

# Defining the One-State Solution:

## The Swiss Governing Structure as a Possible Model

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### ABSTRACT

This paper provides a list of possible interpretation for the “one-state solution”. The list is based on Smootha’s (2001) framework of possible governing structures for deeply divided societies. The research aims to prove two over-arching points. First, the concept of a “one-state solution” can have a variety of political arrangements, ranging from apartheid-like regimes to full political and civil equality for all. Second, not all of these governing structures are suitable for a Palestinian-Israeli “one-state solution”. This paper measured the suitability of the models on the basis of their ability to provide full democracy and enduring political stability. The research found that, based on these measurements, consociationalism provides the most suitable governing structure for the Palestinian-Israeli “one-state”, only if the correct political arrangements and government institutions were put in place. The Swiss governing structure provides a specific recipe for a successful consociational political arrangement and governmental institutions. Therefore, the paper proposes a Palestinian Israeli one-state solution, based on the Swiss model, with a focus on five main elements. These elements are federalism, power-sharing based on proportionality, minority “soft veto”, direct democracy, and a written constitution. These elements were designed to ensure the protection of individual and collective identities as well as the empowerment of the people as a whole. This paper was not intended to provide the answer to the Palestinian-Israeli conflict so much as to incite specific detailed proposals for the one-state solution. The current discussion on the one-state solution is limited to arguments for, or against, the general concept of a one-state solution. This discussion is valuable but limited in nature. It is limited in the extent of which it can move beyond general agreements or disagreements. Specific details help move the discussion in a more productive direction in which opponents can reject specific elements of each proposal, while providing justifications, and opponents can respond by making adjustments or providing counter arguments and so on. By approaching the discussion in a detail-oriented manner, we can begin to identify elements of agreement or disagreement, which can help produce an effective dialogue on the “one-state” solution. However, by strictly arguing for the general banner of a “one-state” solution, we are preventing this process from moving forward towards a serious discussion of the specifics of the one-state solution, which can help in shaping the one-state solution into a serious alternative to the impasse of the two-state solution.

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## Introduction

In their article “The diverse modes of conflict-regulation in deeply divided societies”, Smooha and Hanf (1992) argue that out of the four modes of conflict regulation – partition, ethnic democracy, consociational democracy, and liberal democracy – partition is the “most problematic”. According to them, partition faces the problem of the impracticability of redrawing state border for achieving ethnic homogeneity. Furthermore, economically partition has two negative consequences. First, it contradicts current world trends favoring big markets. Second, it incurs additional costs of establishing a parallel government. However, Smooha and Hanf maintain that in some cases of deeply divided societies (i.e. when there are two competing nationalisms), partition might be a good option for managing that conflict.

In the case of Palestinian Israeli conflict, Smooha and Hanf argue that partition is the only “reasonable”, “feasible”, and “likely” solution. They consider it to be the only “reasonable” way for handling the competing, mutually exclusive, nationalisms of both Jews and Palestinians. Partitioning the land was possible, they argued, since Jewish settlers constituted only 6% of the total population of the West Bank and Gaza Strip; thus, the Palestinian state would be almost completely ethnically homogenous (Smooha et. al., 1992). Furthermore, they considered partition to be the only “feasible” option for accommodating the demands of the Palestinians and the Jews for statehood. The Palestinians demand independence from Israel, while the Jews maintain their commitment to a Jewish and democratic state. The presence of a large number of non-Jews in Israel threatens its Jewish and democratic nature; if non-Jews were granted equal

rights in a Jewish state, then they threaten the state's continued existence as a Jewish state but if they were denied equal rights, then that state is no longer a democracy. Both the Jewish and the democratic nature of Israel are extremely important to Israel's Jewish majority, which is why Smootha and Hanf, conceive partition as the only feasible solution. Finally, Smootha and Hanf argue that partition is the only "likely" solution for achieving a permanent resolution to the refugee problem. Thus, according to Smootha and Hanf, partition is the only acceptable solution for Palestine and Israel and so long as it is negotiated, agreed upon, and internationally endorsed then it will succeed.

For partition to succeed, they explain, it "must be negotiated, agreed upon, and internationally endorsed rather than imposed unilaterally" (1992, 31). However, the Oslo Accords marked the official beginning of a period in which all conditions for successful partition, as stated by Smootha and Hanf (1992), were met. Israel and the Palestinians were finally engaged in direct negotiations on the basis of partitioning the land with the possible outcome of establishing a Palestinian state along side the Jewish one. Furthermore, the international community has been in support of partition since at least the passing of the United Nations General Assembly Resolution 181 on the 29<sup>th</sup> of November 1947. However, almost 20 years later, with both parties constantly engaging in bilateral negotiations, in addition to a supportive international community, there is still no Palestinian state, partition remains unaccomplished, and the parties seem to be nowhere near reaching a solution. Thus, the idea of creating a "one-state" for Palestinians and Jews began to re-emerge.

Proponents of the "one-state" argue that partition (or a two-state solution) is no longer a viable option (Ghanem, 2007; Tilley, 2007; Farsakh, 2011; Abunimeh, 2006,

54). Farsakh (2011) argues that the “doubling of the Israeli settler population in the West Bank and East Jerusalem between 1993 and 2009 to over 494,000 settlers, the construction of a 709 km separation wall that cuts into Palestinian land in the West Bank and once completed would incorporate 11.5% of it into Israel, and the institutionalization of more than 99 Israeli checkpoints that cut Palestinian areas into over 12 disconnected geographic areas, have killed the prospects for any viable sovereign Palestinian state”. Ghanem (2007) argues that Israel passed the threshold of being able to retreat to pre-1967 border due to the risk of a civil war. Finally, others argue that the Palestinian state would be economically dependent on Israel and on international donations. Therefore, proponents of the “one-state” argue that the current on the ground reality does not allow for the achievement of a two-state solution (Ghanem, 2007; Abunimeh, 2006).

Proponents of the “one-state” solution generally focus their argument on the inevitability of the one-state or the infeasibility of the two-state solution. However, they rarely define what they mean by a “one-state solution”. Similarly, opponents of the “one-state” argue against it, or for a two-state solution, without providing a clear definition of a “one-state solution”. This is most likely due to the multiplicity of possible models for a “one-state” arrangement, thus paving the way for a variety of differing interpretations. Therefore, most proposals for the “one-state solution” tend to focus on the reasons why we ought to think of the “one-state solution” rather than what a “one-state solution” would look like.

Similarly, a “two-state” solution also has a variety of possible arrangements. However, over the past 20 years, both parties regularly engaged in negotiations on the basis of a two-state solution but failed to reach an agreement on the final outlook of the

two states, especially in regards to the final state borders, fate of the Palestinian refugees and Israeli settlements, security arrangements, the status of Jerusalem, and water-sharing. Nonetheless, over the years, multiple proposals, on the basis of a two-state solution, have been negotiated. However, the same cannot be said about the “one-state solution”. There have been advocates for the concept of a “one-state solution”, since at least the early 1920s and 1930s, such as Brit Shalom. However, clear detailed proposals for a one-state solution were not made. On the other hand, the United Nations passed a Resolution outlining a solution to the Palestinian-Israeli conflict on the basis of a two-state solution, thus providing an idea of what a two-state solution would look like. Therefore, this paper chooses to focus on the “one-state solution” and its possible models for governing structures, since the concept itself has not been discussed in details to the extent that the two-state solution has been.

This paper plans to define the “one-state” solution by providing a wide-range of possible models. It hopes to pave the way for a more focused discussion – i.e. for or against specific “one-state” models – within the general topic of the “one-state” solution. Furthermore, the paper concludes with a successful governing structure that can be used as a “one-state” model for Palestine and Israel.

