discourse in Israel and among the Palestinians, and we must examine the key reasons for that reappearance.

First, one-state control system has existed in the territories of Mandatory Palestine for forty-seven years, since 1967 (Kimmerling 2001). Until 1987, when the first Intifada broke out, we've seen an expedited process of incorporating the occupied territories into Israel. This reality has gone through many changes since 1987, yet the basic fact of one state between the sea and the river hasn't changed, which the Israeli security, monetary, legal, and judicial systems are dominant. Second, the failure of the Oslo Agreements turned the National Palestinian Movement's original claims—liberation and return—into meaningless ones, and turned the Palestinian people's representative—the PLO—into a marginal player in the region. The hopes raised by the 1993 peace process, which was unimaginable until that moment, were shattered when Israel strengthened its control over the Palestinian occupied

territories and continued the oppression and dispossession policy toward the occupied Palestinian population. The partition of the West Bank territory into separate units while leaving most of the land under full Israeli control, the creation of “semi-sovereign” Palestinian enclaves in the big cities, and the widening gap between the West Bank and Gaza Strip, which eventually resulted in two hostile governments, fragmented even more the Palestinian effort to establish a state. This reality, in the Palestinian areas occupied in 1967 and especially the erosion of the Palestinian leadership’s ability to control its own destiny, has all but eliminated the applicability of a two-state solution.

The third reason for reconsidering the one-state solution is the deadlock created over the last few years, and mainly the new negotiation terms set by Israel, which require the Palestinians to recognize Israel’s Jewish nature as a prerequisite. This deadlock causes many people to reconsider the conflict’s origins and the necessity to confront its causes. Many Israelis are now becoming more and more aware of the challenging conflict’s origins, which are rooted in the results of the 1948 war rather than 1967, and of the need to deal with the Palestinian refugee problem and the right to return, even when objecting the re-installation of any back in their homeland. On the other hand, many Palestinians now recognize the Jewish reality created in their homeland, albeit their objection, and realize that they must regard the existential needs and the national aspirations of millions of people. The Israeli reality is perceived as wrong and unjust, but they recognize the distinction between Zionism and Judaism and between the Israeli reality and its militarist manifestations. The combination of these opposites generates a way of thinking that aspires to break the boundaries of the current political situation and examine new alternatives—institutional or constitutional. This state of mind is reflected in Israeli thinking and even more so in the Palestinian one (Azulay & Ophir 2010; Raz-Krakotzkin 1993; Shenhav 2010; Said 1999; Zureik 2013).

The fourth factor is the strategic and political concept prevalent in Israel—the argument that the Israeli territory must be based on the Jordan River as an essential security border (Shabtai 2010). This security concept goes hand in hand with the ideological-messianic conception of the hegemonic political block in contemporary Israel, which perceives the West Bank as an integral part of the unpartitionable “fatherland” (Shuval 2010). Despite the ambiguity regarding the permanent borders and the official Israeli statements, the West Bank territories are included de facto inside of the Israeli domination space. Israeli settlements and infrastructure are scattered all over the West Bank territory (Weizman 2007). Thus, any compromise is not only giving away parts of the fatherland but is also seen as an existential security risk that should not and could not be adopted (Simchoni 2006).

The fifth factor is the structural contradiction inherent in the wish to preserve the Jewish state while controlling millions of Palestinians deprived of their rights as second-rate citizens. The current hegemonic project, based on the combination of neoliberal pioneering and militarist ethnonationalism, seems more and more like the ethnic imperialism, well described by Hannah Arendt in her book *The Origins of Totalitarianism* (2004). The Israeli leadership aspires to maximize the territory which is under Jewish control and owned by Jews, while minimizing the number of Palestinians in these territories or creating control mechanisms that enable constant supervision over the Palestinian population’s territory with no direct contact. At the same time, they maintain a political, financial, and structural subordination of the Palestinians to the dictation of the hegemonic party and an Israeli dominance over the natural resources, airspace, and electromagnetic space, thus creating a constant emergency situation that “exposes” the Palestinians to the politics of “bare life” and validates daily their state as enemies and aliens in their own homeland.

Against this background, the Israeli political left’s opposition to the settlements in the West Bank challenges the legitimacy of the Jewish settlement in Palestine as a whole. The Israeli political right claims that if Zionism is based on the historical claim of returning to the fatherland, there is no difference between areas west of the Green Line and areas east of it. Obviously, the nationalist right’s objective is to justify the settlements project in the areas occupied in 1967 by establishing the lack of difference between the justifications of Zionist settlements before 1948 and those after 1967 (Taub 2010). This internal Israeli debate points to the severe crisis inherent in the political, ethical, and moral logic of Zionism.

The Jewish reality in the territories acknowledged as part of Israel can be justified based on one of two fundamental concepts: the logic of power (i.e., the Jews won the war and they must maintain their achievements by force, if they want to avoid any risk for their national and personal existence [Dayan 1981; Gans 2010; Yaniv 1992]), or the logic of transitional justice, which is based on the idea that the current situation, though it may be based on historical injustices and moral errors, forces us to consider the heavy prices involved in reinstating the past reality (Kymlicka 2008; Waldron 1995). According to the latter attitude, there is no option, realistically or morally, to reconstruct the past, since the price paid by innocent people will be unbearable. Therefore, in figuring out the solution, we must acknowledge past injustices without creating new ones, equally calamitous. This logic is not unjust, but it doesn’t solve the current situation, in which the liable party continues to cause injustice. Currently, the liable party also refuses to reach a historic compromise which will acknowledge past wrong doings and will strive to correct them, as done in several historic reconciliation processes

such as South Africa, Northern Ireland, New Zealand, Australia, etc. (Hansen 2011).

