SINGLE STATE IN PALESTINE: CONSTITUTIONAL PATRIOTISM AS A CONCEPTUAL FRAMEWORK

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Abstract: *Palestine issue has been confined today to the limited understanding of nationalism. All the solution proposals made within the insight of nationalism have proved to be unsuccessful. Additionally, those solution proposals were unlikely to offer a just and fair solution to the Palestine issue. Today the struggle for the Palestinian state has begun to transform into a struggle for equal rights between Jordan and the Mediterranean. Within this context, based on Kant's "perpetual peace" concept, and engaging with cosmopolitan vision, this study seeks to pose whether a just and fair solution to the Israeli-Palestinian conflict passes through the creation of a single state in Palestine. The case for one–state solution is a normative one and it is a question of morality. The author acknowledges the dark spots of this option; however intends to lay bare new and open discussions concerning the resolution of the Israeli-Palestinian conflict*

Keywords: *Constitutional Patriotism, Perpetual Peace, Cosmopolitanism, Israeli-Palestinian Conflict, One State Solution,*

FİLİSTİN'DE TEK DEVLET: BİR KAVRAMSAL ÇERÇEVE OLARAK ANAYASAL YURTSEVERLİK

Öz: *Bugün Filistin sorunu milliyetçiliğin sınırlı anlayışına hapsolmuş durumdadır. Bugüne kadar milliyetçi kavrayışla, milli kimlik odaklı ortaya atılmış bütün çözüm önerilerinin başarısız olduğu görülmüştür. Ayrıca, bu çözüm önerilerinin Filistin sorununa adil öneriler olmadığı aşikardır. Bugün, bir Filistin devleti kurmak için yapılan mücadele Ürdün ve Akdeniz arasında yaşayanların eşit haklar elde etmek için gösterdikleri bir mücadeleye dönüşmüştür. Bu arkaplan ışığında, Kant'ın 'kalıcı barış' kavramında temellenmek ve kozmopolitan bakış açısıyla ilişki kurulmak suretiyle, bu çalışma Filistin-İsrail sorununun çözümünün Filistin'de tek devlet kurmaktan geçip geçmediğini irdelemektedir. Tek devletli çözüm tartışması normatif bir tartışmadır ve*

ahlaki bir sorunsaldır. Çalışmanın yazarı bu çözüm önerisinin karanlık noktalarının farkında olmakla birlikte, sorunun çözümüne yönelik yeni tartışmalar için kapı aralanmasının elzem olduğuna inanmaktadır.

Anahtar Kelimeler: *Anayasal Yurtseverlik, Kalıcı Barış, Kozmopolitanizm, Filistin-israil Sorunu, Tek Devletli Çözüm,*

"The equality must be established before the distinctness can be recognized"
Jan-Werner Müller

Introduction

Palestine issue has been confined today to the limited understanding of nationalism. All the solution proposals made within the insight of nationalism have proved to be unsuccessful. Additionally, those solution proposals were unlikely to offer a righteous solution to the Palestine issue. Today the struggle for the Palestinian state has begun to transform into a struggle for equal rights between Jordan and the Mediterranean.

This study seeks to discuss one-state solution as the basis for the resolution of the decades long conflict. The author acknowledges the dark spots of this option; however intends to lay bare new and open discussions concerning the resolution of the Israeli-Palestinian conflict. These thoughts and discussions would be examined through the cosmopolitan perspective that is built upon the ideal world order without inequalities, discrimination and violation of human rights.

Cosmopolitanism can be traced back to the Stoics and the Cynic movement of the Ancient Greek period. In the modern period, it was with Immanuel Kant that the modern philosophical foundations of cosmopolitanism have emerged. In his 1795 essay, "Perpetual Peace", Kant presented cosmopolitan law/right as a guiding principle to protect people from the war and he grounded this cosmopolitan right with the principle of universal hospitality. According to Kant, the more the principle of hospitality extends, the closer would be the human race to a cosmopolitan condition.[1] A century later, Hegel declared Kant's cosmopolitan condition a matter of "infinite importance" provided that a human being is a human being not because he is a Jew, Catholic or Protestant but because he is just a human being.

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[1] Immanuel Kant, "Perpetual Peace: A Philosophical Essay", 1795

This study understands cosmopolitanism as a normative perspective for viewing the potentialities of our age rather than as an objective characterization of our age itself. Adhering to different values or value systems might be obstacles to reconciliation and co-existence among the different groups. However, cosmopolitan vision, exceeding the ideals and values specific to one group, seeks to arrive at a universal set of values. That being said, the study would discuss the viability of a single state where two communities would coexist without the perception of threat from each other.

The argument of one-state option arises from the reality that two state solution has become difficult to be implemented in practice due to the facts on the ground created by Israeli governments within the years. The violent and insoluble background imposes upon the need to discuss and reveal the new options for the resolution of the conflict. Within this context, based on Kant's "perpetual peace" concept, and engaging with cosmopolitan vision, this study this study seeks to pose whether a just and fair solution to the Israeli-Palestinian conflict passes through the creation of a single state in Palestine. The case for one–state solution is a normative one and it is a question of morality. It might be an ideal vision in light of stated solutions by the actors in the region.

Thereby, inspiring from the principles of cosmopolitanism, the one state vision presented as an option to the resolution of the Israeli-Palestinian conflict is built upon the following principles which are embraced as the basis for a moral starting point:

✓ No ethno-national group is superior or inferior to the other

✓ Human rights, equality before the law and freedom is respected

✓ Both Israelis and Palestinians have the right to practice their religion, to worship in its holy sites and to access any part of Palestine

✓ Each group has the right to protect their cultural identity. Neither of the identities should be predicated upon the negation of any other's identity

The study proceeds in three steps. First, the author seeks to demonstrate why the two-state option as the prevalent solution proposal is not feasible anymore either morally or practically. Second, the historical foundations of one-state in Palestine are elaborated. Within this framework, certain Jewish organizations that have advocated one state in Palestine, Hannah Arendt's thoughts nurtured by cosmopolitan vision on a bi-national single state and Palestinian stance regarding single state in Palestine is analysed. At this juncture, it should be pointed out that rather than a bi-national state this study offers the formation of a civil-democratic state in Palestine in line with the

cosmopolitan vision. This would be the subject of the third section. In this section, the author would discuss the proposed future state that is based on the concept of constitutional patriotism which is raised by Jurgen Habermas. His point of departure for this model is the possibility of the idea of another form of societal bound that is free from any kind of nationalism and racism which are seen as the focal point of current civil wars and ethnic conflicts. As for conclusion, prospective objections to one state option and the difficulties concerning its implementation would be discussed.