### **The Meaning of the one-state solution as defined by its proponents**

For Israel’s right wing groups, a one-state solution generally means a *Jewish* state with a tolerated, often kept to a minimal, non-Jewish minority. There have been two “one-state” proposals made by right wing Jewish groups. These proposals have two main differences, the geographical borders of the state and the political rights granted to non-Jews.

The “one-state” solution, proposed by Yoram Ettinger (2011), suggests annexing to Israel only the West Bank and granting the Palestinians there equal rights. This, Ettinger argues, would preserve both the Jewish and the democratic nature of Israel, while maintaining control over “Samaria and Judea” (the West Bank). He provides two arguments supporting this proposal. The first is the importance of “Samaria and Judea” in which they are considered to hold the true historical connection of the Jewish people to the land of Israel. The second argument is that, “the only viable solution consistent with the existence of a Jewish state in the Land of Israel...requires a full control by the Jewish State of the entire area between the Jordan River and the Mediterranean” (Ettinger, 2011). Finally, he cites, the decreasing Palestinian birthrates, increasing Jewish fertility rates, and constant Jewish immigration as insurance for the continued demographic superiority of the Jews in Israel. This proposal, Ettinger argues, is the only solution that would allow for the continued survival of Israel as a Jewish and democratic state.

The second proposal, proposed by Benny Elon (2007), is a three-tier process. The three main steps towards the achievement of this plan are 1) “the Rehabilitation of the refugees and dismantling of the camps”, 2) “Strategic cooperation with the Kingdom of Jordan”, and 3) “Israeli sovereignty in Judea and Samaria [the West Bank]”. “The rehabilitation of the refugees and dismantling of the camps”, assumes the necessity of finding a “humane” solution for the Palestinian refugee problem, for it has been used as a tool to delegitimize Israel. This “humane” solution would require the cooperation of Israel, the US, and the international community to design and fund a multiyear plan for the refugees’ rehabilitation and for the dismantlement of the refugee camps and of the United Nations Relief and Works Agency (UNRWA). The rehabilitation of the refugees

involves the relocation of the refugees to outside countries who are open to accepting new immigrants. The second process involves working closely with Jordan to ensure the achievement of Palestinian political rights. This cooperation means that Palestinians, minus the rehabilitated refugees, may remain in the West Bank and Gaza, if they wish – so long as they are originally from these territories – but they can enjoy political rights *only* in Jordan. The final process is annexing the West Bank, and Gaza into Israel.

Elon provides two arguments in favor of this proposal. The first is the necessity of resolving the Palestinian refugee problem as a way to eliminate the “demographic devil”. Resolving the refugee problem would (1) eliminate the threat of the “right of return”, and (2) decrease the size of the Palestinian population in the West Bank and Gaza strip. This would allow Israel to annex these territories without the Palestinians posing a threat to Jewish demographic-superiority in the “one-state”. Furthermore, this proposal can eliminate future threats to Israel’s continued Jewish demographic-superiority, by ensuring the achievement of Palestinian political rights in Jordan, not Israel. This would allow Israel to maintain control over the West Bank and Gaza, while ensuring its continued existence as Jewish and democratic.

On the other hand, Palestinian and Western academics also call for a “one-state” solution. However, their definitions of a “one-state” solution vary and are drastically different from Ettinger and Elon’s proposals. These proposals are generally based on the idea of equal rights for Palestinians and Jews in the future “one-state”. The main difference among the proposals, made by Western and Palestinian academics, is usually the proposed nature (i.e. secular versus binational) and, occasionally, the geographic boundaries of the state. For an example, Abunimeh (2006) proposes a one-state solution



based on a consociational or multicultural democracy model, citing Canada, Northern Ireland and Belgium as possible models. Ghanem (2007) also proposes a binational arrangement with emphasis on minority rights guarantees. Tilley (2007), on the other hand, advocates for a secular democratic state. El-Musa (2007) calls for a binational state in a “greater Palestine”, which would encompass Israel, Gaza, West Bank, and Jordan. Therefore, these proposals, although they advocate for a one-state solution, they each advocate for different models of the one-state solution.

Most proposals lack the essential details concerning the governing structure of the proposed “one-state” solution. Abunimeh (2006) goes beyond most proposed solutions to provide examples of possible models based on existing governing structures. However, the operational details of the governing structures, to a large extent, were not discussed. The right wing Israeli proposals tend to provide a more precise framework for a governing structure in which in both proposals the one-state’s governing structure would not have to deviate from Israel’s current structure. Kasrils (2007, 253) argues that, “advocates of the single or binational state... would have to provide far more details for their theses than they have presented thus far pertaining to the structure of such a state, its mechanisms, legalities, modes of government and administration, guarantees and safeguards, and so on”. Therefore, there is a need for proponents of the “one-state” solution to provide more details regarding the operational and structural mechanisms of the proposed state.

As illustrated in this section, a “one-state” solution has a variety of possible models. Therefore, it is essential that proponents, and opponents, of the “one-state” solution begin focusing their discussions on specific models, or elements of a model,

rather than continuing an endless discussion on all the possible pros and cons of a general concept, which may no longer be relevant once a model is selected. This paper will provide a list of possible governing structures for a “one-state” solution, as a way to advocate for the use of more detailed proposals when discussing the one-state solution. This paper will conclude with a detailed proposal for a possible “one-state” model, which has proven to be successful in managing religious, lingual, ethnic,<sup>1</sup> and cultural divisions in a peaceful manner.

### Methodology

In order to display a wide-range of possible “one-state” models, this paper will use a list of possible governing structures for deeply divided societies based on an article by Sammy Smooha (2001). Smooha’s “The Ethnic Model” article provides an overview of governing structures that have been previously used in divided societies. Smooha’s overview of these governing structures provides a framework for exploring possible “one-state” models. Therefore, this paper will apply Smooha’s framework for governing structures for deeply divided societies to the concept of a “one-state” solution.

The governing structures included in Smooha’s framework and the subsequent models will be evaluated in regards to two main elements: their democratic nature and their projected political stability. These two elements were selected due to their effect on deeply rooted conflicts in divided societies. Each criterion will be examined below.

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<sup>1</sup> This paper uses the dictionary definition of “ethnic”, which means “of or relating to national and cultural origins”, irrespective of citizenship. An ethnic-group, therefore, is a population subgroup that shares the same national and cultural origins. Finally, Ethnic conflict is a conflict between ethnic groups (or a conflict between two or more population subgroups that have distinct cultural and national origins).

Democracy is derived from the Greek word “dēmokratia” in which “dēmos” means the people and “kratia” means power or rule; thus, directly translating to “the rule (or power) of the people”. Harris and Reilly (1998) argue that, “democratic structures can offer an effective means for the peaceful handling of deep-rooted conflict through inclusive, just and accountable frameworks”. Furthermore, they argue that, “democracy operates as a conflict management system without recourse to violence”. By this they mean that democracies tend to deal with conflict, not by suppressing or denying it but rather by “debating” and “reacting” to the issues as they come up. Furthermore, democracies tend to be flexible towards future change; thus, providing dissent groups with hope for future policy change, which can take place via democratic measures and within the state’s structure.

Alternatives for democratic regimes tend to deny or ignore the problems that arise within the society. However, in cases where such problems cannot be ignored – such as ethnic, cultural or identity conflicts – only “mass expulsion or genocide” can make them disappear (Harris et. al., 1998). Our current international norms, however, strongly oppose the mass expulsion or genocide of a population; therefore, “solutions” that can lead to such outcomes are not solutions but rather problems to be dealt with. Finally, Harris and Reilly (1998) explain that although democracies are often “messy, incremental, and difficult”, they are “by far the best hope of building sustainable settlements to most of the conflicts being fought around the world today”. Therefore, one of the criteria for evaluating the suitability of a governing structure for the “one-state solution” will be based on its classification as a democracy.

