A one-state solution? From a 'struggle unto death' to 'master-slave' dialectics

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An observer of the debates conducted amongst Palestinian intellectuals over the one-state solution in Palestine/Israel, will have perceived a surge of interest in these discussions in recent years. This article investigates the reasons for the mounting interest, and attempts to introduce a number of distinctions and parameters into the debate in order to create some order within it – an increasingly imperative task if these discussions are to proceed in a constructive manner.

In the first section of the paper, the author seeks to ascertain the source of the impetus for a revival of the one-state solution (OSS); the article also outlines a typology of the arguments commonly evoked in favor of the OSS, exploring its allure for Palestinians. The second section aims to determine what, if the OSS is indeed 'the solution,' is the problem that it purports to solve, and in what sense it constitutes a solution to that problem. In this section, the author claims that many of the arguments deployed in support of the OSS are misplaced and do not truly represent an answer to the actual problems facing the Palestinians. The author's main line of reasoning is that the existing criticisms of the Oslo Accords and its perceived failure should not inexorably lead the Palestinians to abandon the two-state solution (TSS) and adopt the OSS, as this solution is not necessarily more just (although it might be), nor is it incontrovertibly more realizable. The third section argues that support of the OSS nevertheless represents a compelling option for the Palestinians, but for reasons other than those usually put forward by its advocates. Its value lies not in the disputable fact that it is a better 'solution', but rather in that it provides the means for altering present relations between Palestinians and the Israeli state, empowering Palestinians and supplying them with tools for their struggle. Understood in this way – as a means rather than a final solution – the OSS has the potential to change the fundamental parameters of the problem, reformulating the present by perceiving it through the prism of an imagined future. The evocation of the OSS shifts the Palestinian position from a struggle unto death against the Israelis to a master-slave dialectics with them. This shift turns Palestinian weakness into strength, puts limits on Israeli power, and furnishes the Palestinians with a plan and agenda for struggle, which they currently lack.

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In the first section of the paper, I seek to ascertain the source of the impetus for a revival of the one-state solution[1] (OSS); I also outline a typology of the arguments commonly evoked in favor of the OSS, exploring its allure for Palestinians. The second section aims to determine what, if the OSS is indeed 'the solution', is the problem that it purports to solve, and in what sense it constitutes a solution to that problem. In this section, I claim that many of the arguments deployed in support of the OSS are misplaced and do not truly represent an answer to the actual problems facing the Palestinians. My main line of reasoning is that the existing criticisms of the Oslo Accords and their perceived failure should not inexorably lead the Palestinians to abandon the two-state solution (TSS) and adopt the OSS, as this solution is not necessarily more just (although it might be), nor is it incontrovertibly more realizable. In the third section, I argue that support of the OSS nevertheless represents a compelling option for the Palestinians, but for reasons other than those usually put forward by its advocates. Its value lies not in the disputable fact that it is a better 'solution,' but rather in that it provides the means for altering present relations between Palestinians and the Israeli state, empowering Palestinians and supplying them with tools for their struggle. Understood in this way – as a means rather than a final solution – the OSS has the potential to change the fundamental parameters of the problem, reformulating the present by perceiving it through the prism of an imagined future. The evocation of the OSS shifts the Palestinian position from a struggle unto death against the Israelis to a master-slave dialectics with them. This shift turns Palestinian weakness into strength, puts limits on Israeli power, and furnishes the Palestinians with a plan and agenda for struggle, which they currently lack.

In evoking Hegel's terminology, I refer to the Hegelian reading of the development of the struggle for recognition as a model for the Israeli-Palestinian relationship. As we know, the Hegelian Subject is unlike the Cartesian Cogito: he does not recognize himself monologically, but rather through a dialogical engagement with the external world. At the first stage of the struggle, the Subject confronts an object and practices his will over it, either destroying or consuming it. In doing this, however, the Subject does not confront the desire of another subject. Rather, he practices his desire against an object that lacks any desire. The subjugation of an object does not bring satisfaction to the Subject, and leads him to continue his search for recognition by confronting another desiring subject like himself; for to be human according to Hegel, as Kojeve put it, 'man must act not for the sake of subjugating a thing, but for the sake of subjugating another desire … a desire that tries to be satisfied by being recognized by another desire' (Kojeve, 1969, p. 40).[2] In this confrontation, the Subject struggles to win recognition through the annihilation of the other subject – the Other. In this struggle unto death, the Subject asserts itself by a total war of negation against the Other, which Hegel calls 'abstract negation', Here again, however, the Subject discovers that the absolute annihilation of the Other denies him the satisfaction of recognition; he needs the existence of the Other in order to establish himself as Subject. This realization leads him to the crucial move: to what Hegel calls 'negation from consciousness,' in which the Subject does

not annihilate the Other, but rather incorporates him into a unity which includes both the Subject *and* the Other: he enslaves him. Through this act, the subject 'supersedes in such a way as to preserve and maintain what is superseded' (Hegel, 1977, pp. 114–115). By establishing a master-slave relationship, the moment of victory over the Other is eternalized. Each day, the Master can look anew into the eyes of his slave and remind himself that he has prevailed.