Why Two State Formula is Controversial?

The idea of establishing two states in Palestine dates back to the British Mandate Period. Due to the increasing confrontations between Jews and Palestinians, Peel Commission, which was gathered in 1937 to find a solution to the ongoing confrontation, offered the separation of two peoples and establishing two states, one Palestinian, other Israeli, in order to put an end to the ongoing clashes and conflict between two sides. It was the first time that the two-state option got on the stage. This was followed by the Partition Plan of United Nations (UN) that was introduced in 1947 after British Mandate Authority proclaimed that it was unable to put an end to the ongoing violence in Palestine. With the Resolution 181 Palestine was divided between Jews and Palestinians; 55 % of the territories for Jews, and 45% of the territories for Palestinians. However, this partition plan was rejected by the Palestinians (and also by the Arab states) on the grounds that it was unjust and it disregarded the demographic reality of Palestine.[2] As a matter of fact; at the time of partition, the Palestinian population was nearly 1.3 million while the Jewish population was approximately 600,000. As is obvious today, the partition plan did not work. Moreover, with Israel's appearing as an occupying power following its capture of West Bank and Gaza Strip with the June War in 1967, the road to two-state solution began to collapse due to the emergence of the Greater Israel ideology which sought to integrate whole Palestine into Israel proper. This paved the way for the inauguration of the Israeli settlement

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[2] It should be noted that Arab resistance to partition was motivated not only by the objection to the establishment of a Jewish state in Palestine but also some certain politics. Arab resistance to partition did not stem solely from their objection to the establishment of a Jewish state in part of Palestine but also by the conflict of interests among the Arab states regarding the Palestinian part of the partition: Jordan wanted to bring it under its own rule. Iraq supported the plan in the hope of merging with the enlarged kingdom of Jordan and thereby gaining access to the Mediterranean. Syria and Lebanon opposed the enlargement of Jordan for fear that it might jeopardize their independence and lead to the realization of Greater Syria plan. Saudi Arabia was opposed to any change due to the fear of Jordan's extending and strengthening, thereby trying to conquer their ancestral land Hejaz. See Avi Shlaim, *The Politics of Partition: King Abdullah, the Zionists and Palestine 1921-1951,(*Oxford: Oxford University Press, 1990), pp.80-81

enterprise by which the territories would be annexed gradually to Israeli state and which would make the two-state option unviable.

The Jewish Settlements as Obstacles to the Two State Solution

The two-state option gradually steers away from being a practical solution first and almost because of the Israeli settlement activity in the occupied territories (OTs). Jewish settlements have divided the territory on which a Palestinian state is envisaged to be established. As there would not be a territorial integrity - the most needed factor for a nation state - such a state would be far from being viable. This is one of the most advocated arguments of the Palestinian side during the negotiations. If the settlement issue is not solved, the creation of a genuine Palestinian state is not possible.[3]

The settlement activity began with the first government initiative when some 160 Arab houses edging the Western Wall in Jerusalem were demolished in 1967 after Israel captured Jerusalem in Six Day War. This act was followed by the expropriation of about 600 buildings in the Jewish Quarter so as to be rebuilt for Israelis.[4] With the Likud in power, from 1977 onwards, Israel began to build settlements in between Palestinian population centres in order to de-localize the Palestinians. The aim was to change West Bank's demographic balance by transplanting Israeli Jews from the overpopulated coastal zones.[5]

According to B'Tselem, today, nearly 498,000 settlers (186,646 in neighbourhoods in East Jerusalem and 311,431 in the rest of the West Bank some 190,000 in East Jerusalem) live in 124 settlements in the West Bank and 12 large settlements in East Jerusalem.[6] In recent years, settlement policy is marked by building small blocs of some 50,000 people (see map 1).

These blocs (Givat Ze'ev, Pisgat Ze'ev, Ma'ale Adumim, Ariel, Efrat, Etzion, Beitar Illit) control strategic corridors of the West Bank and prevent Palestinian territorial adjacency. Areas A, B, C in the West Bank and H-1 and H-2 in Hebron threatens freedom of movement between the following four disconnected Palestinian areas: the northern West Bank, the southern West
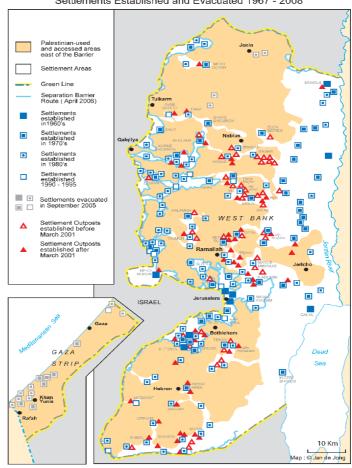
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[3] The settlement issue is always the hot debate between the sides and any solution is brought into question. The latest offer is the following: On 11 June 2017, Haaretz revealed that in a draft of U.S. peace framework in 2014, Prime Minister Benjamin Netanyahu demanded that the Obama administration insert a provision stating that Israeli settlers and settlements in the West Bank would be allowed to remain in a future Palestinian state under Palestinian jurisdiction. Netanyahu then withdrew the demand from the draft following pressures from the Israeli right. http://www.haaretz.com/israel-news/.premium-1.794973
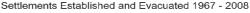
[4] Ann Mosely Lesch, "Israeli Settlements in the Occupied Territories, 1967-1977", *Journal of Palestine Studies*, Vol. 7, No.1, (Autumn 1977), p. 29

