

## A federal Israel-Palestine: Ending 100 years of civil war in the Holy Land?

By Chibli Mallat

Friday, September 17, 2010



What if we have been dead wrong in our search for peace in the Holy Land? What if we read what happened in Palestine-Israel in the past 100 or so years with the incorrect lens? What if we have been misdiagnosing the conflict and continue to do so? What if we saw it mostly as an East-West conflict of civilizations, colonial and anti-colonial, Muslim-Jewish, Arab-Israeli, instead of reading it as a civil war? What if we simply ignored our democratic, human rights values in the conflict of individuals and peoples over Palestine? And what happens if we

reverse our reading, and seek a way for people to live together, with equal rights, over that small stretch of land between the Mediterranean and the River Jordan, rather than seeking their separation and respective ethnic cleansing? And we substitute a federal Israel-Palestine for the two-state solution deadlock?

As I was preparing for this article in Beirut, dear friends met around Abbas Khalaf over the legacy of Kamal Jumblatt, the humanist leader assassinated by the Syrian government in 1977 in large part because of his criticism of the “great prison” that Hafez Assad had turned Syria into, and because of his advocacy of a federal state in Israel-Palestine rather than what was then called the Geneva conference, much later reconvened at Madrid.

This is the humanist vision that this article purports to revive. It is as real as it claims to be rational. A wrong diagnosis begets the wrong remedy. We need to get our questions right.

### 1. Israel-Palestine talks

Where does this vision fit with the current talks in Washington, which resume this week in Sharm el-Sheikh?

What we actually heard from Washington echoes the reality, in the title of this study, of the longest running civil war. The difference with the Madrid peace process, which culminated in Oslo, is palpable. Rather than the “Quartet,” or the UN, or the Arab world, the conflict is reduced to its most precise expression; a war between two peoples over one small piece of land. The latest Washington prism is finally correct: you get the Arab countries, indeed the Security Council and the whole world, to agree on the conflict over Israel-Palestine, you get nothing. You get the president of the Palestinian Authority, itself the result of that earlier process, and the prime minister of Israel finally locking horns, this is the correct entry point and the right symbolic expression of the conflict as a long civil war.

This is of course not enough, because the Palestinian and Israeli leaders’ minds are prisoners of antiquated parameters. For Israeli Premier Benjamin Netanyahu, the status quo is almost perfect, if only the Palestinians could shut up and put up in an Israeli-defined Palestinian state reduced further in size by Jewish colonization. For Palestinian President Mahmoud Abbas, if only the settlements could be frozen then dismantled, borders agreed on the 1967 ceasefire line, then he’d have something to show to his people. On paper, the matter is easily

resolved, a few centimeters on the map here and there, with “two states” the name of the game beyond the genuine difference between their respective visions.

This is no rocket science and we have been there time and again, including with the Bush administration at Annapolis. We know what the expected outcome is: two states living next to each other, one on 22 percent of the Holy Land, give or take a few settlements, the other on 78 percent. The result is now enshrined in several Security Council resolutions, and we can expect the American host to facilitate this process in many ways, including by raising Palestinian representation to full embassy status, and supporting with direct and indirect financial means the state and civil society institutions in both countries even further.

I have no contention with the result. The problem is this: even if we get there, it will not be over. Militarily it may be over for a time, but the human price to be paid for the division is both too costly, to speak in realpolitik categories, and too inhuman, to speak the far more important moral language needed.

Realpolitik is simple: you have over a small stretch human beings intertwined in ways that are impossible to disentangle without major shifts in population, in Jerusalem, in the suburbs of Jerusalem all the way to Bethlehem, and deep inside the West Bank with its cheese-like geography bolstered by a wall before which the Berlin separation pales in ugliness, as well as across the rest of Palestine, in the Negev, in the Galilee, in Haifa, in Tel Aviv. The logic of the two states is fearful, it means disentangling the populations by ethnic cleansing, one state which is “Judenrein” in the West Bank and Gaza, and one state which is “Arabrein” in Israel. We are talking about several hundred thousand people, not to mention the destruction of the intricate, uneven but real human network that has developed between them over a hundred years.

The moral argument is more powerful: who says that Palestinians want to live with Palestinians only, and Jews with Jews only? Who says that the ethnic, religious or national identity is superior to the human one, molded for a century as it has uniquely been, by common suffering inside that civil war?

So yes, you can divide the land over a map, and divide Jerusalem, but one day you will also need, to fulfill that logic, to divide cities deep inside the West Bank, and Haifa, and the Galilee, and Tel Aviv.