Hegel's struggle for recognition continues as the Master, again dissatisfied with recognition from a slave, goes on to seek a mutual recognition. For my purposes in this paper, however, the critical move is the one described above: the shift from the struggle unto death (which Hegel calls 'trial by death' (1977, p. 114)) with another subject, to the moment of enslavement. In this scenario, the act of enslavement can be understood as the drafting of a contract: the victorious side of the struggle grants the defeated side his life; in return, the loser relinquishes his freedom by becoming the winner's slave. This contract completely transforms the nature of the relationship between the two sides from one governed by pure, unlimited force to one subjected to moral imperatives. As long as the Slave is a slave, the Master can't simply annihilate him at random, since that would constitute a breach of the contract into which he entered of his own free will. The Master is, of course, physically able to do whatever he likes, as there is no one to stop him; but the contract engenders a moral sphere that puts limits on the Master's power by delegitimizing such an act. The move away from a struggle-unto-death relationship to a master-slave one subjects the Master to new rules that were absent in the earlier stage; he enters a normative sphere with its own gravitational force. The power of the Slave is thus paradoxically expressed precisely by his full surrender. Through this act, he manages to put limits on the power of the Master. Although the Master himself is the one who initiated the new relationship, once it has been set up, it takes on a life of its own and the creator becomes subjected to his own creation.

The Hegelian structure serves me as a sort of metaphor, or model. In drawing on such an analogy, I am not claiming that in the Israeli-Palestinian struggle, one side aims at physically annihilating the other – neither Israel (by the Palestinians), nor the Palestinians (by Israel). I evoke Hegel's narrative in order to shed light on the difference between a conflict that takes place between two distinct unities (a struggle unto death) and one that redefines the struggle as taking place within a single, larger unit that contains both sides (a master-slave dialectic), and the way in which this conceptual shift subjects the struggling parties to a new normative order. It is one of the contentions of this paper that both the first Intifada, and to an ever greater degree the second Intifada, are akin to the struggle unto death, a mode which has reached an impasse. The OSS offers the Palestinians a means for shifting relations to those found in the master-slave model. By evoking the OSS, the struggle is relocated and transferred into the unity – the Israeli entity – through redefining the unity itself instead of struggling against it. In comparison with other political struggles, this move leads away from the Algerian model and towards the South African one. The South African model suggested an 'exit option' for the whites that enabled them to stay within the polity and thus envisioned a future 'we' beyond the apartheid regime; the Algerian model, on the other hand, did not offer any way in which the future Algeria could incorporate French and Algerians together.

1. The revival of the one-state solution

The OSS has recently become the focus of a flurry of intellectual discussion. Articles are being written, conferences are being held, and talks are regularly delivered by an array of intellectuals: Jews and Palestinians, Americans and Europeans.[3]

In referring to this trend, I make use of the word 'revival' to denote the fact that the idea is not completely new, although the way it is being presented in current debates is undoubtedly different from previous conceptions. During the Mandate period, a group of Jewish intellectuals supported a bi-national state in Palestine for Jews and Palestinians, most notably Yehuda Magnes and Martin Buber. Palestinians at that time supported a single state in which Jews would be granted certain rights as a minority religious group, but not as a national group. With the establishment of Israel in 1948, and following the clear and decisive victory of Ben-Gurion's separatist line for an independent state for the Jews, the OSS disappeared from the Jewish-Zionist agenda. The idea next surfaced following the establishment of the Palestinian Liberation Organization (PLO) in the 1960s, again, not in the form of a bi-national solution, but rather as a democratic, secular state. In subsequent years, the PLO apparently abandoned the OSS in favor of a TSS, a shift that was expressed in its Declaration of Independence of 1988, and more explicitly in the Oslo Accords. Thus the proposition itself is not novel for either side. What is new in recent debates is that the single state is now being formulated by Palestinian intellectuals in terms of a bi-national solution, one that acknowledges the nationalist claims of both Jews and Palestinians. As such, in a move parallel to that taken by the Oslo Accords, it represents a clear recognition on the part of the Palestinians of the national aspect of the Jewish existence in Palestine, while nevertheless rejecting the TSS. From the Jewish standpoint, the main difference between the one-state option supported by Magnes and Buber lies in the context: while Buber and others demanded a bi-national state at a time when the Jews had nothing in their hands and a bi-national state would therefore have been considered a great achievement, Jewish intellectuals demanding a single bi-national state today are doing so against the background of what appears to be the absolute victory of Zionism in establishing and consolidating a Jewish state. In light of these reservations, one may speak of a 'revival' of the OSS in a limited sense only;[4] the OSS that is being discussed these days comes against a completely different geo-political reality, to the point that one can hardly speak of a revival, but rather of the OSS as a new solution.

Much of the momentum behind recent Palestinian support for the OSS stems from the abject failure of the Oslo process in paving the way towards the implementation of the TSS. The Oslo Accords, which were based to a large extent on the TSS, did not lead Israel to lay foundations that would allow for the establishment of two separate states. In fact, just the opposite has happened: since the signing of the Accords, Israeli settlements in the West Bank have expanded exponentially, the West Bank has been severed from the Gaza Strip, bypass roads have been paved that riddle the West Bank, and water resources have been confiscated. All these developments have dashed lingering hopes of an Israeli withdrawal from the West Bank. The dismantling of the settlements is increasingly relegated to the realm of fantasy; Israel and its expansionist policies have obliterated the borders of 1967, *de facto* reunifying Palestine as a single entity and reviving the pre-1948 arrangement of two groups living in one territory that constitutes a single

geo-political entity.[5] Israel's settlement policy thus represents an 'overkill' of the victory of 1967 through its incorporation of the Palestinians in the West Bank into Israel.[6]

This leads us to one of the major arguments against the TSS, that it has simply become 'impossible.' This impossibility can be understood in several ways. In the more common, political sense, it has become impossible to imagine how the political situation in Israel could allow the government to evacuate the settlements.[7] These are no longer an appendage to the body of the state, or an exceptional, temporary phenomenon: Israel has been an occupying power for the last 42 years, while previously it existed as a non-occupier for a mere 19 years. The state can thus no longer recognize itself without the occupied territories, and any withdrawal would have to entail a deep ideological shift within Israeli society. Observing Israeli society today, the prospect for such internal dynamics can scarcely be discerned. The political sense of impossibility further implies that it is almost unimaginable that the Americans or the international community would be willing to put sufficient pressure on Israel, forcing the state to evacuate the settlements and withdraw from the occupied territories (Tilley, 2003).