[5] Peter Dermant, "Israeli Settlement Policy Today", *MERIP Reports*, No. 116, (July-August 1983), p. 3

[6] B'Tselem Land Expropriation and Statistics, http://www.btselem.org/settlements/statistics
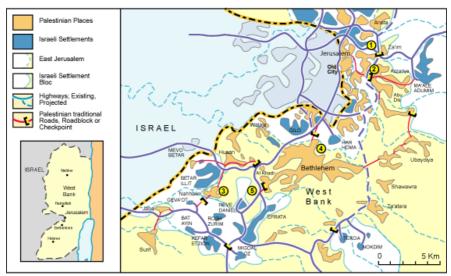
Bank, East Jerusalem and Gaza.[7] This situation impels some scholars and policy makers to argue that this separation makes Palestinians live in Bantustans. These blocs and settlements are linked by a system of bypass roads which are merely open to Israeli settlers (see map 2). Israel started constructing these roads and highways during the Oslo peace process. These roads are separating Palestinian areas and they are annexing the Jewish settlements.

Settlements Established and Evacuated 1967 - 2008

Source: FMEP

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[7] Jeff Halper, "The 94 Percent Solution: A Matrix of Control" *Middle East Report*, No. 216, (Autumn 2000), p.15
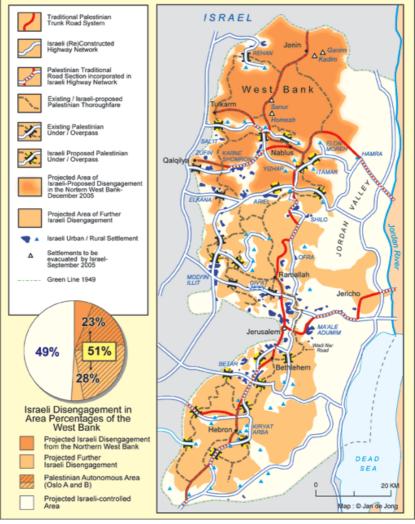
ETZION BLOC AND ENVIRONS — March 2003

Map 1, Source: FMEP

Roads are permanent structures and they are ideal as a mechanism of control. Via the roads, (The Trans Israel Highway -Highway 6- and the bypass and security roads) Israel would be able to construct unconditional control over all the West Bank even after a Palestinian state could be established.

In 2000, during the Camp David talks and following Taba talks (2001) Prime Minister Ehud Barak has made an offer to Yasser Arafat which left 93% of the West Bank, considerable parts of East Jerusalem and all Gaza to Palestinians. In return the Palestinian side proposed 97%. However, even if these offers would have been accepted, the creation of a sovereign and viable Palestinian state would not have gone further from being a dream because of Israel's control over the West Bank with the roads and settlements which have become permanent.

According to some scholars, Israeli occupation of 50 years has turned into today an apartheid style regime. The elements of apartheid are inequality, separation, dependency, control, violation of human rights, exclusivity and etc. and all these facts are visible in the occupied territories of Palestine. Physical occupation of territory provides Israel to control every aspect of the Palestinian life. It is also argued that what Israel has done in the occupied territories till today is part of a colonization project which is composed of four determinants

of the Israeli policy: demography, security, economic activities and water resources.[8]

Facilitating Disengagement - Israel's West Bank Road Plan - 2004

 Map 2, Source: FMEP

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[8] See A. Abu Ayyash, "Israeli Planning Policy in the Occupied Territory", *Journal of Palestine Studies*, Vol. 11, No. 1, (Autumn 1981)

The declared aim of the Israeli settlement policy is security. However, security is seen as the most useful pretext for territorial expansion and building more settlements by the opponents, since settlements are irrelevant to the security of Israeli. Nevertheless, according to Israeli understanding, security means the control of political, military and economic aspects of the State. Israel persists on a demilitarized Palestinian state whose air space will be controlled by her for reasons of security and additionally the control of Palestinian labour and commercial actions are seen as indispensable for security reasons. But from the Palestinian viewpoint, this means restricting Palestinian development rather than consolidating the security. The settlement policy after 1967 also stems from the water resources in the West Bank. Hayim Gvirtzman (Lecturer at Hebrew University) argues that Israeli stated policy is to establish unconditional sovereignty over water resources. As a matter of fact, the settlement map is overlapping with the map of the water resources. Therefore, the Israelis are able to use 500 million cubic meter of 600 million cubic meter of water derived per year; this provides for Israelis to save 1 billion dollars and compensates one third of Israeli consumption.[9]

For Palestinian side, one of the most significant failures of the peace process was that Israel spent no effort the halt the settlement activity while Israel criticized the on-going acts of violence and terrorism against Israelis both in the occupied territories and inside Israel. On the eve of the signing of the Declaration of Principles, the expectations for a settlement freeze were high although the peace agreements did not mention the cessation of Israeli settlement activity in West Bank, Gaza Strip or Golan Heights, however such activities involved appropriating more Palestinian lands while frustrating and angering most Palestinians.[10] The expectations were diminished with Israeli decisiveness on continuing the construction of settlements. During the seven years of Oslo process, settler population was doubled and the number of housing units increased.