Additionally, widespread though sometimes hidden debates inside Israeli society deal with the usefulness of the Zionist ideology: does it provide a safe haven for the Jewish people, or rather result in a domination over another people and constant conflict, while in the meantime we see the development of new threats, which will lead to an all-out war and the use of mass destruction weapons by Israel (as in the biblical story of Samson)? This question is more relevant than ever in the face of the military technological development in Israel's neighboring countries. Of course, these debates are limited to small parts of the Israeli public; most Israelis support the status quo and enjoy the state's unjust distribution of natural resources (land) and material ones (money transfers and subsidies). Still, the disputes and the unease in certain sections of the Israeli society, mainly among the humanist-moralist camp, are expanding. As supporters of nationalistic ideologies, led by the settlers in the West Bank, gain strength in Israel's power centers, the moral and humanistic considerations that justified and still justify the establishment of the state of Israel as an expression of the Jewish people's right to self-determination are eroding (Gabison 2002). While Israel expands the use of its military power in an attempt to impose its will over the disputed territories locally and regionally, the number of voices questioning the nature of the Jewish state and its moral ground keeps rising (Azulay & Ophir 2008; Paled & Peled 2013; Shenhav 2010). Some scholars who deal with the Israeli-Palestinian conflict argue that Israel subverts the justifications for its own existence and creates a reality that contradicts the legitimacy given to Israel upon its establishment (Peled & Peled 2013). Israel's continuous insistence to maintain its Jewish nature while expanding its territory and controlling the Palestinian people creates an irresolvable conflict that will eventually lead to the loss of legitimacy and destruction of the institutional structure maintaining it.

These tensions and contradictions in the Jewish state's project, along with a massive Palestinian population that suffers inferior socio-economic conditions and frequent rights violations, all bring up the need to consider unconventional ideas and models of solution. The political deadlock opens the door for considering solutions that aren't necessarily consistent with the formula of partition, separation, and two states. Solutions of this type are still at initial stage, but they penetrate deeply and shake the moral foundations of the existing Jewish state.

We may add that the one-state idea gains supporters among Palestinian politicians and scholars because it addresses two fundamental issues that have no answer under the two-state solution: the refugees and the Palestinian citizens of Israel. In negotiating the two-state solution, it was made clear that the Palestinian refugees' right of return will be limited to the borders of the

future Palestinian state in the West Bank and in Gaza Strip, and will not enable 1948 refugees to return to the lands from which they were deported or escaped during the Nakba. Many Palestinian refugees reject this possibility, which in their view is doubly unjust: the refugees have lived under inhuman conditions for many decades, and now they are required to give up their original settlements and reside in strange places to which they have no emotional connection. New generations of refugees continue to be an important factor influencing the official Palestinian considerations and limiting the leeway of the Palestinian negotiators.

Furthermore, the two-state solution fails to answer the national aspiration of the Palestinian minority in Israel (Jamal 2014). The state of Israel never opened effective political representational opportunities for its Palestinian citizens. For many years, they were treated based on the friends/foes formula, and the relationship with them was based on their posing a potential threat to the Jewish state just because of their Palestinian identity. Even if a full integration of the Arab citizens was not possible, the state never actively attempted to transform the relationship from an antagonistic one, based on constant suspicion and animosity, to an agnostic relationship, which is based on limited and legitimate disputes within the political arena.

Throughout the years, the Arab political elite have openly strived to convert the relationship with the Jewish state from antagonistic into agnostic, as can be seen by examining the political behavior of the Arab public and the emergence of significant political camps, which accept the Israeli political system while disputing its nature and its internal policy and attempting to change them from within (Jamal 2007, 2011). Yet, Israel's past and present policy has always been one of discrimination, neglect, exclusion, and delegitimization of the Palestinian minority. This policy indicates that the state, and especially the dominant security forces, insisted on perceiving its relationship with the Palestinian minority as relations between enemies, even if it was never officially stated (Or, 2003). Statements that refer to the Arab citizens as a "strategic threat," according to current Prime Minister Benjamin Netanyahu and former Shabak Chief Executive Officer Yuval Diskin, represent a dominant state of minds among the Israeli political and security elite (Kaspit & Haleli 2007). This concept sentences the Palestinian citizens to an inferior status in the Jewish state, which will not be tolerated for long. In the meantime, their affinity with the rest of the Palestinian communities is getting stronger.

In recent years, there is a growing feeling that Israel policies do not effectively differentiate between the Palestinians in the occupied territories and its Palestinian citizens, when it comes to land, housing, and security, despite the fact that the latter are citizens. The differences that do exist are more of dosage and level than substance (Hendel 2011; Jamal 2011; Weizman 2007). The policy of territorial expansion, the narrowing and fragmenta-

tion of the Palestinians' territories, building artificial barriers between their settlements, controlling their natural and financial resources, and leaving them to their fate while inflaming their internal conflicts all happen in both places (Jamal 2011). Though these policies take place under different legal justifications and authorities, they are almost identical in effect.