Besides these political considerations, there is another sense of impossibility that relates to the overall nature of the dispute and the facts on the ground. The conflict is intrinsically a communal conflict between two groups, not a conflict between an occupying state and an occupied people. As such, the possibility of segregation has become increasingly impossible to sustain: the settlements are spread throughout the body of the West Bank, and the two communities are intertwined and interdependent to the point that any surgical attempt to separate is bound to fail.[8] The impossibility of partition goes deeper still and touches on the geographical and topographical nature of Palestine and its water resources. As Meron Benvenisti (2007) once put it, this country will not tolerate a border in its midst; it cannot bear two sovereigns between the sea and the river.[9]

One might add to these arguments the impossibility of an economically viable Palestinian state. Any Palestinian state established within the existing balance of power and given the current limitations would be wholly dependent on Israel and therefore unfeasible (Tutunji & Khalidi, 1997).[10]

Beyond the claim that the TSS has become practically unrealizable, another fundamental incentive for the shift towards support for the OSS lies in the fact that many Palestinians virtually equate the TSS with the Oslo process itself, and the failure of Oslo automatically denotes the bankruptcy of the TSS. Moreover, particularly within Palestinian intellectual circles, the Oslo process is perceived as not only having failed to achieve the aims and aspirations of the Palestinian people in terms of sovereignty, statehood, and the return of the refugees (Said, 2004; Farsakh, 2005), but also as having destroyed the very tools for struggle. By creating the semblance of a peace process, the struggle itself has become less open to articulation, resistance has been delegitimized, and the Palestinian leadership has crumbled away. The Palestinians now find themselves, a decade and a half after the Oslo Accords, not only without statehood, but also without a liberation movement, as the Palestinian Liberation Organization (PLO) has been supplanted by a bizarre entity named the Palestinian Authority (PA). The PLO, it is true, was not declared dead, never buried; formally it still exists. However, it no longer represents the Palestinian population of the world: there is currently no mechanism through which the people

themselves elect its members. Rather, it has come to be a symbol, representing the historical PLO, while the focal point of Palestinian politics has shifted from the PLO to the PA. Prior to the signing of the Oslo Accords, the Palestinian question was at least alive, and Palestinians had a vocabulary with which to express their demands alongside a political agenda. Much of this vocabulary has now been lost.

This leads towards a further crisis of representation, trust, and confidence, which serves as additional impetus for Palestinians to abandon the TSS and revert to supporting the OSS. The main figures associated with Oslo, most of whom are now key figures in the PA, have come to be viewed by many Palestinians as a corrupt elite that acts as sub-contractors for Israel, and as having failed to lead the struggle for independence, sovereignty and freedom (Ghanem, 2001).[11] Many have lost all credibility in the eyes of their people. The latest war on Gaza, during which the leadership of the PA adopted a political stance that was perceived as effectually providing justification for the Israeli war as they publicly ascribed blame to the victims, demonstrated this fact beyond doubt (Ghanem, 2011),[12] and reflected a crisis of discourse and leadership that has created a pressing need to transcend both. The recent leak from the negotiation table, published by *Al Jazeera*,[13] has only added to the growing mistrust. Anger towards the current leadership and the demand for its replacement is often expressed as a demand for a change in the platform and vision promoted by the current leadership. Thus the demand to adopt new solutions is closely tied to the desire for a change in leadership and expressions of mistrust in the leadership of the PA.

Another argument for the adoption of the OSS is rooted in a discourse of realizability. One of the strongest contentions deployed by the advocates of the Oslo process and the TSS is that, despite the fact that this solution was not sufficiently sensitive to the demands of justice, it represented what was actually achievable given the imbalance of power between Israel and the Palestinians. It was offered as a pragmatic solution, indeed, the only feasible solution. Now, however, it has become apparent that even this minimal solution is not in fact achievable. If so, goes the argument, why should the Palestinians continue to bind themselves to it?[14] Since the TSS is not realizable – and given that its 'realizability' was its most compelling feature, overriding its injustice – and considering the fact that there is no other alternative solution currently on the table that is feasible in the foreseeable future, then why not support a solution that is more receptive to the demands of historical justice?

Indeed, the OSS is widely viewed from a Palestinian perspective to be the more just solution, due to several considerations. Firstly, the TSS apparently cannot deal seriously with two main segments of the Palestinian people: the Palestinians inside Israel, and the Palestinian refugees. The commonly held view of the TSS assumes that Israel will continue to be the state of the Jewish people, representing their right for self-determination, thereby leaving the Palestinians of Israel in the position of unwelcomed citizens in a state that openly declares that it is not theirs.[15] The demands upheld by Palestinian refugees, too, apparently cannot be satisfied within the framework of the TSS: the capacity of a small Palestinian state to absorb refugees will be extremely limited, allowing for the return of only a small number. Moreover, many Palestinian refugees seek to return to their previous home – their historical environment – not merely to their 'state',[16] an aspiration that the TSS will not be able to accommodate. In contrast to the Jewish demand for a collective return to a

homeland and territory, the Palestinians are demanding to return to a concrete, individual, private home, a plot of land, a property. The concept of 'return' and the implementation of this right make sense, primarily on the personal, private level, only if each Palestinian refugee can choose where to return to within Israel/Palestine. The logic of two states – the rationale of national self-determination – stands in tension with the individual logic of the Right of Return, and the rhetoric of national self-determination as a group right does not capture the full nature of the Palestinian experience and demands. The OSS seems to provide a better solution for both these groups by offering a more comprehensive and inclusive outcome for them; one that would allow the Palestinians to reunite as a people.