Although there is no consensus on how to measure democracy, according to the Economist Intelligence Unit (EIU), there are minimum requirements that should be present in the fundamental features of the governing structure, these are a “government based on majority rule and the consent of the governed, the existence of free and fair elections, the protection of minority rights and respect for basic human rights” (2011). Furthermore, democracies should include “equality before the law, due process and political pluralism” (Economist Intelligence Unit, 2011). Freedom House and the Economist Intelligence Unit, who both measure world democracies, use a set of differing criteria for measuring democracies. The economist Intelligence Unit argues that Freedom House does not use a “thick” enough measure, or definition, of democracy, which in turn does not allow for measuring the quality of democracy (2011). Freedom House classifies countries into three categories “free”, “partly free”, or “not free”, based on political rights and civil liberties as a measure (Puddington, 2012). On the other hand, Economist Intelligence Unit, bases its classification on “electoral process and pluralism; civil liberties; the functioning of government; political participation; and political culture”, and classifies countries into “full democracies”, “flawed democracies”, “hybrid regimes”, and “authoritarian regimes” (Economist Intelligence Unit, 2011). This paper will be using the Economist Intelligence Unit’s Democracy Index to measure the democratic nature of each governing structure. Each governing structure will be evaluated in regards to EIU’s minimum requirements, as mentioned above. Furthermore, when applicable, EIU’s classification of actual countries, using each model, will be provided.

Another criterion that will be used for measuring the suitability of a governing model for the “one-state” is political stability. There is no consensus on the best criteria

to use for measuring the political instability of countries. Both the Political Instability Task Force (PITF) and the Political Instability Index, by the Economist Intelligence Unit, use different measures. In this paper, PITF's model for measuring political instability will be used. PITF has an 80% accuracy rate in classifying countries as stable or unstable two years hence (Goldstone et. al., 2005). PITF uses four factors: "infant mortality rate"; "state-led discrimination"; "bad neighborhood"; and "regime type" (Goldstone et. al., 2005). For the Palestinian-Israeli "one-state", two of these factors will remain the same, irrespective of which governing structure is used. Therefore, the constant factors need not be included in our evaluation. These factors are the "bad neighborhood" and "infant mortality rate" factors. The odds at political instability for countries with infant mortality rate falling at the 75<sup>th</sup> percentile in the world are four to seven times higher than in countries at the 25<sup>th</sup> percentile. Similarly, the "bad neighborhood" factor contributes to political instability if "four or more bordering states embroiled in armed civil or ethnic conflict" (Goldstone et. al., 2005, 22). However, since the one-state solution, regardless of which governing structure is chosen, will have the same infant mortality rate and the same neighbors, then these factors do not need to be taken into consideration when comparing the different governing structures. Therefore, out of PITF's model for measuring political instability, only "discrimination" and "regime type" factors will be used to evaluate the suitability of the various possible governing structures for the one-state solution.

In addition, a few other reasons contribute to the value of focusing only on discrimination and regime type. First, "regime type" and "discrimination" vary depending on the governing structure and institutions put in place. Since this paper aims to display a

variety of possible governing structures for a “one-state” in Palestine and Israel, the focus of the evaluation should be on those governing structures. Second, according to PITF, the general conditions for determining the “vulnerability or resilience of a regime” “rest mainly on regime characteristics” (Goldstone et. al., 2005). PITF’s decade-long research found that “countries with state-led discrimination are more than twice as likely to suffer an outbreak of instability as countries without such discrimination” (2005). In other words, regime characteristics contribute greatly to the stability or instability of a country. PITF also found that the most stable regimes are “full autocracies”. “Full democracies” come at second with their odds at political instability 3 to 5 times higher. Finally, transitional or mid regimes, such as “Partial democracies” and “partial autocracies”, are less stable than full autocracies or full democracies. However, “partial democracies with factionalism” have an “odds ratios for instability...roughly an order of magnitude larger than the other regime types” (2005, 22). Therefore, the most politically instable governing structures are partial democracies in which factionalism is present.

Since Palestine and Israel are engaged in a deep-rooted ethnic and religious conflict, it is safe to assume that factionalism will play a factor in a “one-state solution”. Factionalism tends to happen “when political competition is dominated by ethnic or other parochial groups that regularly compete for political influence in order to promote particularist agendas and favor group members to the detriment of common, secular, or cross-cutting agendas” (Goldstone et. al., 2005). However, factionalism on its own does not contribute significantly to instability. PITF explains that, “Only about half of countries coded with factionalism develop instability in our data; thus knowing a country is factional in its political competition still gives you no better than a 50-50 guess about

its stability status two years hence” (2005). According to PITF, the combination of “high level of open competition for office”, especially in regards to the executive branch, and factionalism results in extreme “vulnerability to instability”. Furthermore, PITF explains that, “the combination of winner-take-all, parochial approach to politics with opportunities to compete for control of central state authority represents a power keg for political crisis”. Therefore, any governing structure for the Palestinian-Israel “one-state” needs to eliminate or minimize open competition for office.

Therefore, a suitable model for a Palestinian-Israel “one-state solution” needs to have three elements: (1) a full democracy, (2) a governing structure that minimizes factional, religious and ethnic competition for office, and finally (3) using an alternative approach to politics instead of a “winner-take-all” approach.

## **Governing Structures for Deeply Divided Societies**

Smooha (2001) categorizes the possible governing structures for deeply divided societies into three main categories: civic democracies, quasi- or non-democracies, and ethnic democracies. Each category has a few governance models of its own.

### **Ethnic Democracies, Quasi- and Non-democracies**

In the quasi or non-democratic category, Smooha lists three different models: control, Herrenvolk democracy, and ethnocracy.

The “control” model is based on Ian Lustick’s system of control model, which

was developed to explain the acquiescence of Arab-Israelis<sup>2</sup> despite their dissatisfaction with the Jewish state (Smootha, 2001; Lustick, 1980). The system of control is a mechanism used by the dominant group to control the state's resources and ensure the continued subordination of other groups (Lustick, 1979). Lustick's system of control is composed of three components – segmentation, dependence, and cooptation – and the network of relationships between them, which helps perpetuate the system (Lustick, 1980). “Segmentation” refers to the internal fragmentation of the minority group and its isolation from the dominant group and from the state's political, social, and economic institutions. Dependence refers to the economic dependence of the minority group on the majority group. Cooptation refers to the system of side payments made by the state to the minority elites (or potential elites) in order to maintain surveillance over the minority population (Lustick, 1980). This system, Lustick argues, was used by Israel to control its Palestinian minority, immediately after the establishment of the state (1980). Pappé (2011) argues that even after the abolition of the military government in 1966, the essence of control remained intact. He argues that the Military Government was replaced by a “web of new legislation and rules on the ground which were meant to ensure segregation, obedience and co-optation, but which displayed a willingness to consider

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<sup>2</sup> Arab-Israelis are the Palestinian citizens of Israel who remained in the territories on which Israel was established. Throughout this paper, they may be referred to as Arab-Israelis or Palestinian citizens of Israel. There are multiple issues associated with the identity of the Palestinian citizens of Israel. There is also no consensus in on the terminology preferred by the Palestinian citizens of Israel. However, recent studies show that Palestinian citizens of Israel are shifting more towards identifying as “Palestinian” than as “Arab-Israeli”. From 2003 till 2009, the percentage of Arab-Israelis identifying as “Palestinian, Palestinian Arab” increased, whereas the percentage of Arab-Israelis identifying as “Arab, Israeli Arab, Arab in Israel, Israeli” decreased; in 2003, 53% of Arabs surveyed identified as an Israeli-Arab, in 2009 only 32% identified as such; in 2003, 5.5% of Arabs surveyed identified as “Palestinian” as opposed to 17.5% in 2009 (Smootha, 2010). Moreover, according to the International Crisis Group, the Palestinian citizens of Israel internally refer to themselves as “Palestinian”, even though official Israeli documents refer to them as “Arab citizens of Israel” or “minorities” (2004). However, throughout this paper, I will alternate between referring to them as Arab-Israelis and Palestinian citizens of Israel, to eliminate confusion when the discussion is in regards to Palestinians in the occupied Palestinian territories and those who are citizens of Israel.



some improvements in the general conditions of life” (Pappé, 2011; 97).<sup>3</sup> Therefore, the “control” model can be used to control minority groups by mechanisms that ensure their continued fragmentation, dependence, and cooptation.