The Israeli policy and strategy are better understood when we examine the Israeli control system not vertically, through acceptable distinction between the territories of Israel and those of the West Bank and Gaza Strip, but rather horizontally, regarding the whole land as one territory divided into two layers, one homogeneous—Jewish—and one fragmented—Palestinian (Jamal 2011). The normalization of the Jews' lives, achieved through homogenization of their living territories, brings about fragmentation of the Palestinians' lives in their settlements. Furthermore, this process is based on control and monitoring mechanisms which allow naturalization of the Jews' lives and alienation of the Palestinians'. In addition to Israeli leaders' statements that the two-state solution will eliminate the Israeli Arabs' collective rights, since their national rights will be exercised through the Palestinian state, the two-state solution will most probably not transform equality into a guiding principle in Israel. As a result, the Palestinian citizens' structural subordination will continue, together with constant deprivation, exclusion, and control. This situation encourages rethinking among the intellectual, civil, and political Palestinian elite; one that departs from the concepts of partition and separation and turns toward synergetic and integrative solutions. While this thinking may be only in initial stages, it is honest and penetrating, and takes into account the moral constraints as well as the realistic ones.

Finally, we should add the many international influences on the re-emergence of the one-state solution, especially the collapse of the apartheid regime and the successful establishment of a democratic multi-national state in South Africa. This process, together with the changes in the policies toward indigenous peoples in many immigration states such as Canada, Australia, New Zealand, Ecuador, etc., re-raised the one-state solution as an ideal model. While the bloody collapse of Yugoslavia, Czechoslovakia's fragmentation into two states, and the rising tension between Flemish and Walloons in Belgium all raise doubts concerning this model, the practical challenges of partitioning populated territories, especially when the sovereign state insists on expanding its control over indigenous populations, as seen in the case of Israel, drive many to perceive integrative solutions rather than segregative ones as preferable in certain circumstances. The European Union's short history, after centuries of bloodshed, also generates rethinking of the political situation in Israel/Palestine. Despite the differences between the European model and the Israeli-Palestinian one, the establishment of financial and political joint institutions presents a constructive model for dealing with long and deep-rooted conflicts. Building on seeds of peaceful existence between

Jews and Palestinians in certain areas could form an initial stage in transforming the entire land of Israel/Palestine into one-state-to-come.

### POSSIBLE JUSTIFICATIONS FOR A SHARED SOVEREIGNTY SOLUTION

We can justify shared sovereignty solutions by two different ways: First, by eliminating the alternatives and mainly the partition principle, which is the basis of the two-state solutions; and second, by emphasizing the advantages of the shared sovereignty principle. Justifications of both types can be manifested in theory as well as practice. Table 17.1 will be followed by a detailed explanation which reflects the discussion on both levels.

#### Disadvantages of the Two-State Formula

In principle, the partition idea is reasonable as long as both parties involved in the conflict are willing to accept it and neither pays a heavy price for it. Complications are created when this idea deprives a large part of the population, living in its own homeland, of connection and access to parts of the homeland which are controlled by the other group. The partition then denies basic rights of those people, who lose a large part of their social fabric and the connection to their affiliation group, which becomes part of the other

	Disadvantages of Partition\Two States	Advantages of Shared Sovereignty\One-State-to-Be
Theory	<p>The partition doesn't guarantee the basic rights for all sections of the population from both sides.</p> <p>It deprives many Palestinians of the right for self-determination.</p> <p>It fixates the Palestinians' fragmentation, which was forced on them.</p> <p>The solution of two sovereign states in a land coveted by both national groups is a constant source of friction and conflict.</p>	<p>Shared sovereignty can guarantee the rights of everyone involved.</p> <p>It is better suited for the historic and cultural context of both sides of the conflict in the disputed territory.</p>
Practice	<p>The partition is not implemented de facto and is used to promote the hegemonic Israeli project.</p> <p>Israel has accepted this formula only when it became impossible to implement.</p>	<p>The one state in fact has existed for almost five decades, and all we have to do is transform it into a more just one.</p> <p>One state resolves the issue of exclusive territorial domination of each side according to the current power relations.</p>

side. In this case, they are forced to choose between two difficult and depriving possibilities. Additionally, the partition suggested today solidifies the Palestinian people's fragmentation and favors the current power relations, which gives Israel the upper hand, while the borders of the suggested partition are not necessarily just. No one talks of absolute justice, yet the deprivation of large portions of the Palestinian society of its cultural and historical connection to its homeland and of its natural resources goes against the principle of distributive justice. The 1947 partition, which was rejected by the Palestinian leadership at the time, was perceived as unjust toward the historical connection between the Palestinian people and its homeland and its demographic weight in it at the time (Khalidi 2006). Partition does not address the conflict's origins and cannot enable the Palestinian refugees to return to the areas from which they were deported during the war.

Partition is a source of constant friction, since the just claims of some of the parties involved in the conflict remain unanswered and some are even violated and rejected because of it. For example, Palestinians living in Israel will be deprived of any right to self-determination, thus making them subtenants their own homeland. Though partnership-based solutions might infringe on the rights of certain population groups, it will not infringe on their basic, fundamental rights, as partition might. Shared sovereignty-based solutions acknowledge the right to self-determination of all sections of the population from both nationalities.

Israel tends to ignore sections and conditions of the partition principle that are related to the issue of borders and the demographic structure within its control system. Over time, Israel has created a negative, inherent link between the rejection of the 1974 partition plan by the Palestinian leadership and the Palestinians' right to self-determination in their homeland. The decision made by the Palestinian leadership is presented as some sort of justification for the continuation of the current situation, in which Israel controls territories that are designed to be a part of the Palestinian state, according to 1947 partition as well as the borders of June 4, 1967. This claim is an essential element in the insistence over Israel's Jewish nature and Jewish exclusive control over the state's natural and financial resources. The same claim, with minor changes, is a basic element in the Israeli control over the Palestinian territories occupied in 1967. Sentences like "we left no stone unturned" and "there is no partner for peace" are nothing but a current version of the statements made by Israeli leaders throughout the years, which can be summarized by Abba Eben's claim: "the Palestinians have never missed a chance to miss a chance." This is a fundamental belief covered by practical justifications that justify the continuation of the current status quo.