So yes, we can get a Palestinian state next year, or the year after, or in 10 years, it just pushes the reckoning of the real problem, the hundred-year civil war of intertwined populations and relentless suffering. It just postponing the reckoning a few years further with more suffering, and more hatred added to an already heavy legacy.

## 2. Shifting realities and mindsets

Twenty years after the Madrid then Oslo process, major intellectual voices in the world, including those within the US and to a lesser extent Israel, are exploring the one-state solution again, mostly as a realistic response to the imbrication of populations in the West Bank and within Israel. While the idealistic dimension of the argument remained alive with the legacy of leaders like Edward Said, the changes forced by the incessant colonization of the West Bank have made the one-state idea increasingly practical.

Despite its claims to the contrary, Israel was never entirely Jewish. For reasons that remain insufficiently explored, a tenth of the population living in Palestine in 1948 remained in the estranged homeland, some in their homes, mostly in the Galilee, and some in exile from their villages and neighborhoods, but still within the territory of the new state. The contradiction

inherent to a state defined by its Jewishness also includes tensions within the Jewish community of Israel, with the constant concern over “who is a Jew” in Israeli society and in Israeli law. The divide in Israel is therefore multiple, and the Israeli state in its present form is incapable of responding to it without a new vision. But the divide among the Jews of Israel pales in comparison with the great divide between Jewish Israelis and Palestinian Israelis, those generally described as Israeli Arabs. Because they consider themselves Palestinian, there is a natural continuity with their folk on the West Bank and Gaza, and the refugees beyond. This is a human reality that adds to the imbrication of populations within and outside Israel-Palestine.

Within this human map, subordination is the principle. In 2010, the territory controlled by the Israeli government includes the whole historic Palestine and Gaza, with various exceptions of self-rule having an unclear, perpetually transitional status: in pre-1967 Israel, a long history of discrimination and displacement which operates in the near-total exclusion of non-Jews from executive power. Israeli Arabs (Palestinian Israelis), can protest all they want; they have little or no decision-making power. In the West Bank, the forced, relentless colonization doubles up with the restriction of autonomy to less than garbage collection. In Gaza, a tight, persistent siege endures. And for Palestinians outside, Israelis continue to offer them little else than a total denial of existence.

So the political-constitutional map presents profound divides within the territory controlled by Israel, mostly characterized by a ladder of domination by Jews over non-Jews. On the converse side of the hundred-year-long civil war in Palestine, the Palestinian leadership has moved in two directions since the new reality occasioned by the conquest of the West Bank and Gaza in 1967.

The first direction was nationalist, based on the concept of a sovereign state to be established behind the 1967 line. After 1967, the two-state solution has slowly become the heart of the compromise offered for balance-of-force reasons by the dominant Palestinian leadership. The position has gained ground internationally, and in the Arab world, where it was consecrated by the King Fahd plan formally adopted by the Arab League in the 2002 Beirut summit. Internationally, several resolutions of the Security Council reinforce the consensus over an independent Palestinian state, and the Israeli leadership is on record supporting the solution.

The second direction taken by the Palestinian political leadership was sectarian-religious. With the rise of Hamas and its establishment as the de facto government in Gaza, many in the Palestinian movement have developed a strategic view of Palestine as an “Islamic waqf [trust]” which can only be under Muslim leadership, and where other minorities, Jewish or Christian are at best tolerated.

Both directions are alien to the humanist vision of Kamal Jumblatt, to democracy, to human rights. The question is whether an alternative can be envisaged from a moral and practical perspective. The argument I’d like to develop further is that moral, and increasingly practical arguments are taking the protagonists toward a one-state solution, and that the humanist vision of Kamal Jumblatt in anticipating this development is worth examining in a series of reflections, at several local, regional and international levels, on the alternative.

### 3. The ‘alternative’

The “alternative” is the title of a groundbreaking New York Review of Books article in October 2003 by the late Tony Judt, one of the most respected public intellectuals in the West. In the history of that influential liberal magazine, this article is said to have triggered the largest amount of discussions ever. In the brief *cri du coeur*, Judt writes that “The very idea of a ‘Jewish state’ – a state in which Jews and the Jewish religion have exclusive

privileges from which non-Jewish citizens are forever excluded – is rooted in another time and place. Israel, in short, is an anachronism.” It is too late, he argued, for a separate Palestinian state on the West Bank and Gaza: “There are too many settlements, too many Jewish settlers, and too many Palestinians, and they all live together, albeit separated by barbed wire and pass laws. Whatever the ‘road map’ says, the real map is the one on the ground, and that, as Israelis say, reflects facts.” His conclusion is the one articulated by Jumbblatt over 30 years ago: “The time has come to think the unthinkable. The two-state solution – the core of the Oslo process and the present road map – is probably already doomed. With every passing year we are postponing an inevitable, harder choice that only the far right and far left have so far acknowledged, each for its own reasons. The true alternative facing the Middle East in coming years will be between an ethnically cleansed Greater Israel and a single, integrated, binational state of Jews and Arabs, Israelis and Palestinians.”