Klein (2010) argues that Israel currently maintains a system of control in the West Bank, which it established in 2000-2002. He claims that this system of control resembles the one used against Arab-Israelis during military rule, from 1948 till 1966, though is fundamentally different. The main difference, he states, is a “combination of a much greater number of settlements and settlers, scattered more widely, with the military measures taken to battle the armed Palestinian uprising” (2010, 89). However, the settlers, settlements, and military measures (i.e. check points, separation wall, and thousands of soldiers) are still being used to fragment the Palestinian population, ensure its continued economic dependence on Israel, thus making elite-cooptation and population surveillance easy, which, in turn, perpetuates the fragmentation and dependence of the Palestinians. Therefore, it can be argued that a “one-state” arrangement, based on the “control” model, already exists in Palestine and Israel.

Based on Klein’s (2010) analysis, this system of control is composed of the settlements, the settlers, the military, the system of checkpoints, and the network of roads designated for exclusive Israeli-use. A “one-state” solution, based on this model, would require that these measures remain intact and continue to fragment the Palestinians and ensure their economic dependence on Israel. Lustick does not consider the system of control to be a stable governing structure, especially when compared to consociational

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<sup>3</sup> In this regard Pappé states that “in general the legislation had the appearance of guarding the rights of the Palestinians in Israel, but it formed a matrix of power that contained the Palestinians within glass walls, which they could only hope to break through if they were willing to be converted to Judaism”

and liberal democracies (Smootha, 2001; Lustick, 1979). He argues that a system of control may be preferred, and only temporarily, in specific situations where the only alternative is “chaos and bloodshed” (1979). Since the stability and the desirability of this model are in question, it casts doubts on its suitability as a solution for the Palestinian Israeli conflict.

Based on our evaluation criteria, we can quickly dismiss this governing structure as an unsuitable model for the “one-state solution”. This system is undemocratic with obvious discrimination against minority groups. The government is not necessarily based on majority rule but rather on power-rule. Furthermore, the system is maintained not due to the consent of the governed but rather due to their acquiescence. Free and fair elections may exist for the dominant group but do not exist for the controlled groups. Controlled groups are rather manipulated by co-opted elites, who are given minimal privileges in order to ensure the minority vote (Lustick, 1980). The system severely hinders the minorities’ physical movement, political organization, social wellbeing, and economic survival. Furthermore, the system of control does not provide for equality before the law, due process or political pluralism, rather it places minority groups under military rule or delegates the responsibility of dealing with minority groups to special state institutions established specifically for that purpose; thus, guaranteeing that a special set of laws and policies are being applied to the minority group to ensure its continued fragmentation, obedience and cooptation. Therefore, this possible, or already existing, “one-state” model is not suitable for a “one-state solution”.

A Herrenvolk democracy model was introduced by Van den Berghe and has been applied to apartheid South Africa and pre-civil rights U.S. South or the United States as a

whole (Smootha, 2001; Vickery, 1974). A Herrenvolk democracy is defined as “a democracy for the master race, formally excluding other groups” (Smootha, 2001, 20), which is not a democracy. Benvenisti argues that post-1967 Israel, by de-facto annexation of the West Bank, has become a Herrenvolk democracy in which the ruling class and power is reserved for one ethnic group (Benvenisti, 1987; as cited in Lustick, 1993, 18; Smootha, 2001). Smootha, however, considers Benvenisti’s classification of Israel as a Herrenvolk democracy “erroneous” due to international recognition of Israel’s rule in post-1967 areas as an occupation; thus, he argues that extending citizenship rights to Palestinians in post-1967 areas is “pointless” (Smootha, 2001, 21). Peled and Navot (2005) agree that Israel’s “control system”, within its post-1967 borders, can be considered a Herrenvolk democracy because over 40% of the residents do not enjoy any citizenship rights. However, they maintain that the discussion on Israel’s democratic nature is only “meaningful” within its pre-1967 border, therefore, distinguishing between Israel proper and Israel’s occupation (2005). Kimmerling warns, on the other hand, that if Israel does not deal with the issue of its “territorial frontier” then Israel’s society may become a Herrenvolk democracy (1989, 280).

If Israel officially annexes the West Bank and Gaza Strip, without granting Palestinians political rights, then the governing structure with no doubt can be considered a Herrenvolk democracy. Smootha’s rebuttal of Benvenisti’s claim, that Israel is a Herrenvolk democracy, was limited to international recognition of the West Bank and Gaza Strip as occupied land and the Palestinians desire for autonomy (Smootha, 2001, 21). Similarly, Navot and Peled (2005) advocate for the distinction between Israel proper and Israel’s occupation when evaluating the Israeli democracy. However, they concur

that Israel's rule over the West Bank and Gaza constitutes a Herrenvolk democracy. Therefore, the Herrenvolk democracy model can be applied to the "one-state" solution in two ways. First, Israel could officially annex the occupied Palestinian territories, without granting the Palestinians citizenship rights. Or the international community could begin viewing the occupied Palestinian territories as part of Israel and not as occupied land. Both of these scenarios would result in a Herrenvolk democracy, if Israel doesn't resolve the problem with its undefined territorial boundaries, as Kimmerling warned. Lustick views the "Herrenvolk democracy" as a form of the "control" model, which as mentioned earlier, he considers neither desirable nor stable. Furthermore, Smootha concurs that Herrenvolk democracies are undemocratic, unstable, contrary to international norms, and should not be recommended as a temporary or permanent solution for any deeply divided society (1997; 2001).

Similar to the control model, a Herrenvolk democracy can be quickly dismissed as unsuitable for a Palestinian-Israeli "one-state" solution. The government of a Herrenvolk democracy is based on the rule of the primary race and not on a majority rule or the consent of subordinate groups. Free and fair elections do not exist for subordinate groups. There is no protection of minority rights but rather the protection of the primary race or group. Furthermore, the structure of the government is designed to ensure the continued dominance of one group over others, therefore equality before the law, due process and political pluralism, tend to be non-existent in a Herrenvolk democracy. Therefore, a Herrenvolk democracy model of governance is not suitable for a Palestinian-Israeli "one-state" solution.

The last model included in Smootha's "non- or quasi- democratic" category is the "ethnocracy" model. Ethnocracy is a term developed by Yiftachel to describe ethnic democracies. Smootha and Yiftachel disagree on the categorization of ethnic democracies on the democratic/non-democratic spectrum. Yiftachel argues that ethnic democracies (what he calls ethnocracies) should not be considered democracies (Yiftachel, 2000). Whereas, Smootha argues that ethnic democracies should be considered democracies, though "deficient" democracies (2001). Smootha categorizes ethnic democracy in its own category and not as part of the quasi- or non-democracies. For the purpose of this paper, a brief overview of the debate on ethnic democracies will be provided, followed by an application of the model to the one-state arrangement.