Secondly, the OSS maintains the territorial integrity of historical Palestine as a single entity, and through that unity erases all artificial boundaries that have fragmented the Palestinian people. A solution that offers the Palestinians only 22% of their historical land in the best-case scenario (the area included in the West bank and Gaza) with no access to the sea (except in Gaza) does not satisfy the demands of justness and leaves the Palestinians largely cut off from their homeland and from one another. The TSS allows the Jews to unite while splintering the Palestinians.

While the arguments above are based on a sense of historical justice, other arguments deployed in support of the OSS, and its justness, are based on ideas of distributive justice rather than historical justice, looking towards the future rather than the past. These arguments claim that the OSS gives the Palestinians a better chance of achieving their rights and their share of the collective good as citizens of the bi-national state.[17]

In order for justice-based arguments to carry any weight, however, they need to address not only Palestinian concerns, but those of Israeli Jews as well. The OSS must give compelling reasons that appeal to both sides, ones that cannot simply be rejected in good faith. I will not at this point draw on the arguments commonly put forth by a majority of Israelis as to why the OSS is not a just solution from their point of view,[18] nor will I strive to undermine the validity of these arguments. I would like, instead, to evoke an existential argument that is upheld by many Israelis against the OSS. This argument states that there is no good reason why Israelis should agree to shift from a sovereign state in which Jews form the majority and exercise full control over their own security, borders, demography and fate, over to a situation in which they share this majority status and control with Palestinians, even with the rest of the Arab world (given that Palestinians are Arabs and thus have close relations with the surrounding Arab world), freely and willingly putting their faith in constitutional arrangements and guarantees. Such arrangements may prove ineffective, and the stakes are too high to take such a risk; thus, while the OSS clearly stands to improve the status of the Palestinians, who take only a limited risk by adopting this solution, it represents, so the argument proceeds, a high risk for Israeli Jews.[19]

Since the OSS inherently requires persuasion and political debate – as by its nature it is a solution that suggests a future vision for the Jews as well as for the Palestinians – advocates of the OSS cannot avoid engaging with this mode of argument. In this paper, I will initiate, but not exhaust, such a discussion. Two main points can be broached at this stage for further debate. One is that it is, to a large degree, a myth that the security of Israel can be guaranteed by Israel alone. Without the enormous international support that pours into Israel from the West, primarily from the US, Israel would be unable to maintain its current status within the region.

The second point is that the conclusion that any change involves an increase in risk is only partly true, since the extension of the *status quo* and growing enmity towards Israel within the region and from the international community also presents a risk. Indeed, the *status quo* is never static; change is inevitable and one cannot simply take refuge in the 'present.'

Another line of reasoning could be evoked, which claims that Israeli Jews ought to take an interest in the OSS on the grounds that it is more responsive to Jewish interests in Israel/Palestine in the long run. It allows all Jews who wish to live in the West Bank to do so and to have access to the entire territory of Palestine/Israel. Rather than living in a smaller country with a Jewish majority, they would instead live in a larger country in which Jews account for only half of the population. Thus the OSS would allow them to be attached to all of *Eretz Yisrael* and its religious sites, at the cost of less sovereignty and less Zionism.

Moreover, the argument might claim that considering the fact that, given demographical developments, Israel is gradually becoming a bi-national state within the Green Line in any case and is already *de facto* in the process of losing its unique character as a Jewish state, the two-state solution will eventually lose its attraction for the Jewish people.[20] Considering this, the TSS apparently offers the Palestinians a state of their own while leaving Israel to slowly transform into a bi-national state. If the bi-national logic has become an incontrovertible reality, then it would be preferable from a Jewish perspective for this bi-national state to stretch over the whole area of Palestine/Israel. However, such a conclusion clearly undermines the Zionist project of maintaining a Jewish state, and at this stage a vast majority of Jews rejects this logic. In the current state of affairs, most Israeli Jews, if they were forced to choose, would most probably opt to live in a state that was limited in its territory, but nevertheless maintained a Jewish majority and Jewish sovereignty.

An additional line of argument, taken up by some Jews, contends that any compromise that does not tackle the roots of the conflict will not endure but, rather, will only invite the next eruption of violence. Since the core of the Palestinian problem lies in 1948 and the creation of the refugee issue, the solution must address that problem. According to this view, if Jews do not want to experience their presence in Israel merely as colonial settlers, but to be accepted as natural inhabitants of the region and normalize their existence within it, then they must first take full responsibility for Israel's actions in 1948, which includes the establishment of a bi-national state for both nations.

2. Between the failure of Oslo and the one-state solution

These are all valid arguments for the adoption of the OSS, taking into consideration both Palestinian and Israeli concerns. In this section, however, I would like to tackle several of the assumptions underlying the momentum of recent support for the OSS, in order to show that the failure of Oslo should not automatically render the two-state solution unworkable, and the total failure of the Palestinian leadership should not inevitably lead to the abandonment of the TSS. Moreover, the problems that face the TSS should not necessarily commit us to the OSS.[21] There is a gap between the failures of Oslo and adoption of the OSS that needs to be breached before the OSS can be crowned as the more successful alternative. In order to address this gap, several questions need to be raised: is it possible to concur with most of the

aforementioned arguments without endorsing – or not fully endorsing – the OSS (at least not for now)? Is there any logical, conceptual or political open space between the failure of the Oslo process and the OSS? And does rejecting the former inexorably lead one to the latter?