It might be argued that as well as Palestinian terrorism, including suicide bombings, settlement expansion undermined the peace process. Anthony Oberschall argues that it was the settlement expansion that provoked violent incidents and magnified the security dilemma as every settlement meant more land seized, and more roads, checkpoints, military installations to protect them, which in turn increased Palestinian attacks and insurgency and which in turn fostered Labor-Likud outbidding on more security which was not

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[9] Marwan Bishara, *Filistin/İsrail- Barış veya Irkçılık (Palestine/Israel: Peace or Apartheid)*, trans. Ali Berktay, İstanbul: Kitap Yayınevi, 2003, p.107
[10] Moshe Maoz, *"The Oslo Peace Process: From Breakthrough to Breakdown"* in *The Israeli-Palestinian Peace Process: Oslo and the Lessons of Failure,* ed. R. L. Rothstein et al., Brighton: Sussex Academic Press, 2002, p. 144

achieved.[11] Thus, the settlement expansion distorted Palestinian social, economic and political development on the one hand; it dwarfed on the other hand, the capacities of Palestinian Authority (PA) and its national project.[12] Palestinian society began to believe that the growing settlements in the occupied territories were delimiting Palestinian existence through the control of land and movement. Furthermore, the immediate result of the settlement activity was violation of Palestinian rights by denying their entry to more land and by the demolition of their houses in order to build bypass roads which were to connect the settlements.

As the peace process moved towards its end, Israeli settlement activity continued in order to control over as much territory in the occupied territories as possible. According to, B'Tselem's study of settlement activity in the West Bank; the sharpest increase during the entire Oslo period was recorded in 2000, under the government of Ehud Barak when almost 4,800 new housing units began to be constructed.[13] By the time, the Camp David meeting started, the Palestinian full control over the West Bank was less than 20% and civil control over only 40 % of that territory. 60 % was still under Israeli control with the 41.9 % of the West Bank directly controlled by settlements.[14]

The psychological costs of the ongoing settlement construction to Palestinians are multifaceted: loss of life, torture, humiliation, restriction, waiting for hours in the checkpoints and etc. All these feed frustration and anger among the Palestinians. In Baruch Kimmerling' definition, the policy Israeli state adopts toward Palestinian people is to "politicide": "the dissolution of the Palestinian people's existence as a legitimate, social, political and economic entity"[15] In other words, "politicide" means marginalization. Israel has the right to defend itself and duty to protect its citizens from attacks, but not by any means. However, building settlements which distorts Palestinian existence is an obstacle to possible peace agreements and to the future Palestinian state.

Aside from Jewish settlements, another fact as a reality on the ground is the Jews who live in those settlements. It is unrealistic to disengage nearly 500,000 Jews from the settlements in the West Bank; no Israeli politician takes

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[11] Anthony Oberschall*, Conflict and Peace Building in Divided Societies: Responses to Ethnic Violence*, London:Routledge, 2007, p. 139

[12] Nigel Parsons, *The Politics of Palestinian Authority: From Oslo to Al-Aqsa*, London: Routledge, 2005, p. 226

[13] Yehezkel Lein, "Land Grab: Israel's Settlement Policy in the West Bank", *B'Tselem Report,* May 2002, http://www.btselem.org/Download/200205_Land_Grab_Eng.pdf

[14] Information adapted from the statistical table (Table 9: Area of Settlements by Region) in B'Tselem Report Land Grab: Israel's Settlement Policy in the West Bank, May 2002

[15] Baruch Kimmerling, *Politicide: Ariel Sharaon's War against Palestinians*, London: Verso, 2003, Introduction, p. 3

this risk. Ariel Sharon's unilateral disengagement decision from the 21 settlements in Gaza Strip in 2005 was met with violent reactions. There are frequent confrontations between settlers and the Palestinians in the OTs. The settler society is mostly radicalized and they do not want the Palestinians in the territories despite the fact that they are the latecomers and the ones who caused the deprivation of the Palestinians. However, neither the Jews who live in the territories for decades nor 3, 9 million Palestinians from West Bank could be expelled from West Bank today. The solution lies in searching for ways of living together.

Two-State Solution as the Source of Instability

Another problem with the two state option is that a Palestinian state would bring instability rather than stability. With no territorial integrity, water resources needed for the development of agriculture would be uncontrollable; the split of major cities would have negative effects on economy and would influence the trade with neighbours. Poverty would grow, thereby this would foster instability. On the other hand, according to the then Israeli Prime Minister Ehud Barak's offer during Camp David talks in 2000; a Palestinian state would have no air space and no military force. Besides, Palestinians would have no sovereignty but custodianship on Jerusalem. The creation of an economically weak and militarily unviable Palestinian state would represent a permanent temptation to an Israel which would retain its armoury and would be able to insist upon continued U.S. or international support.[16] As a result, an instable Palestinian state would bring more instability and violence to Palestine and would make a permanent peace unlikely.

The controversial issues such as Palestinians' right of return, frontiers, settlements and security have always been envisaged to be negotiated during the final status agreements. Ultimately, the peace offers, including Barak's, were not accepted by Palestinian leaders for the resolution of the conflict on the grounds that this would be an unjust and unfair solution from the Palestinian point of view.

Two-state option is brought to agenda lastly by Saudi King Abdullah. Known as Arab Peace Initiative, this solution plan seeking for two states in Palestine is agreed by all parties of the conflict. However, this agreement is based on the political rhetoric. Two states in Palestine are based upon the withdrawal of Israel from the territories occupied in 1967. However, no Israeli politician so far has agreed to full withdrawal from the OTs; nor to evacuate the

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[16] Michael Rice, *False Inheritance: Israel in Palestine and the Search for a Solution*, (London: Kegan Paul International,1994), p. 185

Jewish settlements[17]. Besides, according to American Jewish Committee's Annual Survey of American Jewish Opinion, only 15% of American Jews believes that Israel should withdraw from all the settlements despite the fact that support for a Palestinian state was at 56 % in 2005[18] while in Israel 34 % of Israeli Jews would support a full withdrawal to the 1967 border; 65% opposed to it[19], 53 % of Israeli Jews believe the state has the right to encourage Arab citizens to emigrate[20]. At the international level, a 2004 report by the United Kingdom's Department for International Development (DfID) in consultation with the Foreign Office demonstrates that any action from the international community cannot save the possibility of partition: "Without action soon, there is a real danger that facts on the ground [Israeli settlement expansion and construction of a separation barrier] may make *a viable two state solution almost impossible* (emphasis added)[21]".