Yiftachel defines ethnocracy as "a specific expression of nationalism that exists in contested territories where a dominant ethnos gains political control and uses the state apparatus to ethnicize the territory and society in question" (2000, 730). Furthermore, ethnocracies attempt to "incorporate diasporic coethnics", which "results in the blurring of state borders" (Yiftachel, 2000, 731). Ghanem, Rouhana and Yiftachel argue that blurred state borders violate a basic principle of democracy, which is the existence of "demos" – "an inclusive body of empowered citizens within a given territory" – as opposed to "ethnos" – membership based on origin (Ghanem et al., 1998, 260-261). Concluding that in a democracy the state should "belong to *all* its citizens and *only* to those citizens" (261). Yiftachel further describes ethnocratic regimes as having a "duality": a democratic image but an undemocratic state logic. He demonstrates this by looking into the *features* versus the *structure* of ethnocracies. He argues ethnocratic regimes have some democratic features (such as regular elections, free media, and

autonomous judiciary) but maintain an undemocratic structure promoting the dominance of one ethnic group over territory and public institutions (2000). Similarly, Ghanem argues that ethnic democracies are not democratic because they violate fundamental principles of democracy such as “equality before the law and freedom for all citizens” (Ghanem, 1998, 431). Ghanem, Rouhana, and Yiftachel (1998) urge scholars not to consider ethnic democracies democratic. They warn that, since “ethnic democracies” do not allow for a path for “civil equality”, accepting their categorization as democratic might lead to the acceptance of “constitutional and institutional inequality” as part of democratic systems, which have always been based on civil equality (1998, 264).

Smootha, on the other hand, considers ethnic democracies democratic. He urges scholars to consider ethnic democracies as democratic but distinct from “civic democracies” (2001). He defines an “ethnic democracy” as “a democratic political system that combines the extension of civil and political rights to permanent residents who wish to be citizens with the bestowal of a favored status on the majority group” (2001, 24). The regime is founded on two basic principles, which have an “inherent contradiction”, these principles are the “democratic principle” (i.e. equality) and the “ethnic principle” (i.e. ethnic inequality, preference, and dominance). Smootha categorizes ethnic democracies as “deficient” democracies due to the lack of civil and political equality among the groups. Peled (1992) seems to support Smootha’s argument that ethnic democracies are in fact democratic and can serve as a model for ethnic groups who wish to be democratic while maintaining their dominance.

There are two main distinctions between Yiftachel and Smootha’s models. The first is the presumed sincerity of the “democratic features” of the ethnic regime. Yiftachel

(2000) considers the democratic features of the regime a façade, whereas, Smooha (2001) contends that the democratic framework of ethnic democracies is real. The second distinction between the two views is the presumed stability of the regime. Yiftachel considers an ethnocracy to be an “unstable regime, with opposite forces of expansionism and resistance in constant conflict” (1999, 368). Smooha, however, believes that ethnic democracies can be stable if they meet specific conditions (2002, 2005). Furthermore, he argues that ethnic democracies prevent instability and preserve the status quo by imposing restrictions and limitations on the minority groups (2001). Ghanem proposes viewing ethnic democracies as “moving along a continuum, between the poles of democratisation and ethnicisation”, in which state decisions and policies are made in reaction to crises rather than in accordance with a specific agenda (or by “design”) (2009, 464). If ethnic democracies are viewed as moving along the continuum proposed by Ghanem, then the stability of this model, depending on the practices and policies of the state, is also dynamic.

This model can be applied to the “one-state solution” by extending citizenship rights to Palestinians in the occupied territories, while preserving the Jewishness of state. Similar to the Palestinian citizens of Israel, Palestinians would be granted a second-class citizenship without full equality. Jewish citizens would remain the dominant group and the ethnic state will work to maintain their dominance. Smooha provides four conditions for the continued stability of Israel as a Jewish and democratic state (2002; 2005). These conditions are: a permanent Jewish majority in Israel, a constant sense of threat to the survival of the Jewish people, continued inability or unwillingness of the Arab world or the Palestinians to intervene on behalf of the Arab minority (or in the case of a “one-

state” the inability or unwillingness of the Arab states to intervene on behalf of the Palestinian people), and finally a lack of interventions by international entities on behalf of the Palestinians. Based on this, it seems that the stability of a “one-state” is unlikely, if based on the ethnic democracy model.

The most difficult challenge for an ethnic one-state in Palestine and Israel would be maintaining a “permanent Jewish majority”. The Palestinian population in the West Bank, including East Jerusalem, and Gaza, is approximately 3.8 million, according to a 2007 census by Palestine Bureau of Statistics and to the CIA’s World Factbook figures. Israel’s population, in 2008, was approximately 7.5 million according to Israel’s Central Bureau of Statistics of which 5.7 million are Jewish. This means that the percentage of Jews in a state combining the West Bank, Israel, and Gaza would be 50.4% of the total population; whereas, non-Jews would comprise the remaining 49.6%. Palestinians and Arab-Israelis would comprise about 47.1% of the total population.<sup>4</sup> Ethnic democracies can ensure the dominance of their preferred ethnic-groups by using “certain mechanisms”, such as immigration laws and policies (Smoooha, 2002, 479). Therefore, the ethnic “one-state” would need to ensure continued Jewish immigration to Israel, lower non-Jewish birthrates, and a no return policy for the Palestinian refugees. However, these measures might not be enough to ensure the permanency of the Jewish majority. The Palestinian citizens of Israel are a point in case.

Palestinians citizens of Israel are viewed as a demographic time bomb, leading

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<sup>4</sup> There are 1.2 million Palestinian citizens of Israel, not including East Jerusalem and Golan residents, according to Adalah (2010) citing the Israeli Central Bureau of Statistics (CBS), Statistical Abstract of Israel 2009, No. 60, Tables 2.2, 2.8, 2.10.



public figures to openly discuss their “transfer” out of the state.<sup>5</sup> What is more alarming is the wide public support for their “transfer”. In 2009, 72% of Jewish Israelis surveyed were in favor of “encouraging voluntary emigration of Israeli Arabs from Israel”, in 2001 this figure stood at 50% (Meir et. al., 2010). On the other hand, the support for “equal rights” for Arab Israelis dropped from 70% in 2005 to 56% in 2009 (Meir et. al., 2010). This seems to be representative of the deteriorating relations between Palestinians in Israel and the Jewish majority. Smootha (2001; 2005) asserts that in ethnic democracies minorities might become disloyal due to the fact that they are not fully included in the state and do not possess a sense of belonging to the state. Therefore, ethnic democracies create a situation where neither the majority group wants the minority group to be included nor does the minority group feel a sense of belonging or loyalty to the state. Rouhana and Ghanem (1998) warn that the relationship between Israel and its Palestinian minority is headed towards a crisis, which can manifest itself in a mass non-violent struggle for equality or through violence from both sides. Yiftachel (1996), on the other hand, seems to believe that Israel’s ethnic democracy, with the Palestinians slowly achieving more rights, will eventually turn into a consociational democracy.