The proposition that the TSS is unfeasible at the present moment does not, to my mind, consequently lead us to adopt the alternative solution. One could argue, instead, that if the TSS is unattainable due to the existing imbalance of power, then one should strive to redress this imbalance, not necessarily to alter the political program itself. According to this reading, the Palestinians failed to achieve their goals not because of ineptitude or because they were advocating the wrong solution (the TSS), but simply because they lacked the power to do so. If the problem is reformulated in this way then the solution, for the Palestinians, may lie in their acquiring more power, and therefore, in contemplating the means for acquiring it. In this regard one may argue that the OSS solves a different problem from that which currently afflicts the Palestinians, and that it simply looks for answers in the wrong place. The political debate is not, and should not be, exhausted by either the one or the two-state solutions exclusively. Politics, in part, entails contemplating means and developing strategies for achieving goals. Politics concern the 'how' (the means), and not only the 'what' (the goals). This understood, one might argue against Oslo and its aftermath not from the standpoint of the OSS, but rather from that of the TSS; rather than criticizing the TSS through Oslo, reevaluating Oslo precisely because it did not lead, and could not have led, to a just TSS. This shift of perspective is therefore an invitation to contemplate the means rather the ends.

Although it is now clear that the so-called peace process, which began in Madrid and proceeded to Oslo, did not lead the Palestinians towards their goal – namely, an independent Palestinian state – but instead allowed Israel to expand its settlements and create even more facts on the ground, one could nevertheless disagree with the way in which the whole process has been conducted without also adopting the OSS. One might argue, for example, that, in contrast with the process of negotiations launched by Oslo, the only way to achieve a TSS is through military resistance that is limited to the occupied territories, while refraining from such actions inside Israel proper. The same is true of dissatisfaction with the current Palestinian leadership and the so-called peace process. One could conceivably demand the replacement of the entire leadership without committing oneself to a shift in the position from the TSS to the OSS. The aim of all the foregoing examples and arguments is to fragment and disintegrate what appears to be a single question into a series of different questions, and thus avoid any reductionist approach to the problem that collapses three different questions into one: Should the Palestinians replace the current Palestinian leadership? Should the Palestinians adopt new tools for their struggle, in place of the path of negotiation? Should the Palestinians change their goal from a TSS to OSS? These are three different questions. Analytically and politically, these questions must be kept apart.

Once the OSS has been severed from its assumed identity with the failed Oslo Accords, it must demonstrate two things before it can be adopted as a worthy option: first, that as a solution it is more just than the TSS, and second, that it is not more utopian than the TSS. At this stage I will bracket the issue of justness. The second point amounts to arguing that the balance of power within which the TSS is attainable can also provide the conditions for the success of the OSS. Hence the

imbalance of power is not, so the argument posited by supporters of the OSS might proceed, in and of itself an influencing factor in determining which option is preferable, since in both options the imbalance is in any case strongly tipped against the Palestinians, in the same manner and to the same degree. If this is the case, so the argument goes, then all solutions seem equally feasible, and what remains for the Palestinians to discuss is essentially the justness of the solution and not its realizability or other issues of power relations. The OSS is a more just solution, *ergo* one should support it.

I have reservations about this line of argument, and contend that there is a conceivable balance of power that would enable the establishment of a Palestinian state in the West Bank and Gaza, but would not allow for the OSS. If Israeli Jewish public opinion is a part of the balance of power (and I believe that it is), then while a TSS is liable to divide Israel politically along one fault line or another, the OSS would surely unite it in opposition against it. In certain ways the TSS represents a rift within Zionism between those who support a smaller Israel as opposed to a greater Israel, but the OSS solution would imply the ideological defeat of Zionism and total transformation of the meaning of the Jewish existence in Palestine.[22] This shift would require a profound change of identity for most Jews in Israel, and it is not clear that the possible political compromises can wait until such a change occurs. Presumably a distinction can be made between what is mandated politically, and what one might hope for in the long run. Certain political compromises can and must be made despite ideological differences; they cannot wait till these ideological differences are solved.

Those who support the OSS are very aware of the drastic changes it would require. According to one advocate of the OSS:

> It follows that, in a democratic secular state, the very concept of Jewish statehood (and, implicitly, the scope of Jewish nationalism) would have to change quite radically. National rights and privileges on both sides would have to be guaranteed by subsuming them into Israeli national privileges. Benefits now legally restricted to Jews (commonly by attaching them to military service and less directly to the Law of Return), such as housing loans, education loans, public-sector employment and so forth, would have to be reconceived and resources redistributed. Land use – some 93 per cent of Israel is at present reserved for Jewish use – would have to be reconfigured. Housing would have to be formally detached from exclusive Jewish occupancy (and the 'Jewish-only' character of the settlements would have to evaporate). The long-established role of the Jewish Agency, which administers Jewish national resources and privileges in Israel, would have to be re-examined. Electoral politics and Knesset representation would also be transformed, to permit legislative debate on the basis of equal ethnic standing. Alterations to the Basic Laws, or the creation of a secular constitution, could ensure that Israel continues to safeguard Jewish lives and rights, providing the sanctuary which many Jews in Israel and abroad remain anxious to preserve. But the same basic law would have to ensure Muslim, Christian and, indeed, agnostic/atheist rights, and eliminate, at least juridicially, any institutionalized hierarchy on ethnic or religious lines. Such a transition would require years of debate and struggle and a political will now glaringly absent. Truth commissions and/or a general amnesty might eventually surmount the legacy of violence and hatred, but as in all such aftermaths, the process will take generations. (Tilley, 2005)

One may wonder whether such a change, which effactually involves turning the Jews into a minority within the new state, has more or less chance of coming to

fruition than the dismantling of the settlements. I am not arguing for the latter, but questioning the assumption of the feasibility of the former.