In sum, for today, it might be contended that envisaging an Israeli withdrawal from the West Bank is a disillusion. With the infrastructure, population density, contribution to the land; Jewish settlements have become the immovable objects. Additionally, one can easily fathom out that Israel has no intention to allow a Palestinian state with full sovereignty after a glance at the peace negotiations. Partition has always been difficult to attain from the very day it was first stated; and today, under these circumstances, it has become unachievable.

One final remark should be made on the separation wall. Although it is argued that the wall would create a de facto two-state solution; it is more likely that as a result of the separation wall, there has occurred apartheid-era South African reality rather than a state for the Palestinians. Keeping these in mind, it might be concluded that two-state solution wanders away gradually from being *the only* option for a permanent peace settlement between Israel and the Palestinians. In spite of the fact that two-state solution is the most favoured solution offered by international public opinion, it is obvious that there is a gap between rhetoric and reality. One should understand that which is feasible theoretically, might be unattainable in practice.

One State in Palestine: Historical Foundations

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[17] Withdrawal from the occupied territories was always postponed to final stage or permanent status talks. This was the case nearly all peace talks starting from Camp David Accords in 1970s, Oslo Process in 1990s, Bill Clinton Camp David Talks in 2000 and Quartet's Road Map in 2002.

[18] Ali Abunimah, *One Country: A Bold Proposal to End the Israeli-Palestinian Impasse, (*New York: Metropolitan Books, 2006), p. 42

[19] Yoav Stern, "Poll: Most Israeli Jews say Israeli Arabs should emigrate", *Haaretz*, April 4, 2005

[20] "Poll: Most Israeli Jews believe Arab citizens should have no say in foreign policy", *Haaretz,* November 30, 2010

[21] Patrick Wintour, "Alarm at US drift over Middle East", *Guardian*, July 21, 2004

The idea of a single state in Palestine is not a new phenomenon. Cultural Zionism has advocated peaceful co-existence in Palestine.[22] The issue was discussed and supported by certain circles among the Jews during the Mandate Period as well. Those groups were Zionists and promoted Jewish immigration to Palestine like the revisionist Zionists but at the same time they advocated a bi-national state whose identity would be both Jewish and Palestinian. The groups that supported a bi-national state in Palestine were Brit Shalom (Covenant of Peace), Kedma Mizraha, League for Jewish-Arab Rapprochement and Cooperation, Agudat Ihud (Unity Association) and Hashomer Hatzair movement. All these groups advocated the recognition of two nations in Palestine and they sought a political structure that would guarantee the principle of non-domination of one community over another.

As for the Palestinian side, there was individual attempts regarding the cooperation with the Jews around the bi-national idea; but no organized movement has occurred among the Palestinians for this political activity. In this section, Brit Shalom, Agudat Ihud, Hannah Arendt's thoughts on bi-nationalism in Palestine and Palestinian position on single state would be analysed.

Brit Shalom

The idea of single state in Palestine has been negotiated throughout the 1920s, 1930s and 1940s. The first group that advocated peaceful co-existence with the Palestinians was Brit Shalom and it was founded in 1925 by Arthur Ruppin. Brit Shalom members, influenced by the Jewish writer Ahad-Haam - often referred as the leader of spiritual Zionism - were conjoined by a common belief in co-operation between the Yishuv and the Palestinian Arabs; for them this was not merely a moral necessity, but the only long term practical solution.[23] The prominent Jewish personalities such as Judah Magnes and Martin Buber were close to this group.

According to the founder of Brit Shalom, "one need not be a maximalist, i.e., demand mass immigration and a state, to be a faithful Zionist… What was vital was a recognition that both nations were in Palestine as of right."[24] The aim of Brit Shalom was to pave the way for a mutual understanding and cooperation between Jews and Palestinians on the basis of complete equality. In a memorandum published in 1930, Brit Shalom was calling for "the constitution of the Palestine state… composed of two peoples, each free in the

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[22] Norman Finkelstein, *Image and Reality of the Palestinian-Israeli Conflict*, (London: Verso, 2002), pp. 9-10
[23] Daniel Reisel, "The History of the original Brit Shalom", http://www.britshalom.org/background.htm
[24] Cited by Irene L. Gendzier, "Palestine and Israel: The Bi-national Idea", *Journal of Palestine Studies*, Vol.4, No.2, (1975), p. 30

administration of their respective domestic affairs, but united in their common political interests, on the basis of complete equality."[25]

The ideal Brit Shalom stood for was challenged by the ceaseless confrontations that emerged due to the Palestinian reaction to the Jewish immigration in Palestine. With the outbreak of the Arab revolt in 1936, Ruppin concluded that bi-nationalism was nothing more than a pipe dream.[26] At the end of 1936, Brit Shalom disappeared.

Agudat Ihud

Ihud was founded in 1942. The new group was essentially a revived Brit Shalom under the formal leadership of Martin Buber and Judah Magnes with the active participation of Brit Shalom activists and sympathizers such as Henrietta Szold, Moshe Smilansky and Hugo Bergman.[27] At the first public gathering, the speech of Magnes was remarkable for he has foreseen the situation if the partition was implemented. According to Magnes, the idea of Jewish state should be abandoned as it would inevitably mean war in Palestine: "Is the Jewish state of such importance as to justify war? For myself, I answer No! … Because the warfare will breed hatred difficult to assuage for generations."[28] Ironically, the co-founder Martin Buber's predictions concerning the situation in case Jewish state was established prove to be right today. He envisaged that the establishment of a Jewish state would lead to war for generations and would require the Jewish state to behave like *a militarist nation*, "and he does not want to be a citizen of such a state"[29] (emphasis added).