While it clearly stems from his embrace of multi-cultural societies in which democracy, and not narrow ethnic nationalism, defines citizenship, Judt’s central argument is about the discriminatory nature of the Israeli state: “Israel itself is a multicultural society in all but name; yet it remains distinctive among democratic states in its resort to ethno-religious criteria with which to denominate and rank its citizens. It is an oddity among modern nations not – as its more paranoid supporters assert – because it is a “Jewish” state and no one wants the Jews to have a state; but because it is a Jewish “state” in which one community – Jews – is set above others, in an age when that sort of state has no place.” Judt’s conclusion was eminently practical: “To convert Israel from a Jewish state to a binational one would not be easy, though not quite as impossible as it sounds: the process has already begun de facto. But it would cause far less disruption to most Jews and Arabs than its religious and nationalist foes will claim. In any case, no one I know of has a better idea.”

Another significant voice from the United States, this time couched in political philosophy, developed the moral side of the argument forcefully. Seyla Ben Habib, a distinguished philosopher from Yale University, published on April 15, 2009, a devastating article against the “demography” argument prevailing in Israel behind the call for an independent Palestinian state as inherently racist, and against the empty vessel that such a Palestinian state would mean.

About the cynical realpolitik of the demographic argument, she writes: “At least since Yitzhak Rabin’s peace initiative and the Camp David accords, the idea of a ‘two-state solution’ is the official policy of Israeli and American administrations ... The two-state solution became widely accepted not only because it guaranteed the right of the Palestinian people to self-determination but because it promised ‘demographic disengagement.’ Suddenly, the demographers, those pseudo-politicians of hidden race thinking, argued that if Israel continued to occupy Gaza, the West Bank, and East Jerusalem that it would end up exercising military control over 5 million Palestinian Arabs, including those who are Israeli citizens and who live within the 1967 borders of Israel ... ”

Against the two-states solution she wrote: “Many in the Israeli leadership know that they will never permit full Palestinian sovereignty over air space, be it in Gaza or the West Bank; over the free passage of goods in and out of ports in Gaza which would be the only form of access to the sea for a future Palestinian state; nor will Israel give up control of the underground water reserves extending on both sides of the 1967 territories. So why does one pretend that a sovereign Palestinian state will be sovereign in the sense in which Israel would like to consider itself sovereign? The sad and simple truth is that such a Palestinian state will be perpetually bullied, controlled, monitored, and occasionally smashed by Israel ... many Israeli politicians pay lip service to this ideal while making sure on the ground that it becomes less and less likely.”

Then what? “But dream with me for a moment. Suppose there were a confederation in Israel-Palestine. ... Israel would not have to face civil war against the fanatic settlers in Hebron and the West Bank who would then either have to live under a regional municipal Palestinian authority or would have to return to Israel. But Israel would not have to defend their land grabs through incursions into Palestinian territory; the Palestinians would not have to pretend that the Bantustan of Gaza could in any sense be part of a Palestinian state; instead Gaza would be an autonomous region in a joint Israeli-Palestinian confederation. Gaza and the West Bank would hold elections for municipal and regional administration and governments, under some clearly defined power-sharing agreement with each other and with Israel.”

Now compare Seyla Ben Habib’s pithy conclusion to the following statement: “The regime in Palestine must at all times assure both the Jews and the Arabs the possibility of unhampered developments and full national independence, so as to rule out any domination by Arabs or Jews, or by Jews of Arabs.

“The regime must foster the rapprochement, accord and cooperation of the Jewish people and the Arabs in Palestine ... [in] a federal state, comprising an alliance of cantons [autonomous districts], some with Jews in the majority, and some with Arabs;

“national autonomy of each people, with exclusive authority in matters of education and culture and language;

“matters of religion: under the control of autonomous religious congregations, organized as free statutory bodies;

“the highest body of the state: the federal council, which would consist of two houses:

“(a) one representing nationalities in which Jews and Arabs will have equal representation, and

“(b) one in which representatives of the cantons will participate in proportion to their respective populations. Any federal law and any change of the federal constitution can be enacted only with the agreement of both houses.”

This statement, from October 1930, was made by David Ben Gurion, the founder of Israel.

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