This leads us to address the second point that needs to be assessed before abandoning the TSS for the sake of the OSS: the superior justness of the OSS. Contrary to common assumptions, it is not obvious that the OSS is *by definition* more capable of solving the problem of the refugees. The refugee problem can only be solved through formal, detailed arrangements to be agreed upon between the parties, and the OSS does not by necessity provide better conditions for such arrangements. The nature of these arrangements hinges on the balance of power between the two groups in both cases; it is not solved by the logic of either 'solution.' For instance, one can conceive of a TSS in which no limits are placed on the number of refugees permitted to return to the Palestinian state, as well as a version of the OSS in which the numbers of returning refugees are capped. The idea that the OSS will replace the logic of nationalism with a civic-liberal rhetoric (and as a result the Jewish majority would not take into account demographic considerations) according to which the only significant category is citizenship seems a little too rosy. At this stage, at least, I do not foresee the disappearance of demographic/nationalist rhetoric and language with the dawning of the one state. Just as one must be aware of the limits and the problems created by nationalist/collectivist rhetoric, so, one must acknowledge, too, the limits of liberal discourse.

There is much to be said of other aspects of the justness of the TSS compared with the OSS; in this short paper I will allude to two major points. The first is that it is possible to think of the TSS in a fresh manner that transcends the 1967 borders, expanding the repertoire of options available to the Palestinians before they shift from the TSS to the OSS. One could suggest, for example, a partition that allocates more lands to the Palestinian state (for instance, 40% instead of 22%, and access to the sea) in a way that both responds to the future needs of the Palestinians (distributive justice) and redresses past historical injustices (corrective justice). One way or another, the TSS could conceivably be formulated according to a rationale other than that of the Oslo process to make it more responsive to Palestinians' demands and aspirations. If Israel does not treat the 1967 borders as sacred, then there is no reason for the Palestinians to do so. Hence the logic of the TSS allows more room for intellectual maneuver than one tends to think.

The second point, which is often overlooked in these debates, relates to the role played by justice in any potential solution. Justice is considered a moral parameter, to which any solution must pay its dues. Justice, however, can be understood in various ways. Here I would like to 'unpack' the concept of justice, and to distinguish between three conceptions of the term. The first distinction I make is between 'corrective justice' and 'distributive justice'.[23] Corrective justice aims to rectify and compensate for the harm or the loss that person A causes to person B. As such, it is interested in the 'historical' facts, in the question of what happened, who caused the harm, and whether he can be held responsible. Corrective justice is indifferent to power relations and to the relative wealth of the parties involved. This form of justice requires that if A causes damage to B's car, A is responsible and therefore must compensate B for the damage. Corrective justice requires this compensation, even if A happens to be an extremely poor person and B is Bill Gates, and the act of compensation will cause A to starve, while it will be utterly negligible to the wealthy Gates. Corrective justice thus only looks back, not forward to the future and to the

fair distribution of wealth. For that purpose, we must evoke another concept of justice: 'distributive justice.' This concept aims at achieving a just distribution of means, one that provides each person in society with a certain minimum. In many ways distributive justice is more inclusive and forward looking. These days, the Palestinians can formulate their demands in terms of both categories of justice: corrective (since they used to own most of the land and the resources and as such can deploy the language of entitlements) and distributive (in the sense that they are at a disadvantage and disposed of resources, and as such they can use the language of need). Any discourse of justice must have both conceptions in mind.

I would like to add a third conception of justice that is sometimes referred to as 'transformative justice' or 'transitional justice.'[24] Here I prefer to use another term for this type: 'political justice.' In contrast to corrective justice that aims to restore a *status quo* that has been violated by one of the parties, and also distinct from distributive justice that aims to create a fairer distribution of resources of wealth within a certain given community, political justice aims to reconstruct the conceptual framework itself, the new 'we'; to constitute a new polity, a new context for relations from which we can proceed to speak of corrective and distributive justice. This is obviously not an intuitive justice in the way that corrective justice is, and clearly it entails traces of forgiveness, transcendence and overcoming to the point that one may question the use of the term justice at all (Shaap, 2006, pp. 620–626).[25]

By making these distinctions between the various demands that fall under the general term 'justice,' the TSS could conceivably be tailored to respond to the moral imperatives of justice no less than the OSS. In addition, while justice is a critically important factor, one must take other factors into consideration as well; happiness, human flourishing and wellbeing, and high living standards are, for instance, also important values that need to be taken into account in any proposed solution.

3. The promise of the one-state solution

Despite my arguments in the previous section against the abandonment of the TSS, I will now outline an alternative argument in favor of the OSS that focuses on means, not on ends. I believe that the OSS is nevertheless a compelling option for the Palestinians, not in the sense of a solution as much as a path and an invitation to articulate the conflict in new terms. As such, its principal advantage may lie in the fact that it suggests new means of struggle for the Palestinians and new ways to articulate their demands, rather than provide a final solution (at least not for the near future). Evocation of the OSS could potentially alter the current power relations, transforming Palestinian weakness into strength, and imposing limits on Israeli power. These are qualities that are absent from the dynamic and logic of the TSS. In this sense, the OSS allows the Palestinians to revive their political struggle, renewing a path that has been rendered effectively impossible by the Oslo Accords. This, I believe, makes it a worthy option for Palestinian support.

This type of move – a reformulation of the present through a vision for the future – is an unarticulated implication of any proposed solution. Looking back, one of the main consequences of the TSS has been that the idea itself shifted the struggle over to the law and logic of war. The TSS adopts a collective-national rhetoric of separation, in which each entity is treated as if it were an independent state with the obligations that independent states incur under international law.