In practice, partition wasn't helpful in dealing with most of the world's conflicts, and it even worsened or solidified them, despite the no-war state in some of them. The partition into two states didn't resolve the conflict in cases

where the partition did not meet the expectations of the conflicting parties, even in cases where two states have been established, as we can see in the cases of Kashmir and Sudan.

The two-state solution is built on partition and separation of sovereignty, based on the widespread belief that both peoples are willing to give up their dream of control over the whole disputed land. It is based on partition according to the borders of June 4, 1967, which accumulated various meanings over time. This is the basis for the Israeli-Palestinian peace negotiations, which are used as a fighting ring over geopolitical and demographic borders. But partition is not probable because some very powerful elements from both sides resent it and therefore set obstacles for its implementation (Feige 2007; Zartal & Eladar 2004).

The Israeli policy of expanding the Jewish settlements in the West Bank suggests there is no acceptance of the partition principle, as conceived by the United Nations and re-described in the Israeli-Palestinian negotiation or recently in the Clinton Parameters. Simultaneously, a large number of Palestinians reject the suggested partition because it holds a double injustice (Khalidi 2006). First, partition according to the borders of June 4, 1967, means that the Palestinians would get 22 percent of what they perceive as their homeland, while the Jews would get 78 percent. Second, even if Israel continues its control pattern for a future partition, it would be set according to the Israeli interests, entailing control of the mountain areas, strategic roads, natural water reservoirs, and the airspace of the Palestinian territories (Hareuveni 2010). This complicated situation requires weighing the chances for successful partition as well as its justifications against those of the one-state solution, which has become a common subject for discussion in many academic and cultural stages. We must openly admit that the demographic and strategic reality, which brought forward the two-state formula, has changed completely. The idea of partition and a Palestinian state in the occupied Palestinian territories has been accepted officially by Israel only in recent years, when the Israeli policy in the West Bank had already eliminated the realistic possibility of establishing a Palestinian state in these territories.

Demographics are especially important, and it is not merely a question of numbers. When examining the changes in the residents' mentality and ambitions, we must take into account the population's distribution in the territories under Israeli control. Palestinians reside in most parts of Palestine, and the similarities in mentality and ambitions of most sectors have increased in recent years. These facts are stronger than the Israeli government's aim to split the various Palestinian groups inside Israel from those in the occupied territories, especially as the Israeli citizenship is losing its meaning, leaving it in name only (Jamal 2011). Despite the fact that formal Palestinian politics remain loyal to partition, the changes in society demonstrate the strength of socio-cultural convergence.



The fact that Israel treats its Palestinian residents as second-class citizens raises questions concerning the plausibility of the “Jewish and democratic state” formula in which Israel prides itself (Jamal 2011; Peled 2007). This continuous treatment, since 1948, suggests that the formula of two democratic nation-states has not been realized and that it is probably impossible under the current power relations structure between the different groups, because of the Jewish state concept, which is supported among the Jewish population in Israel. The basis for this concept is the premise that Israel is, first and foremost, the state of the Jewish people, and only then the state of its Jewish citizens. The Jewish state is a substantial concept; the state is perceived as an agent of the Jewish people that promotes its national and ethnocultural identity. This identity is composed of Jewish religion and biological ethnicity. While the concept of the Jewish people’s state contradicts inherently the meaning of civil sovereignty and drains democracy of any meaning, the concept of the state as the agent of a nationality and an indrawn ethnocultural identity robs the Palestinians’ citizenship of any real content (Jamal 2007). We must recall here that the two-state formula completely ignores the existence of a large Palestinian minority within Israel, with national aspirations and rights that will have to be addressed by any just solution. The two-state solution offers no answer to the national aspirations of Israel’s Palestinian citizens. Furthermore, this solution ignores the historic and social connection between Israel’s Palestinian citizens and the Palestinian refugees and their right to return to their homeland. It ignores the changes in the Palestinian society and the rise of strong players who oppose the two-state solution, like Hamas, which has managed so far to veto the partition principle.

### Justifications for Shared Sovereignty\One State

It is necessary to remember that there is more than one formula for shared sovereignty or the one-state-to-be. We must distinguish between the unitary or federal model of a liberal state, which doesn’t recognize collective rights, like the United States or France, and one state as a reflection of self-governing of different national or cultural groups, which maintain wide autonomy and cooperate at the governmental level like Spain, Canada, Switzerland, India, etc. Though these models are both considered “one state,” they are widely different and their histories are different. They originated in separate political circumstances and are not always suitable for dealing with the challenges presented before them, especially when it comes to conflicted reality, as has been for many years in Spain or in Canada. These models inspire constructive thinking over the Israeli-Palestinian conflict solution, yet they are significantly different and raise doubts concerning the realistic chances of success of a joint political entity for two conflicted peoples, while large

proportions of the population in each side refuse to recognize the other’s right to exist, as a legitimate national player.

In light of these facts, when thinking about solutions for a joint political entity in a conflict situation, we must focus on complex models of shared sovereignty, like in Spain, Canada, or Northern Ireland. Furthermore, the joint political framework cannot trump the right for internationally recognized self-determination of both conflicted parties. This issue poses great moral difficulties and transforms any possibility of changing the current situation into an existential threat for the dominant national group. The shared sovereignty solution must not be used to exterminate the existing state. This way of thinking will not only set a dangerous precedent; it is also impossible, and it will not gain international support. Shared sovereignty must be based on agreed upon transformative process that does not manipulate or trick each of the parties. It is a long process that is based on mutual recognition, integration, and inclusion, rather than compulsion, control, or exclusion. The use of affirmative terms, which legitimate the current dominant self-perceptions that are mutually exclusive, will impede not only the practical transition from the current situation of occupation, exclusion, and marginalization into a shared sovereignty under one state; it will even block the development of new mental horizons and theoretical consideration of the situation, as we can see today. For this to become possible, we have to think in regional terms. A regional inclusion process, in which the joint political entity will become a part of a larger regional union in the eastern Mediterranean, modeled after the European Union, will have to be considered.