Ihud pointed to Switzerland, Yugoslavia and the Soviet Union as successful examples of multi-national states. Ihud program comprised of ten points including issues on immigration, land, cooperation, development and political activity. In an undivided bi-national Palestine, there would be equality irrespective of majority and minority; the state would be neither a Jewish nor an Arab state but a state in which legitimate aspirations of both Jews and Palestinians could be reconciled; the cooperation between Jews and

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[25] Benny Morris, *One State Two States: Resolving the Israel/Palestine Conflict*, (New Heaven: Yale University Press), 2009, p. 46
[26] Ibid, p. 48
[27] Yoram Hazony, *Jewish State: The Struggle for Israel's Soul,* (New York: Basic Books, 2001), p. 246
[28] Ibid.
[29] Morris, op.cit., p. 49

Palestinians would be in all walks of life-political, agricultural, industrial, social, scientific and cultural.[30]

Hannah Arendt and Bi-nationalism in Palestine

Arendt's writings and analysis on Israel and on the tension between Jews and Palestinians decades ago might be read as if they are written today. Arendt's Kantian roots seem to have helped her in developing ground-breaking thoughts on how to achieve peace in Palestine. Arendt believed that peace cannot be achieved through violence, nor can moral obligations for the next generation be secured under the threat of violence.[31]

In her essays, Arendt was against the political position of right-wing revisionist Zionists which advocated the creation of an independent Jewish state in Palestine. Arendt has condemned this line for ignoring the rights and will of the Palestinians. According to her a Jewish state would culminate with the dispossession of Palestinians and this, too, would have effects on the Jewish existence in Palestine. Reducing tensions and achieving peace in Palestine was possible through bi-nationalism. In her essay *Can the Jewish-Arab Question Be Solved* published in 1943, she wrote that "Palestine can be saved as the national homeland of Jews only if it is integrated into a federation."[32]

A genuine federation would be made up of clearly identifiable nationalities or other political elements that together form the state. Such a federation would solve the national conflicts since the unsolvable minority-majority problem would cease to exist.[33] In this federation both Jews and Palestinians would enjoy equal rights as members of a larger system, thereby the question of who should rule over whom would become meaningless. By this way, Jews would not require a national state of their own.[34]

Just as Magnes and Buber, Arendt too has foreseen some certain consequences of partition and the probability of a war as an outcome: "We cannot exclude the possibility that after the war Palestine might become the worst Diaspora problem of all, instead of being a place for Jewish national emancipation to develop."[35]

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[30] For the detailed program of Ihud see *Palestine Divided or United? The Case for A Bi-national Palestine before the U.N.*, IHUD Association Booklet, (Jerusalem: Achva Cooperative Printing Press, 1947), pp. 10-18

[31] Gordon A. Babst, "Hannah Arendt, Peace and Palestine", Paper presented at *MPSA Annual Conference*, Chicago, April 22-25i 2010, p. 4

[32] Hannah Arendt, *Jewish Writings,* (New York: Schoken Books, 2007), p. 195

[33] Ibid.

[34] Ibid., pp.196-197

[35] Ibid., p. 194

Arendt's distinction between state and nationhood paves the way for the separation of national identity from the state. Without this distinction, Israel as the state of Jewish people excludes the Palestinian minority and maintains their inferior status. Hence, the debate must be over the separation of national identity from the state in order to establish a state of all its citizens.[36] For Hannah Arendt responsibility for the human world, whether one is a victim or victimizer, is at the core of her political philosophy; and it is the basis of her politically radical and self-critical analysis of Jewish experience.[37]

<center>The Palestinian Stance on the Single State</center>

The problem with the bi-national program was that there were no Palestinian partners for the vision of a single state in Palestine. As Magnes put it in 1932: "Arabs will not sit on any committee with Jews...[Arab] teachers... teach children more and more Jew-hatred."[38] Nevertheless, Magnes was successful in finding some Palestinians who shared the same vision with him. Adil Jabr a member of the Jerusalem Municipal Council drafted a proposal for a bi-national Palestine in 1940. Fawzi al-Husseini, the head of a Palestinian association Falastin al-Jadida (New Palestine) declared himself in favour of the principle of non-domination and the establishment of a bi-national state on the basis of political equality and full cooperation between two peoples.[39]

The Mandate period saw the emergence of bi-national ideas especially among the Jews. As for Palestinians, their situation was different. As the indigenous people of Palestine, they were afraid that the Jewish existence would undermine the Palestinian character of the region[40]. Ongoing Jewish immigration has added to this fear, resulted in a feeling of threat against their identity. Within this context, it is understandable that the Palestinians did not engage with the bi-national idea.

The call for a single state among the Palestinians emerged as a proposal to the solution of the conflict in the 1960s. After the traumatic dispersal of the Palestinians following 1948 Arab-Israeli war, they have begun to regroup and organize under their own leadership. A leader of the Palestinian Liberation Organization's (PLO) dominant faction Fatah argued in 1969 that they wanted to create in the historical borders of Palestine a multi-racial democratic state, "a state without any hegemony, in which everyone, Jew, Muslim, and

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[36] Amnon Raz-Krakotzkin, "Bi-nationalism and Jewish Identity: Hannah Arendt and the Question of Palestine", in *Hannah Arendt in Jerusalem*, ed. Steven Aschheim, (California: University of California Press, 2001), p. 180
[37] Babst, op.cit., p.5
[38] Morris, op.cit., p. 52
[39] Gendzier, op.cit., p. 31
[40] Mark Tessler, *A History of the Israeli-Palestinian Conflict*, (Bloomington: Indiana University Press, 1994), p.130

Christian, would enjoy full civic rights."[41] PLO's stance regarding one-state option is highly criticized by Benny Morris as he contends that Palestinian vision was never to establish a secular and democratic state. Rather, he believes, Palestinians has sought to create a *terrorist state, not a democracy* and they would recourse to ethnic-cleansing of Jews; this is what, according to Morris, understands the Palestinians from one-state solution (emphasis added).[42]

Setting the Framework for a Single State in Palestine: The Constitutional Patriotism as the Ideal Model

Cosmopolitanism pursues a middle path between two extremes: one is the end of the nation-state thesis and the other is the reconciliation of cosmopolitanism with the existing nation-state.