The subjects/citizens of one state or entity can make no claims on the other state, and neither state bears duties toward the subjects/citizens of the other. The rhetoric of national self-determination takes the politics of difference to its limits and creates boundaries that signify the limits of the legal and ethical responsibilities of states. Thus the rhetoric of difference, in the best-case scenario, is a prelude to indifference, and, in the worst-case scenario, to war – the language spoken by 'states' in conflict. Military power is employed against other 'states'; states that lie across borders. The image of the border is intrinsic to the image of war, and is in dire need of the national-separatist logic. This need explains the logic of the unilateral withdrawal from Gaza and the separation wall. In fact, Israel's war on Gaza could not have been imagined or accepted by the Israeli public and the international community without the logic of Oslo in general, and the rhetoric of two states in particular. The national-separatist logic – the logic of boundaries and separate entities – allows the language of war to emerge as the most common currency and enables Israel to make effective use of its military superiority.

It is small wonder, therefore, that the Israeli right wing has discovered the advantages of treating the PA, and subsequently the Gaza Strip, as separate, sovereign political entities. In this way Israel can have it 'both ways': it can continue to exercise *de facto* control, exploiting whatever resources it requires and dictating access by land, air and sea to the Palestinian territories, while concomitantly absolving itself of the responsibilities of an occupying power. This reasoning also sheds light on the ambivalent attitude of Israel towards the PA. For Israel, the PA both exists and does not exist. It must exist in order to portray the image of another, separate state, thereby releasing Israel of any responsibility toward the Palestinians, while at the same time it must not exist, in the sense that Israel continues to act as the only real sovereign. The outcome of this contradictory approach is that the PA exists, but only as a weak and sickly body. It must remain 'hospitalized,' a patient under treatment, neither in the process of recovery nor critically ill. The PA plays an intermediary role between Israel and the Palestinians that masks the fact that the lives of Palestinians are wholly dependent on and controlled by Israel. In this respect, the power of the OSS lies in its potential to unmask the present, reconceptualizing it as a struggle between two communities under the control of the Israeli state. The proposed 'solution' or vision of the OSS is in fact a means by which Palestinians and Israelis, as well as the rest of the world, can be made to see the present reality through the lens of the future. Rather than suggesting a solution (the OSS) that is deduced from an analysis of the current reality (apartheid), the opposite move is taking place: we understand reality against the background of an imagined future.

One of the most potent advantages of the OSS is therefore that it proposes other forms of struggle that may have the effect of neutralizing the supremacy of Israeli military power. The OSS invites a different language from that of war, one that generates a centripetal force and a single gravitational field in which priority is given not to the collective but to the individual. This can be imagined as a struggle that is inclusive, individualistic, and universal, one akin to the South African struggle for 'one person, one vote,' which was essentially a civil rights struggle based on a belief in the equal worth of human beings: a classic liberal struggle.[26] The OSS has the potential to transform the Palestinian struggle into a struggle for civil and human rights within one entity, be it named Palestine, Israel or otherwise. This kind of struggle presupposes a certain degree of living-together, assumes a future sense of

'we' that transcends the current dichotomies of 'us' and 'them', and individualizes the struggle, universalizes it, and even humanizes it. Thus the struggle is not conceived of as a struggle unto death between two separate entities, but rather as a struggle for equal rights within a single entity. It is not governed by the laws of war but by the codes that dictate the relation of the state to its citizens. This civic struggle places far more demands on Israeli Jews than the demand for a separate state, since it obliges them to forego their right to comprise a demographic majority. Equally, it also makes greater demands on the Palestinians because, once the struggle is won, they must live with their former adversaries, and must find the ability to articulate a sensible and reasonable vision for the future; must be able to articulate a sense of a future 'we' already now. A formula needs to be developed in advance to allow the two groups to live together, one that has not been contemplated in wars of independence in the classical sense.

The OSS, and the modes of struggle for equal civil rights associated with it, makes possible the combination of a radical solution (that brings together all Palestinians and Jews into a single state of equals), with a peaceful means of achieving that end (a civil rights movement). Regarding the relationship between means and ends, Palestinian politics have long marched along parallel lines: those who were maximalist in their political goals were usually the most militant, while those who promoted a minimal, pragmatic solution were generally in favor of more peaceful, less violent means. The OSS may present an opportunity to forge a new alignment of radical goals with peaceful means, and might have the power to turn the Palestinians' weakness into their main strength, neutralize the imbalance of power, and shift the conflict from a struggle unto death to the dialectics of a master-slave relationship.

Notes

1. In this paper I assume a certain conception of the one-state solution, though one might conceive of at least three such solutions. The first solution would be some sort of Arab-Palestinian state (probably also Muslim) that would be tolerant of the existence of non-Arabs, but whose Arab identity would be recognized in the public sphere. The second solution would be a secular civic state that foregrounds individual equality and treats issues of national identity as private matters. In this state, Jews would be acknowledged as a group only in religious terms. The US serves as an example of such a secular civic state. The third solution would be a bi-national state that grants equality both on the civic-individual level and on the collective-national level to both groups, Jews and Palestinians, providing public recognition for both. Canada and Belgium are models of such a bi-national state. For the purposes of this paper, I deal mainly, but not exclusively, with the last solution, as I take it to be the most serious option for reasons that cannot be addressed in this paper due to limitations of space.
2. I also benefited from Taylor (1975, pp. 148–155).
3. See, e.g., the declaration of the one-state solution made by Palestinians and Jewish intellectuals in 2007 London at http://www.counterpunch.org/onestate.html. Recently, two major conferences have been held on the topic in North America, one in Boston (for details see http://onestateforpalestineisrael.com/), and the other in Toronto, hosted by the University of Toronto (for details see http://www.yorku.ca/ipconf/index.html). One can also find an entry on the topic on electronic encyclopedia *Wikipedia*, at http://en.wikipedia.org/wiki/One-state_solution. See also the recent two books on the subject: Abunimah (2006); Tilley (2005). For some of the other leading names associated with this debate see, e.g., Abu Odeh (2001–2002) and a reply by Tamari (2001–2002); Barghoti

(2004); Benvenisti (2007); Covel (2007); Crami (2008); Elazar (2003); Farsakh (2007); Ghanem (2002); Judt (2003); Pappe (1999); Said (1999); Said (2000); Tarazi (2004).