In light of all that, the first justification for the shared sovereignty is derived from the advantages of the one-state, both in principle and in practice, while emphasizing the cooperation between the groups in a differential structure, which addresses the rights and the aspirations of both sides. In this regard, we can discuss justifications focused on the Jewish and Palestinian populations and their relative territorial affiliations, as well as justifications focused on the long duration of the conflict. When thinking of both human collectives, we find that the shared sovereignty solution is the least unjust out of all the possible solutions, and therefore it is better suited morally and ideologically to the situation. It addresses the needs of most parties involved in the conflict; it is more complex, and thus more suitable to the complex relations between the parties and their national demands. This solution requires mental transformation and mutual acceptance and forgiveness, which may not be easy to achieve, but these are all required by the two-state solution as well, and therefore don’t impair the justification for the shared sovereignty solution.

A solution based on shared sovereignty is founded upon the values of partnership and cooperation and the principles of justice and equality. It sanctifies freedom and creativity rights of all citizens, as demanded by the

thinkers of political order and social philosophers, starting with Plato's *Politeia* and Aristotle's *Nicomachean Ethics*, following with *The Virtuous City* by Al-Farabi and ending with *A Theory of Justice* by the American philosopher John Rawls. The shared sovereignty model that is required in the Israeli-Palestinian context is more institutionally complex than what was described by those thinkers; yet in principle it is moral and democratic, and combines both theoretical models presented in the previous chapter. The shared sovereignty solution combines the desire for national affiliation with the desire to maintain separate cultural attributes, while distinguishing the freedom of conscience and the desire to maintain unique social values from the general administrative order, which includes all citizens equally. This solution is based on the foundations of transformative justice and the principles of mutual transformative recognition, which creates joint habitats and demands joint managing of power and a moral obligation which is shared by both sides and their various elements.

A shared sovereignty solution, which is founded upon the right to self-determination for both peoples living in the joint geopolitical habitat and the required differential political structure, will enable more individuals from both sides to realize their collective dreams and aspirations and feel a sense of belonging and personal safety. After all, both sides have national aspirations over the whole territory of Mandatory Palestine; many Jews consider the West Bank territories as part of their fatherland, and many Palestinians consider the coastal cities as their homeland. Of course, there are many others, of both sides, who favor partition, but they are led by habit, fear, and suspicion rather than by an objective and clear moral consideration. The bloody conflict between the groups generated mistrust and a basic lack of recognition of each other's rights, and forced both sides to agree to a compromise, which is not necessarily honest and true. When considering only the moral aspects of the conflict, without taking into account the reality in the field, we can see that the shared sovereignty solution addresses the needs of the largest numbers of individuals from both sides. In principle, the moral factor makes the shared sovereignty solution better justifiable than any other solution, in which each side is forced to give up irreplaceable parts of its homeland.

Another theoretical justification involves the conflict itself. Since there is no resolution in sight, we must weigh the conflict's human and material price against the prices of transforming the current occupation structure into a one-state structure. This consideration relies on the fact that the two-state partition hasn't been implemented until now. In the current situation, after almost five decades of Israeli occupation, domination, and settlement in the territories that are designed to be parts of the Palestinian state, the price of democratizing the Israeli control system is more reasonable than an actual partition, in light of the current demographic conditions.

We must remember that the meaning of partition today is different from its meaning in 1947 or in 1967. While Israel insists on its historical connection to all parts of Mandatory Palestine, and the Palestinians stick to their wish to return to their homeland, the conflict becomes a factor that prevents both sides from realizing their ambitions. Assuming that the Israeli hegemonic project will not be able to last for long and that we are deteriorating toward apartheid, the price of democratization of the current political structure is the most moral and just solution to the Israeli-Palestinian conflict. Sharing the territories of the joint homeland and the joint equal sovereignty will uproot one of the conflict's fundamental causes and legitimize both groups, enabling them to enjoy security, tranquility, and affiliation without feeling the need to constantly reassure their existence and legitimacy at the expense of the other side. The availability of future possibilities is one of the most important factors in transforming both sides' behavior and plans. The relations between Israelis and Palestinians will not be able to transform and reach a new level until both sides are granted legitimacy to their existence and respect toward their unique national and cultural properties (Peled & Rouhana 2004). A long-term thinking along just and moral lines may expedite structural and personal changes which will, in turn, bring a better future solution to the more than a century old bloodshed. In this context, transforming the nature of Israeli sovereignty and adjusting it to the new reality seems especially justifiable if it entails legitimation to a Jewish control over various life realms of the Jews as part of the shared sovereignty. Instead of managing the conflict, this solution is based on the conflict's transformation and reconciliation, which will, in time, transform the conflicted parties and promote mutual acceptance. Through this kind of solution, the parties will be transformed simply by attempting to encounter the daily challenges of a joint existence; this existence is built on mutual trust and recognition, which should be manifested at the institutional level.