Jurgen Habermas developed the theory of constitutional patriotism as a device to integrate pluralistic and multicultural national communities on a rational and lawful basis which would provide an antidote to all forms of ethnic nationalism. Nationalism can no longer meet the requirements of our age despite the fact that it has once provided valuable resources for anti-imperialist struggles.[43] Besides, nationalism is not a necessary or permanent precondition of the democratic process.[44]

Constitutional patriotism is a way of conceptualizing political integration at the supra-national level and it has been advocated as the most plausible source of political cohesion in societies emerging from civil war, pervasive injustice or theocratic modes of legitimation, as in Bosnia.[45] Constitutional patriotism is a self-reflective form of loyalty to the constitutional principles of the state; it enlarges tolerance and respect for the other; it recognizes the necessity of the nation-states but also heterogeneity of their populations; it is inclusive of all citizens regardless of race, colour, creed, gender, language, religion or ethnicity, and the political community it visualizes is one of equal rights-bearing individuals united by a shared attachment to constitutional practices and values.[46] Constitutional patriotism demands loyalty only to the constitutional principles of the state and *not the state itself*; the critical content

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[41] Abuminah, op.cit., p. 108
[42] Morris, op.cit., p.12
[43] Robert Fine, *Cosmopolitanism,* (London: Routledge, 2007), p. 44
[44] Jurgen Habermas, *The Inclusion of the Other: Studies in Political Theory*, (Cambridge: The MIT Press, 1998), p. 132
[45] Jan-Werner Müller and Kim Lane Scheppele, "Constitutional Patriotism: An Introduction", *I•CON*, Volume 6, Number 1, (2008), p. 68
[46] Fine, *op.cit*, pp. 44-45

of constitutional patriotism is the principle that the state can expect obedience to its law only if it rests on principles worthy of recognition.[47]

Constitutional patriotism does not contradict with the cosmopolitanism since it is based on the universal principle of right; it is inclusive and comprehensive. Due to its principles upon which it is built; constitutional patriotism includes universalistic principles while it accommodates these principles with the particular national institutions. This allows individuals to become a world citizen whilst he/she might stay attached to his/her country. Therefore, the constitution serves as a bridge between the particular and the universal.[48]

It is essential for constitutional patriotism to preserve neutrality of the legal system within a multicultural society in order to provide the diversity and integrity of the co-existing different forms of life. Only a consensus on the procedures for the legitimate enactment of laws and the legitimate exercise of power the citizenry as a whole can be held together in complex societies.[49] The progressive extension of the status of citizenship to the whole population does not just provide the state with a new source of secular legitimation; it also produces a new level of abstract, legally mediated social integration.[50]

A Civil Democratic Single State in Palestine

The failure of the Oslo Peace process based on two-states in Palestine, the ongoing settlement activity which blurs the frontier of Israeli state and the wall that closes up the Palestinians in an apartheid-era South African reality and thus distances them from the dream of independent Palestinian state… All of these conditions demonstrate that one-state is an already impending reality in Palestine. In geographical terms Palestine is indeed one country. The Green Line is completely artificial; the natural boundaries are Dead Sea and Wadi Araba. On the other hand the country's variety of resources and services cannot be divided. And ultimately, Palestine's shape and size is so ineligible that this makes its division into two states a practical nightmare and nigh unthinkable.[51]

At the first glance, it might be implied that a single state would solve the most crucial issues that two-state formula is not able to overcome. The settlements built in the West Bank since 1967, the Palestinian refugee problem and the status of Jerusalem would cease to pose problems in reconciliation processes. Even, Zionism would attain its objective of establishing a

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[47] *Ibid.,* p. 45
[48] *Ibid.,* p. 42
[49] Habermas, *op.cit.*, p. 225
[50] *Ibid.,* p. 132
[51] Ibid., pp. 176-177

permanent and constant existence as equals, not as occupiers. And Palestinians would enjoy their rights in a single state.

Such state would help de-territorialisation of the conflict; moreover the issues of demography and ethnicity would not be the bones of contention between Jews and Palestinians, nor would they be the sources of political power and legitimacy. This state, due to its character, would help preserving distinct identities and address their particular needs.

The Proposed Model of the State and Its Fundamental Values

There are various alternatives for a single state model in Palestine. Bi-nationalism, federalism and Lebanon's consociational model are among the models discussed for Palestine. With reference to its viability and suitability, this study touches upon the civil (secular)-democratic model for the co-existence of two communities in Palestine.

Civil-democratic state provides three criterions:

1. This state would not override the fundamental rights of the any community

2. It would meet the demands of all parties within moral and just perspective

3. It would preserve fundamental human rights of the all individuals who live on the land of historical Palestine.[52]

Within the context of these three criterions, the civil-democratic state in Palestine;

✓ Would respect the rights of all its citizens irrespective of ethnic, cultural, historical or religious references

✓ Would have a functional constitution in which the citizen rights are clearly determined; regardless of ethno-religious and cultural background, equality before the laws would be the principal starting point

✓ Would have legislative, executive and judicial branches as every state and the employees in these branches would not be appointed in terms of ethnic or religious belonging as in Lebanon

✓ Would reflect historical, cultural and religious aspects of the peoples as part of the cultural wealth of the country; however this would not be done at the expense of the alienation of the others

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[52] Raja Halwani, Tomis Kapitan, *The Israeli–Palestinian Conflict: Philosophical Essays on Self-Determination, Terrorism and the One-State Solution*, (New York: Palgrave MacMillan, 2008), p. 221.