Smootha himself recommends ethnic democracies be “conceived as a temporary necessity, a form that later could and should change to a more acceptable type” (2005, 41). He explains that an ethnic democracy can be viewed as a democratic regime providing “affirmative action” to the majority group, whose “titular nations” are small and have endured “historical repression”. When the circumstances change and the

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<sup>5</sup> Ideas of transfer were mainly heard by right wing Knesset members like Benny Elon, minister of tourism, who called for “voluntary transfer” in an interview with Ha'aretz, on February 7, 2002 and by Avigdor Lieberman who stated in an interview with Ha'aretz, on April 19, 2002 that “There is nothing undemocratic about transfer”.

preferred ethnic group feels safe and secure then, Smootha asserts, “the temporary restrictions, discriminations and exclusions against the minority will be unjustified and stopped” (2005, 41). Thus, in other words, this governing structure cannot be considered as a permanent solution to a conflict, but rather it could be conceived as a first step towards a more permanent governing structure.

According to the Economist Intelligence Unit Democracy Index (2011) Israel is a “flawed democracy”; a finding consistent with Smootha’s labeling of an ethnic democracy as a “deficient” democracy. Other examples of ethnic democracies and ethnocracies include Malaysia, Sri Lanka, Estonia, Latvia, Slovakia and Serbia, all of which are categorized as flawed democracies. As mentioned earlier, the Political Instability Task Force found that “partial democracies with factionalism” have much higher odds at instability than full democracies, full autocracies, or partial autocracies, with factionalism (Goldstone et. al., 2005, 22). Thus, a governing structure, based on the “ethnic democracy” model, will produce neither a full democracy nor a stable one. Therefore, a governing structure based on the “ethnic democracy” model is not suitable for a Palestinian-Israeli “one-state” solution.

### **Civic democracies**

According to Smootha, the “civic democracy” category includes four different models of which the centerpiece of the society is the citizen. In ethnic democracies the centerpiece of the society is the ethnic nation (Smootha, 2001). The four models of civic democracy are individual liberal democracy, republican liberal democracy, multicultural democracy, and consociational democracy.

The most important distinguishing characteristic of an individual liberal democracy, as described by Smooha, is the status of the individual in regards to the state and the complete disregard for collective identities. The individual, Smooha explains, is the centerpiece of the society, his ethnicity is privatized, and as long as she/he does not infringe on other people's rights or violate "universal" norms, then she/he is considered to be autonomous and free. According to Smooha, in this model, both the nation and the state are subservient to the individual. The nation is regarded as a "civil, legal and territorial nation" in which *all citizens* are immediately accepted as part of the nation (2001). The state does not affiliate itself with any ethnic, lingual, or cultural group. Furthermore, the state remains neutral and ensures equal opportunity for all its citizens. Finally, under this model members of different ethnic groups are allowed, and encouraged, to mix and intermarry. Ethnic groups, however, can still maintain separate existence, intra-marry, and create their own institutions but at their own expense. Smooha notes that the main criticism of an individual liberal democracy model is its disregard for communities. Furthermore, there has never been an actual application of this model and it exists mostly in academic writings. Thus, Smooha labels this model as "purely normative" (2001). He explains that, "a state in individual liberal democracy that pretends to be truly neutral to group differences and to treat all individuals equally simply does not exist" (2005, 41). Rather the "actual" form of a liberal democracy is the "republican" model and not the "individual" one (Smooha, 2002, 424). In other words, countries that attempt to have an individual liberal democracy model generally end up with a republican liberal democracy.

Similar to individual liberal democracy, the republican liberal democracy model

provides equal individual rights but not collective rights. Each citizen belongs to a specific lingual, cultural, or ethnic community, but all citizens belong to the “super community”, which is the nation-state (Smootha, 2001, 13). Unlike individual liberal democracy, the state, in a republican individual democracy, identifies itself with a specific language and culture. In this sense, Smootha claims that, the state is “partial” because it imposes the language and culture of the dominant group on all other groups (2002, 483). This results in minority groups being pressured to assimilate into the dominant language and culture, making it difficult for these groups to maintain their own separate identities and existence (Smootha, 2002). In this model, non-assimilating groups are subject to “permanent discrimination”; Smootha cites the treatment of Muslim girls and Corsicans in France as an example (2001, 14). In sum, *full inclusion* into the nation-state is granted based on the individual’s acquisition of the state’s language, culture, and citizenship, irrespective of ethnicity, religion, or race (Smootha, 2001). France and Denmark are examples of a republican individual democracy. According to the Economist Intelligence Unit Democracy Index, Denmark is a “full democracy”, whereas France is a “flawed democracy”. Therefore, a republican liberal democracy has the capacity to produce both a flawed democracy and a full democracy. Therefore, the main focus of evaluating the suitability of this model to a Palestinian-Israeli “one-state” will be based on the element of political stability.

If this model was used for the Palestinian-Israeli “one-state”, then either Jews or Palestinians will have to succumb to the other, assimilate into their culture, or endure discrimination. Smootha argues that at least in an ethnic democracy model, minority groups are allowed to maintain their separate existence and identity (2002, 483).

However, in a republican liberal democracy, the state is identified with a specific language and culture without offering any protections to other languages and cultures. Furthermore, the republican liberal model allows for change in which all eligible to vote citizens are expected to participate in the political process (Smootha, 2001). This can allow for high competition between ethnic, lingual, and cultural groups who may wish to change or maintain the status quo to serve their group's interests. However, in a highly factionalized society, such as a Palestinian-Israeli "one-state", open competition can be dangerous. As mentioned above, PITF warns against governing structures that combine open competition, for control of the central government, and a "winner-take-all" approach to politics, referring to it as a "power keg for political crisis". Furthermore, competition over control of the state's apparatus will be high, especially in a Palestinian-Israeli one-state, due to close population-sizes, a violent past, and distrust between the two dominant groups. Therefore, a republican liberal democracy in Palestine and Israel may lead to a political crisis in which each group attempts to gain control of the central government in order to further its own group's interests and political aspirations. This may even lead to the state's national culture and official language constantly changing between Arabic and Hebrew, depending on which group is in power.

Another criticism of republican liberal democracy, which is applicable to the Palestinian-Israeli conflict, is its high sense of nationalism. Van den Berghe (2002) asserts that since nation-states gain their legitimacy by identifying themselves with the nation, they inherently exclude all others, or non-nationals, from citizenship and political rights. Furthermore, he warns that there is a "lethality" in nationalism – the ideology of nation-states – which either produces assimilation or exclusion of minority groups, in

which exclusion “carries the seeds of genocide” (2002, 437).<sup>6</sup> Gellner seems to agree that nationalism requires ethnically homogenous territories adding that, “not all nationalisms can be satisfied, at any rate at the same time. The satisfaction of some spells the frustration of others” (Gellner, 1983; 2). He further argues that ethnic homogeneity can only be accomplished either by killing, expelling, or assimilating all non-nationals (Gellner, 1983; 2). Thus applied to the one-state idea, the two nationalisms, Jewish and Palestinian, might be in direct and constant competition over the control of the state’s resources, language, culture, and symbols, leading to the possibility of state-sponsored violence.<sup>7</sup> Therefore, a republican liberal democracy is not a suitable model for the Palestinian Israeli “one-state solution”.

Another model of civic democracy is multicultural democracy. Multicultural democracy differs from liberal democracy<sup>8</sup> in that the state is not wielded to the nation-state ideology of which liberal democracy is built on (Van den Berghe, 2002). A multinational democracy separates the state from the nation and recognizes that the state is not “ethnically homogenous” (Van den Berghe, 2002, 437). This recognition, in theory, should eliminate the dangers of nationalism (as listed above). Multicultural democracies do not consider ethnic homogeneity as necessary. This model is characterized by “the agreement to disagree” (Van den Berghe, 2002) from which stems its tolerance towards

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<sup>6</sup> Gellner, in his book *Nations and Nationalism*, defines nationalism as “a political principle, which holds that the political and the national unit should be congruent” (Gellner, 1983, 1). Gellner argues that Nationalistic movements require that “ethnic boundaries should not cut across political ones” and that the existence of non-nationals forms a threat to the survival of the nationalistic movement (Gellner, 1983, 1-3). Moreover, Gellner argues that not all nationalisms can be satisfied at once<sup>6</sup> and therefore nationalism, for their fulfillment, can require ethnically homogenous territories, which can only be accomplished “if it either kills, expels, or assimilated all non-nationals” (Gellner, 1983, 2).