Practically, one state has existed for almost five decades in the territories of Mandatory Palestine, which was supposed to be a host for two states. This situation does not guarantee the rights of both conflicted peoples, and it is not likely to change soon. The Israeli hegemony deepens its control in the land and performs structural changes that would enable the continuance of its dominance throughout the region (Weizman 2007). Therefore, there is a need as well as moral obligation to find a way to make the current political situation more just and democratic. Granting the Palestinian residents an Israeli citizenship will not create justice for both sides; only a change in the political structure and the creation of a new structure, in which both peoples will have self-determination and share their fate, in the form of a joint political structure, can encounter the real challenges which lie ahead. Shared sovereignty can be implemented in a democratic federative state, in which all citizens

enjoy equal rights and which acknowledges the collective rights of both conflicted groups.

The shared sovereignty solution under one democratic state will eliminate the current state of domination and racial and military discrimination, and will be founded on equality and freedom as the moral pillars of joint existence. It will also relieve both sides, and mainly the dominated one, of immoral, inhumane acts from which it has suffered long enough, including indiscriminating killing and violation of basic human rights. While the current balance of powers forces us to focus our attention on the Palestinian suffering, we should also consider the situation of the Israeli Jews, who are concerned with existential threats. They are also concerned with moral issues, since the existential threats feed the Israeli war machine, which encourages sovereign behavior and which undermines the moral foundations of Jewish existence in the Arab region.

Influential public figures in the Israeli society try to denounce the settlers in the West Bank as people who defile Israel's "real" and good reputation, in an attempt to clear Israel's conscience and present its moral ground internally and around the world, while trying to maintain what they claim to be the "true" humanistic and moral message of Zionism. These efforts gain little support, because the hunger for colonialist expansion based on racial ideas is still dominant among the public and the leadership in Israel. These facts are reflected in opinion polls<sup>1</sup>; they force an inhumane situation on Palestinians and create moral and ethical constraints that raise doubts regarding the integrity of the Jewish moral code. These constraints dispute the rationale of Jewish political existence in its current form. The infringement of another collective's rights undermines not only this rationale, but it also undermines the infringing entity and its fundamental right to exist. Israel cannot dominate over another people while boasting its morality and purity of arms. This inherent contradiction creates schizophrenic distortion that is translated into a continuous, collective feeling of insecurity. This insecurity is reflected in the brutality of the Israeli war machine: the Israeli attempts to present the clashes with the Palestinians' part of a war are nothing but distortion of reality. The Palestinians never had an organized army like the Hagana and later the Israeli Defense Forces. The latter acts most of the time against disorganized militias or an unprotected civilian population. This fact is especially true when we focus our attention on Israel's attitude toward the Palestinian population that remained within its territory after 1948 and toward the Palestinian population which fell under its occupation after 1967. These two groups are under complete Israeli military control and have no ability to develop any military defense force of any kind. Furthermore, the use of certain procedures that are forbidden by international law, like "targeted killing," "surgical operation," "human shield," "neighbor procedure," and "price tag," not only undermines the legitimacy of the perpetrators themselves, but it challenges

the ethics of the existing control structure and raises doubts as to the ethics of the political entity for which they act.

### **Disadvantages of the Shared Sovereignty\One-State**

One possible disadvantage of a shared sovereignty solution for the Israeli-Palestinian conflict is a situation in which the Palestinian right to self-determination will not be materialized and the equality principle will not be implemented. The principle of equality must be the pillar of the relations between the Jewish and Palestinian populations, individually as well as collectively, and therefore must be manifested in the official-institutional as well as the unofficial levels. Yet, the official institutionalization of this principle through a joint constitution does not guarantee equality. The socio-economic gaps between the Israeli and Palestinian societies, along with the privileges now granted to the Jewish population, might create a structural inequality, in which Palestinians will still be dominated by the Israeli Jews. If we consider transformation from the current occupation into a shared sovereignty with no interim period, we must assume that this transformation will be based on the current principles and power relations. The existing power and influence gaps in the Israeli-Palestinian reality will be institutionalized at the unofficial level, and may expand the Israeli colonial dominance over many post-colonial instruments, based on control of fortune, information, technology, administrative abilities, and science.

A second disadvantage has to do with the right to self-determination and the desire to control the joint fate, especially under the current conflict. The self-determination principle has been, for many years, almost synonymous with national sovereignty. Though many international legal experts and political philosophers dispute this interpretation, it is nonetheless dominant in international relations (Cassese 1999). Therefore, the partition principle has become the common solution for inter-communal conflicts worldwide (Hanum 1996). This principle reflects the fundamental desire of national groups to control their own destinies and overcome mutual suspicion with other groups. The manifestation of these relations is even more extreme in Israel\Palestine compared to other parts of the world. The relations are based on a strong mutual delegitimacy, which deepens mutual suspicions and challenges the possibility of joint control systems. Therefore, both national groups are trying to achieve separate self-determination, which is presented both as a right and as a practical solution. The joint state solution might infringe on the right of both groups to exercise their self-domination and their cultural autonomy in their own nation-state. Obviously, the two-state solution is less favored by Palestinians than by Jews, who enjoy privileges under the current status quo.

Another disadvantage of shared sovereignty is linked to the wide gap between Palestinians' and Israelis' concepts of suitable ways of life. This gap is meaningful not only because of the differences between Jews and Palestinians, but also because of the difference between the Western cultural orientation of most Jews versus the Eastern traditional orientation of most Palestinians. While both groups are not homogeneous, their cultural orientations are distinctly different. The Israeli state presents itself as an integral part of the Western world. While there are large traditional sectors in the Israeli society, Israel's culture and its dominant leaders are mainly Western. Most Israelis, among them the more traditional ones, see themselves as part of the Jewish-Christian culture which is centered around Western Europe and North America, while most of the Palestinian population is traditionally Muslim and sees itself as part of the Arab and Islamic world. There is a lot of tension between these two civilizations, a fact that will impose difficulties on any attempt to find cultural common ground for establishing the joint constitutional entity. While cultural and political gaps had previously existed in other parts of the world that went through political and institutional transformation after extended periods of conflict—as in the case of post-World War II Europe, which has witnessed a prolonged unification process for six decades—the journey is complicated and is based on strong centripetal forces that don't exist in the Israeli-Palestinian context today.