4. For a history of the idea, see Charters (1994); Gendzier (1975); Goldstein (1988); Hermann (2005); Magnes (1930).

5. With, of course, the crucial difference that the unified entity now falls under Israeli control, whereas prior to 1948 it was under the authority of the British Mandate.

6. In this context, the unilateral withdrawal from Gaza and the construction of the separation wall should be seen as two different Israeli attempts to exclude, contain, and keep the Palestinians 'out' in a manner that allows Israel to remain inside the Palestinian territories but prevents the Palestinians from being 'inside Israel'. Among the major objectives in building the wall was to halt this 'unifying logic' and reconstitute the territories as a separate entity that lies 'out there,' beyond the borders of the state.

7. For the purpose of this paper, I proceed on the assumption that the creation of a real, independent and sovereign Palestinian state – not a noncontiguous set of cantons – would require the evacuation of most, if not all, settlements.

8. Benvenisti (2007) did much to develop this line of argument. Although one can argue against Benvenisti that there was a time when this country did, in fact, sustain a border in its midst – the 17 years between 1948 and 1967 – still I think Benvenisti has a point on three accounts: one, that the elimination of the border in 1967 was not an accident, but was bound to happen sooner or later; two, that the West Bank between 1948–1967 was not really an independent state, but rather a part of Jordan and only as such could it sustain itself; and three, that the current situation, in terms of the interdependence of the various parts of the country and the population boom, is vastly different from the reality of 1948.

9. For more on this argument see Shavit (2003). Hanegbi argues in this interview, 'If you want a Jewish sovereignty you must have a border, but as Zionist thinker and activist Yitzhak Tabinken said, this country cannot tolerate a border in its midst' (p. 94). Benvenisti makes the same argument: 'The model of division into two nation-states is inapplicable. It does not reflect the depth of the conflict and does not sit with the scale of the entanglement that exists in large parts of the country. You can erect all the walls in the world here, but you won't be able to overcome the fact that there is only one aquifer here and the same sea. You won't be able to overcome the fact that this country will not tolerate a border in its midst' (p. 95).

10. See mainly the discussion on whether the Palestinian state can follow the Singaporean model (pp. 43–46). For an elaborated discussion, see Abed (1990). See also the Rand Palestinian State Study Team (2005).

11. See mainly chapter 6.

12. Copy with the author.

13. For details of the documents from the Palestinian negotiation team, see http://english.aljazeera.net/palestinepapers/

14. See, e.g., for the list of challenges to the TSS, Sussman (2004).

15. For a review of the status of the Palestinians in Israel see Rouhana (1997) for a socio-political review of their status; Yiftachael (2006) for a model that situates Israel as an Ethnocracy regime rather than one of Democracy; Kretzmer (1990); Saban (2010) for a legal analysis; Kedar (2001) for the process of land dispossession from the Palestinian citizens by the state of Israel.

16. In this regard one should clearly distinguish between different categories of refugees. The first distinction in one between those who still are living in refugee camps in Palestine itself, like those in the refugees camps around the Palestinian cities of Jalazoon, Duhesheh and others refugees who are outside Palestine. Then, between those who are outside Palestine, one needs make at least one distinction between those who are still living in refugee camps in the neighboring Arab countries and those who settled in other Western countries.

17. This forward-looking argument has been developed, e.g., by Abu Odeh (2001–2002).

18. For general support and justification of the idea of Jewish state and its compatibility with liberalism and human rights, see Gavison (1999, p. 44); Rubinstein & Yakobson (2009).

19. This argument is supposed to be based only on issues of lack guarantees and the high-risk nature of the solution, regardless of issues of substantive justice. Thus one may agree that

on the level of principle – and as a matter of justice – the OSS is a just solution for both people, and still think that as long as there is instability in the Middle East, the OSS demands a level of risk that most Israeli Jews cannot afford to take. For a development of this argument, see Gans (2008). See mainly chapters 3 and 4. Gans does not justify the right of Israel to continue to exist as a Jewish state on the basis of the right to self-determination, since the right to self-determination could be fulfilled within a bi-national state or as a matter of cultural autonomy within a state. For Gans, the only justification rests on the ongoing war and lack of security, and as such the justification has an 'expiry date'. It is to these sorts of arguments that I am referring in this paper.

20. See more on this argument in Shavit (2003).
21. For a recent argument in support of the TSS despite the obstacles it faces see, e.g., Pressman (2009).
22. However, an important caveat is that Israeli public opinion is not deeply divided over this issue *today*. Many of those who are considered members of the so-called 'peace camp' in Israel are in favor of the TSS in a limited sense, and the majority approves of Israel retaining the bulk of the major settlements blocs and the settlements located in the vicinity of Jerusalem, and of continuing Israeli control over water resources, borders and air space in a way that calls into question the entire TSS. Indeed, this uncompromising stance explains why the TSS has been appropriated by both the Israeli right under Ariel Sharon and the American right under former President George W. Bush. Nevertheless, it is possible that in certain regional and international circumstances pressures may be brought to bear on Israel to compel it to accept the TSS. Such pressures would deeply divide Israeli society, and the advocates of partition may be able to prevail in other circumstances.
23. For a short and clear exposition of the distinction in legal theory see Weinrib (1991–1992).
24. For these concepts, their meaning and history see Tietel (2003).
25. See mainly pp. 620–626.
26. On the comparison between South Africa and Palestine, see Heribert & Moodley (2005); Yiftachel (2001).

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