<sup>7</sup> Van den Berghe argues that “[a]ny move in the direction of denationalising the state is a step away from harnessing state violence in the service of ethnic intolerance” (2002, 437)

<sup>8</sup> Since individual liberal democracy does not exist, the term liberal democracy will be used to describe republican liberal democracy, the only form of liberal democracy that actually exists.

diversity (Smootha, 2001). Furthermore, in a multicultural democracy, in addition to individual civil and political rights, cultural communities are recognized and supported by the state, in which the state maintains neutrality in regards to the diverse minority groups (Van den Berghe, 2002; Smootha, 2001). This allows for the individual to belong to the state, as a super-community, and to his/her particular community, without the pressure of assimilation (Smootha, 2001). However, it is important to note that a multicultural democracy recognizes state diversity but does not institutionalize “communities and collective rights” (Van den Berghe, 2002, 445). In other words, the state “does not have any explicit and binding institutional arrangements of proportional representation, mandatory coalition governments, statutory ethnic autonomy, minority veto rights on vital matters, and avoidance of majoritarian decision-making”, as in consociational arrangements (Smootha, 2001, 17). Van den Berghe (2002) argues that the institutionalization of “communities and collective rights” causes distinctions between the communities, which leads to anger, resentment, and competition between the groups. Smootha argues that institutional arrangements of recognizing communities and collective identities lead to “endemic disputes, stalemate and mediocrity”, which he attributes as characteristics of consociational arrangements (2005, 17). Therefore, in theory, multicultural democracies offer minorities and individuals the same protections of liberal and consociational democracies without the negative consequences of these models, such as assimilation or division.

However, this model faces the same criticism as the individual liberal democracy model; there are currently no actual examples of countries instituting this model of governance (Van den Berghe, 2002). Van den Berghe (2002) argues that in practice

Multicultural democracy worked well in two different settings of which neither is a modern democracy. These examples, however, can provide a possible model for the development of modern multicultural democracies. These two settings are pre-modern empires and pre-industrial city-states. Empires, to lower the cost of their hegemony, allowed their subjects to have cultural, linguistic and religious autonomy. Similarly, city-states enjoy a multicultural community due to the high immigration of diverse groups to the city-states. These city-states, such as Rome, Alexandria, Cairo, Istanbul, and Paris were “towers of Babel [multilingual] with established communities of foreigners” (Van den Berghe, 2002, 446). Van den Berghe argues that there are, however, modern states (i.e. the United States, Canada, the United Kingdom, Netherlands) that are headed in a multicultural direction. Smooha (2001) argues that the structure of post-apartheid South Africa’s federal government is a good example of multiculturalism in which the government is officially multilingual and multicultural and where minority groups have veto power on changes to the constitution. Van den Berghe (2002) provides the example of India, which he labels as the inventor of multiculturalism, in which multicultural democracy has helped stir divisions and violence among groups. However, many scholars have argued that India’s governing structure is in fact a consociational democracy (Lijphart, 1996). Interestingly, it can be argued that a consociational democracy is the actual form of a multicultural democracy. Therefore, it seems that multicultural democracy falls in the same category as individual liberal democracy in which the “actual” form of the system is not one in the same as its “theoretical” form.

Nonetheless, in exploring possible models for the “one-state solution”, the issue of factionalism in deeply divided society is pertinent. Can a multicultural democratic



system of governance work well in maintaining peaceful existence between antagonistic state factions? Van den Berghe argues that, “[multicultural democracy] is a self-defeating instrument for reducing invidious group differences, and should be clearly recognised as such” (2002, 440). It is questionable whether a governing structure can produce stable peaceful co-existence without some measures for reducing invidious group differences. Kelman (2010) argues that political arrangements or agreements that do not produce an improvement in intergroup-relations, which he refers to as a “conflict settlement”, are not “a negligible achievement in a violent and destructive relationship with escalatory potential”. Ensuring peace<sup>9</sup> and adherence to the terms of agreement, in conflict settlements, relies heavily on population surveillance carried out by the parties themselves, outside powers, and international organizations (Kelman, 2010). Therefore, political arrangements that do not reduce invidious group differences do not produce sustainable solutions.

Van den Berghe (2002) provides prescriptive recommendations for three problems – language, immigration policy, and diversity – he identifies as part of a multicultural democracy. However, these recommendations do not really result in a solution, at least in the case of a Palestinian-Israeli “one-state”. First, Van den Berghe argues that the “wisest language policy is that which is implicit and unofficial” (443). The use of a language, since a specific language needs to be used, should be determined based on the “market place of utility, status and advantage” and not by a state policy. He further asserts that there is “no need for any state to declare either a bilingual or a monolingual policy”. However, if we apply this to a Palestinian-Israeli state this might be

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<sup>9</sup> Peace here defined as lack of violent conflict.

extremely problematic and cause a great disadvantage to the Palestinian citizens. Israel's economy is, with no doubt, superior to the Palestinian economy. Israel's policies towards its Arab citizens and its occupation of the Palestinian territories has resulted in a Palestinian population that is economically dependent on the Jewish sector.<sup>10</sup> If the language were being determined based on the market place of utility, then the Palestinian population would be at a disadvantage due to their inability of operating in the more prosperous economic markets due to the dominance of Hebrew there. Furthermore, it may lead to the disappearance of the Arabic language. Saban argues that "economic, cultural, and other pressures the majority exerts to induce the minority to adopt and master the majority's language are likely to erode the language of the minority, unless special protective measures— primarily, group-differentiated rights—are taken to protect the minority's linguistic environment" (2004, 906). Furthermore, state laws and official document need to be written in a specific language or languages. Kymlicka argues "the state can (and should) replace the use of religious oaths in courts with secular oaths, but it cannot replace the use of English [or a language] in courts with no language" (1996, 110-111). In Israel, the language used to write the law, makes a difference in the interpretation of the law. The Interpretation Law, 1981, states that, "the authoritative version of any law is the version in the language in which it was enacted" (Saban, 2004, 932). Laws in Israel are enacted in Hebrew, thus giving the Hebrew language a superior status to that of the Arabic language, even though both are official languages of Israel (Saban, 2004). In a Palestinian Israeli state this will create competition over language usage in official

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<sup>10</sup> For status of Arab-Israelis in Israel, see Pappé (2011), Lustick (1980), "Inequality Report: The Palestinian Arab Minority in Israel" (Adalah, 2011), and "The Equality Index of Jewish and Arab Citizens in Israel" (Haider, 2010). For economic consequences on oPts, see ECOSOC Resolution 2006/43, Sayigh (1986), Human Rights Watch Report "Separate but not Equal" (Van Esveld, 2010).

government laws and policies. Therefore, an “implicit and unofficial” language policy will prove problematic to the Palestinians, or even the Jews, and even to the one-state as a whole.