### OBSTACLES AND CHALLENGES OF SHARED SOVEREIGNTY

The shared sovereignty solution encounters several practical obstacles that must be faced using the underlying ideals of the integrative solution, through democratic debate and persuasion.

The *first factor* is the existing balance of powers; the upper hand belongs to the expanding Zionist project, which dedicates all its financial, technological, and political resources to solidifying the current hegemonic situation. Over the years, Israel has managed to expand its borders, to split and crush the Palestinian leadership, and to oppress the Palestinian people. Israel's long-term success encourages continuation of the same policy, although with some changes and through different mechanisms, as we can see with the expansion of settlements in the West Bank under the pretense of "peace" negotiations. The security and military establishment is widely supported among the Israeli public, a support that is a stumbling block for any resolution of the conflict, be it the widely accepted two-state solution or even more so, the one-state solution, which is perceived as a threat and an attempt to delegitimize Israel in its current form.

The *second factor* is the sense of trauma, fear, and suspicion rooted in the Israeli collective historical memory (Bar-Tal 2007). This memory is deliber-

ately invoked and even highly intensified through the Israeli education system. The sense of fear, which is rooted in real events but is politically manipulated, creates doubt, mistrust, and hesitation toward any attempt to change the current status quo, which guarantees the Jews' control over their destiny and their collective and individual safety (Bar-Tal 2007). We must mention that the rise of political Islam, the spreading of religious feelings among the Palestinian society and in the Arab world, and the discussions about Islamic expansion and "total victory" highly intensify the Jews' fears and significantly contribute to their solidarity and their support in the government, a fact that is reflected in the complete disappearance of the Israeli left (Lahat 2004). Thus, a major obstacle for the shared sovereignty solution is fundamental statements by Arabs and Palestinians, which are manipulated to their full extent by Israel in an effort to maintain the status quo.

The *third factor* is linked to economy and welfare, namely the significant gap between the living standards in Israel and among the Palestinians. Israel is not only a nation-state; it is a collective economic project with significant colonial attributes, which has managed to invest its human and financial resources in world economics and achieve one of the highest gross national products in the world, thus enabling a high living standard, equal to those of developed Western societies. The Palestinian society, however, has a poor economic infrastructure, based on limited resources. Therefore Israelis, as a collective and as individuals, perceive any political situation that threatens their material wealth and their economic status as a direct deprivation of the advantages they have gained over time and a reduction of their current living standards. A shared sovereignty solution will require re-distribution of resources, sharing national income and reduction in gross domestic product; all of which act against the dominant interests and ideology of the Israeli society and the financial interests of most of Israel's Jewish citizens. There is, as we can see, a basic conflict of interests between Israelis, who strive to maintain the current situation, and Palestinians, who strive to change it. International guarantees cannot ease the gaps between the two parties, as could be learned from the euphoric period of Oslo negotiations, when the main benefactors of the negotiations were the Israelis and small Palestinian elite (Ben Porat 2006).

The *fourth factor* is the emergence of Palestinian leaders who are willing to accommodate the dominant political concepts of the Zionist political order. The Palestinian leadership strives for an independent sphere of control and domination first and foremost, even if they have to give up important aspects of the national Palestinian demands, like the right of return. The Palestinian leadership is trapped by partition and the two-state solution. It is fully dependent on international diplomatic and financial support. We should mention that the PLO had raised the one-state solution in the past as a bargaining chip, haphazardly and without any real research, thus enabling

Israel to denounce it, using the arguments of delegitimization and lack of recognition, which made the PLO give up the one-state formula in favor of two-state partition under international pressure. The one-state formula is still widespread among the Palestinian political leadership in the West Bank and within 1948 borders, and lately it was even expressed by some of Hamas leaders in Gaza Strip. Through the Oslo Agreements and the establishment of the Palestinian Authority in the territories occupied since 1967, the Palestinian leadership legitimized the partition of the land in an effort to establish a separate political and military entity. This created an absurd situation, in which the Palestinian authority became an enclave within the Israeli control system, and the security of the Israeli settlements became indirectly a responsibility of the Palestinian police and leadership. The continuing efforts to establish an independent Palestinian state, in spite of the political, demographic, and security developments over the past two decades, impede the attempts to change the Palestinian public opinion, though the one-state solution became a popular subject among Palestinian scholars and cultural figures in the occupied territories, within Israel and in the Palestinian diaspora.

The *fifth factor* is international support of partition and denunciation of any political plan which might be interpreted as de-legitimacy of the Israeli state as formed after the 1948 war. Despite some criticism toward the settlements in the occupied territories, European countries, the United States and Canada, as well as other important countries like China, Japan, India, and South Korea, have complex diplomatic and financial relations with Israel, thus supporting its policy in effect. Europe is Israel's biggest economic partner and its second largest export market after the United States. Major European countries, as well as the United States, support Israel politically, diplomatically, and militarily, and stomp any attempt to challenge its legitimacy in international institutions. This support blocks any political plan which isn't supported by Israel and enables Israel to indirectly strengthen or at least consider the persistence of the settlements project. Despite some criticism of Israel's policy in the occupied territories, the United States and Europe avoid serious measures that would stop the settlement expansion and promote partition. Their stance contributes to the continuous camouflage, in which Israel allegedly accepts the partition principle, while in fact creating a one-state reality, which the United States and Europe refuse to acknowledge. This denial precludes any efforts to promote a just solution to the conflict.