✓ Would provide exact separation between religion and the state; no any religious group would be superior to the other religious groups; the freedom of worship would be guaranteed

✓ Would have immigration laws that are thoroughly aforethought and fair; within the justice framework, Jews and Palestinians and their descendants shall have priority

✓ Would fairly regulate equal share of the resources and would provide that all its people take the advantage of all kinds of opportunities indiscriminately

✓ Would have an education system which is built upon universal values; the instruction of Jewish and Palestinian history and the periods of encounter between two people would be regulated in a manner to give a critical insight. (hand in hand schools project is a very good example for an effective education system in Palestine)

✓ Would provide bi-lingual education; the education language shall be both Arabic and Hebrew, spoken languages by the majority, but a valid language (for instance English) should be taught in order to provide the connection with the world

✓ Would provide minorities the inauguration of private schools

✓ Would be extremely cautious in preventing racist discourses and hate speech

Conclusion: Is One-State Option Unrealistic?

As well as one-state option as the resolution of the Israeli-Palestinian conflict has proponents; there are more opponents of it compared to its proponents. One of the fervent opponents of one-state option is Benny Morris. Morris believes that one-state option is a non-starter "because the Palestinian Arabs, like the world's other Muslim Arab communities, are deeply religious and *have no respect for democratic values* and no tradition of democratic governance."[53] Besides, two communities have no common ground according to Morris. They differ in religion, language, cultural and social life and ways of thought and conduct are incompatible.[54] Another point, Morris adds his argument is the ever growing fear and mistrust of the other as a result, on the Jewish side, terrorism and violence and on the Palestinian side, as a result of displacement, dispossession, defeat and the ongoing occupation.[55]

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[53] Morris, op.cit., p. 170
[54] Ibid., p.178
[55] Ibid., p. 179

One practical objection is that neither Jews nor Palestinians support a single state in Palestine. It is a truism that one-state option has not yet become the popular subject among the Jews and the Palestinians; however a literature on this issue is broadening and people have begun to hear more on the issue in media. After the collapse of the Oslo Process, having understood that two-state option has become very hard to attain, Palestinians have inclined to alternative options like one-state option. This option is currently more popular among the Palestinians than the Jews. However, Israeli leftists and liberals, too, discuss the option as an alternative solution. According to a research made by Harry S. Truman Institute of Hebrew University, the support for two-state solution is declining gradually while one-state option gains ground.[56]

Those who believe that one-state is impractical base their arguments on the belief that Palestinians are anti-Semitic and hostile to Jews and that this makes co-existence impossible. But it is more reasonable to look for the causes of this hostility not on Palestinian hatred of the Jews but on the violation of their fundamental rights by the Jews from the day they began to settle in Palestine with the motto "A land without a people for a people without a land". As Virginia Tilley puts it, the fundamental conflict should not be identified with the hostility between two people; rather this conflict is an outcome of antipathy that emerged due to the nationalistic antecedents of Zionism.[57]

One last concern expressed frequently by the right-wing Israeli politicians is that one-state solution would abolish the Jewish existence. The political parties such as Kach, Moledet and Yisrael Beitenu have publicly opposed this idea and supported the reduction on the population of Israel's Palestinian minority either by forced transfer or transfer to the future Palestinian state. Though one-state approach would put an end to the state of Israel as it is today; it would not put an end to the Jewish existence in whole Palestine and would not prevent Jewish people having positions in the country's government. The Jews will continue to live in Palestine with full equal rights and equal share of the resources. Consequently, one-state solution should not be understood as the annihilation of one community; what this option offers is a permanent, peaceful co-existence of two peoples in their homeland.

Today a single state in Palestine has become de facto reality. As Rashid Khalidi indicates in one of his articles, despite the existence of citizenship types in various levels, there is *one state* between Jordan River and the Mediterranean. What should be done is to discuss the model which would

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[56] Benjamin Joffe-Walt, "Palestinians increasingly back 1-state", *Jerusalem Post*, 22.03.2010, www.jpost.com
[57] Virginia Tilley, *The One-state Solution: A Breakthrough Plan for Peace in the Israeli-Palestinian Deadlock*, (Manchester: Manchester University Press, 2005), p. 144.

allow the peaceful co-existence of Jews and Palestinians in Palestine where there are enough place for two communities.

When the hostility of two communities towards each other is taken into account, the idea that Jews and Palestinians could live in a single state seems impossible and unviable. It is naïve to presume that attaining this ideal would be easy. Yet, the idea of single state does not pose a problem in theory, but in practice. Nevertheless, it is still possible that after several generations, the theoretical discussion could become established as a viable option in the minds of both Jews and Palestinians. The fact that the "One-State Conference" has been held at University of Harvard on March; the wide support by many Israeli activists and intellectuals for the "Olga Document" which calls for one-state in Palestine in 2004[58]; the stand of Israeli politicians like Moshe Arens (former Defense Minister) and Reuven Rivlin (former Knesset spokesperson) for one-state solution by declaring that it is already an impending reality in Palestine reinforces this verdict.

At the international level, Palestine issue ought to be understood by thinking beyond the Westphalian order. Once done, this would trigger a change in our perception of the world, thus might contribute to a change in the policies. To this end, the first step shall be to renounce the belief that the resolution of the Israeli-Palestinian conflict could only be attained through sharing Palestine, separating two communities. Additionally, the nation-state paradigm on which international system is based has become questionable renders the one-state solution negotiable.

The author is aware that one-state option carries great political difficulties despite the fact that it is plausible from the moral and theoretical framework. It seems still hard to accomplish the one-state option with the existing burden of violent and bloody history. Nonetheless, this does not change the reality that this option is the impending reality in Palestine and that it stands as the fair option to the resolution of the conflict. Today, every one Israeli citizen in five is Palestinian and every one person in OTs in six is Jewish. If the preceding pages of this study have meant anything at all, then justice requires that the Palestinians be restored to their lands, along with the Jews. The prospect for peace in Israel/Palestine depends not upon the intervention of great powers or supranational bodies, but upon the development of an understanding between Jews and Palestinians, which now seems hopeless. But there may be some hope.

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[58]For full text see, "The Olga Document",
http://www.nimn.org/Perspectives/israeli_voices/000233.php

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