The *sixth factor* is the possible opposition by the Palestinian refugees, who still dream of returning to their original villages. The one-state solution, which must be based on agreement in order to succeed, will prerequisite a compromise on this issue. Many of the Israeli settlements founded since 1948 and to this day are built on the remains of the Palestinian villages, which were emptied of its population mostly as a result of a frightening policy and preventing their return in various Israeli Defense Force operations

between April and December 1948 (Kadman 2008). Any desire by the Palestinian refugees to return to their original villages will not only be opposed, but also raise a moral dilemma for those who strive to achieve a just solution for the Palestinian problem. The other side of the coin of return is a new human injustice that does not meet basic international principles and policies today (Kymlicka 2008).

All these factors together create a tangled web of obstacles, which prevents the one-state solution from becoming a realistic political plan, despite the fact that this is a good and moral solution for the Israeli-Palestinian conflict. Since there are many appealing and deterring elements to this plan, it must be promoted as an acceptable concept and a possible ideal solution before moving on to examining realistic options for its future implementation. We must expand the reference base for this idea, to examine it deeply and analyze its advantages and disadvantages compared to other experiences such as South Africa, Canada, or Spain, while taking into account the region's special characteristics. In addition, an extensive effort must be made on both sides of the conflict, especially since we see today many Jewish thinkers who present new justifications for the Jewish national state (Gabison 2002; Gans 2008), especially since Israel began losing part of its legitimacy in growing circles worldwide. The fear of delegitimization causes a handful of Jewish thinkers to reconsider the one-state solution. Of course, the Palestinian secular leadership must also be persuaded to give up the two-state plan, and the religious leadership, represented by Hamas, must be persuaded to accept the idea of one secular, multi-cultural, and multi-religious state, since "freedom of religion" and "freedom from religion" are two of the most important elements of social and political co-existence. Furthermore, the Palestinian people as a whole must be persuaded that the shared sovereignty solution is not normalization of the Israeli control over all of Mandatory Palestine, and it does not legitimize the political plans of the nationalistic right wing in Israel in recent years. The Palestinian refugees must be persuaded that this solution will enable their return to Palestine, though not necessarily to their original settlements, if these places are now settled by Jews. This clarification will prevent the creation of new injustices while fixing past injustices, thus avoiding a renewed intensification of the conflict.

## CONCLUSION

The above analysis presents the special difficulties and complexities of the Israeli-Palestinian conflict. The partition plan was never realized. The two-state formula seems unrealistic in the short term, but as we have seen, so is the one-state formula. Additionally, the status quo creates a state of apartheid and therefore it is volatile. As a result, we should or even must consider

creative ideas that might extricate us from the current situation. No immediate relief is in sight; yet creative thinking may help raise ideas which might stir the imagination of the peoples in conflict, even if today these ideas are considered blasphemy. One thing is clear: these new ideas must be post-nationalistic. A new understanding of sovereignty is necessary if we are to transform the intractable reality and prevent drifting into apartheid or genocide.

The idea of shared sovereignty is a long-term plan for compromise. Since it raises many objections in the current reality, it will have to go through many variations and stages. One of the possible stages may be a partial, gradual, and temporal separation between Palestinians and Israelis, as long as it is merely temporary and a part of an ongoing reshuffling process of the entire situation in Israel/Palestine. Opening this plan up to discussion through persuasion, arguments, and justifications is an integral part of its promotion. It goes without saying that Israelis will not be willing to risk their security, especially while they enjoy privileges that ensure their high standard of living at a relatively low cost. Nonetheless, people will not be reluctant to enhance their privileges, even if others may benefit from the process. If the idea of shared sovereignty is framed in beneficial terms, it may enable us to pave the first stone in a long path toward resolving the conflict, which sounds imaginative at this stage but could be real in the future.

#### NOTE

1. The Peace Index is performed by the Tami Steinmetz Center for Peace Research in Tel Aviv University and reflects widespread views on these issues. See <http://www.peaceindex.org>.

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## Conclusion

### *Out of the Darkness*

John Ehrenberg

When Shakespeare has Antonio tell Sebastian that "what's past is prologue," he's presenting his characters with the opportunities conferred by free will. But opportunity often comes with danger, and *The Tempest* reminds us that history is a harsh judge when things go wrong. Would Sebastian kill his sleeping father because he's interested in his future subjects' welfare? Would he do it for the sake of his own glory? Did he have the chance of making a free choice as a free man? Did he really have a choice at all, or was his imagined freedom no more than a self-serving illusion? Was there more at stake for him than his own greed, vanity, and ambition? Does history set the context for the present, or *is* it the present simply dressed up in different clothing? Does the past allow us to improve upon its lessons and tell a greater story than what it offers? Or is it a trap that condemns us to repeat the same old mistakes, subjecting ourselves and our children to a dreary cycle of accomplishment and failure, improvement and regression, trial and error?

*The Tempest* was Shakespeare's final play, and it's as if he had distilled all the lessons from his earlier work and brought them to bear on that one moment when Sebastian has to decide what to do. But Antonio's words ask an important question in inverted form, and we are confronted with the challenge—indeed, the necessity—of transcending our past every day. But we're not doing a particularly good job of it, largely because we're not thinking right. From the deadly peril of climate change to suffocating levels of inequality to tens of millions of refugees and unending assaults on living standards, it seems as though we've been moving backward and have become less able to confront daunting challenges with every passing day.