Second, Van den Berghe argues that, there is an “interest-based contradiction between the liberalism implied in multiculturalism and that inherent in freedom of international movement”. He argues that the promotion multiculturalism and diversity seems to promote an open-border policy but in reality many elements of the state are opposed to such policies. Therefore, the issue of liberalizing immigration, in multicultural democracies tends to be intentionally not discussed – in order to avoid conflict. In a Palestinian-Israeli one-state, the issue of immigration will play a huge factor. Israel is committed to the “ingathering of the exiles”, which is a policy to allow Jewish immigration to the holy land. Palestinians, on the other hand, are committed to the “right of return” of the Palestinian refugees. Therefore, the luxury of not discussing immigration policies will not be granted to the Palestinian-Israeli one-state. In fact there would be a need for this one-state to have a consistent immigration policy to accommodate both of these needs. Therefore, not discussing immigration policies will not create a permanent solution to the conflict that may arise in regards to the immigration issue. In fact it only temporarily buries it beneath the surface.

Third, Ven den Berghe identifies two forms of multicultural democracies, a minimalist and a maximalist. Ven den Berghe (2002) considers the maximalist form problematic because it celebrates diversity by providing “special recognition and support to disadvantaged minorities”. This, he argues, is not only costly on the state apparatus but also generates a backlash from other groups. He uses affirmative action in the United

States as an example of the failure of such policies. He does not, however, provide an alternative to affirmative action for dealing with the disadvantages of some minority groups that exist today due to previous discriminatory state policies. As mentioned above, a Palestinian Israeli “one-state” will not have two equal groups but rather an economically superior group and a disadvantage group. Therefore, support to disadvantage minorities is a necessity for producing a society of equal individuals.

The last model of civic democracies is consociational democracy, which was developed, and labeled as such, by Aaron Lijphart. Smoocha defines consociational democracy as a system in which “ethnic groups are recognized by the state and given all the necessary conditions, such as separate communities, language rights, schools and mass media, to preserve their separate existence and identity” (2001, 15). Consociational democracies operate through a variety of mechanisms, including grand coalition (also known as power-sharing, coalition government, and an elite cartel), mutual veto, proportionality, and segmental autonomy (Lijphart, 1969; 1979; Smoocha, 2001).

Lijphart (1979) explains that the two most important elements of these four are the grand coalition and the segmental autonomy. He defines the grand coalition as a coalition made up of the political leaders (or political elites) of all the different groups (or segments of society) jointly governing the country. Lijphart (1969) argues that the political elites of the grand coalition play an essential role in maintaining stability; they can play a role in which they either aggravate or alleviate the tensions among the groups. Furthermore, Lijphart argues that consociational democracies are not necessarily about the institutional arrangements of the state as much as they are about the “deliberate joint effort” by the elites to stabilize or maintain the stability of the state (212). Segmental

autonomy is defined as the delegation of decision-making authority, as much as possible, to the various segments of society (Lijphart, 1979). In other words, it advocates for minorities to govern themselves in regards to internal issues specific to that minority group only. However, the decision-making authority to issues that are of common interest to all groups is delegated to the grand coalition (Lijphart, 1979). Lijphart concludes that the “ideal” consociational arrangement is one that “maximizes both the segments’ power in the area of common concerns and their freedom to organize their own affairs autonomously” (1979, 500).

The other two elements of consociationalism offer added guarantees and protections to minority groups. Minority veto power provides a protection to minority groups against being outvoted in issues of vital interest to them. Proportionality “serves as the basic standard of political representation, civil service appointments, and the allocation of public funds”, which is a protection against the “winner-take-all” character of majoritarian rule (Lijphart, 1979, 501). Lijphart acknowledges that consociational democracies may violate the principle of majority rule found in most democracies but he justifies this violation by stating that in deeply divided societies decisions, which are perceived to have high stakes, need more than the “simple majority rule” (1969, 214). Elazar argues that consociational democracies do not violate majoritarian rule but rather operate under the concept of “concurrent majorities” of the various ethnic groups, which requires “the systemic building of a more substantial consensus than is the case in simple majoritarian systems” (1985, 19). He further argues that consociationalism (in addition to federalism) “originated in the effort to establish democratic republics, an effort that reflected the political wisdom that popular government is not only not enhanced by

simple majoritarianism but is often defeated by it, since civil society in a democracy is both complex and pluralistic, and both its complexities and pluralism must be properly accommodated in and by the polity” (32-33). Therefore, the four elements of consociationalism, although they may deviate from the simple majority-rule principles, are design to allow the various segments of society to cooperate on resolving issues of mutual interest to them, while maintaining a high level of autonomy – without the threat of being left out of essential decision-making processes or of allocation of state apparatus and resources.

Lijphart (1969) identifies four factors that are necessary for a successful consociational democracy. These factors are:

1. The elite’s ability to “accommodate the divergent interests and demands of the subcultures”
2. The elite’s ability to “join in a common effort with the elites of rival subcultures”
3. The elite’s “commitment to the maintenance of the system and to the improvement of its cohesion and stability”.
4. The elites “understand the perils of political fragmentation”

Furthermore, Lijphart (1969) identifies conditions that are favorable to the establishment and maintenance of consociational democracies. These conditions fall under three main categories. The first is the “inter-subcultural relations at the elite level”. This category has four factors; (1) the existence of an external threat, or threats, to the country; (2) the existence of a “multiple balance of power among the subcultures”, rather than the

dominance of one or two subcultures; (3) “relatively low total load on the decision-making apparatus”, including the burdens of foreign policy; (4) “the length of time the consociational democracy has been in operation”, which he argues that time leads to inter-elite cooperation becoming “habitual”.<sup>11</sup> The second category is “inter-subcultural relations at the mass level”. This category asserts that “distinct lines of cleavage” are conducive to consociational democracy and its stability. This is because scarcity of intergroup contact minimizes the opportunities for violent conflict (Lijphart, 1969). Finally, the third category is “elite-mass relations within each of the subcultures”. This category has three factors; (1) “a high degree of internal cohesion of the subculture”; (2) “an adequate articulation of the interests of the subcultures” by the elites; (3) “widespread approval of the principle of government by elite cartel”.

Lijphart’s list of requirements and conditions is evidently mainly focused, with a few deviations, on the role of the “elites”. All four requirements rely on the elites’ abilities to effectively carry out specific actions or their commitment to the concept of consociationalism. Similarly the majority of the conditions provided, also target the functions and duties of the elite cartel. This essentially places the pressures of the success of the consociational model not on the specific structure put in place but rather on the effectiveness of the sub-cultural elites. As Lijphart puts it, “consociational democracy is not so much any particular institutional arrangement as the deliberate joint effort by the elites to stabilize the system” (1969, 213). However, even though the list of conditions and requirements provided by Lijphart offer guidance, the lack of a specific recipe for

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<sup>11</sup> Lijphart does not list “the length of time the consociational democracy has been in operation” as one of three factors in the “inter-subcultural relations at the elite level” category. He does, however, argue that the length of operation time is, in fact, important for elite inter-subcultural relations.

success makes it difficult to assess whether or not consociational democracy if applied to a specific culture would be successful. Lijphart (1999) attributes this problem to the “stretchable” nature of the basic characteristics of consociational democracy, in which they can assume a variety of different forms. Executive power-sharing, he explains, can take the form of a grand coalition of ethnic or lingual groups in a parliamentary system (i.e. South Africa, Malaysia, and Belgium), a separation-of-powers system that represents all major groups (i.e. Switzerland) in a non-parliamentary system, or in a presidency on the basis of sharing in a specific structure the top governmental offices (i.e. Lebanon and Cyprus) or alternate groups each presidency term (i.e. Colombia). Therefore, consociationalism does not have one specific form but rather a variety of possible institutional structures.

Van den Berghe (2002) argues that the state recognition of any special rights to groups (i.e. cultural, lingual, religious, or ethnic groups) politicizes and perpetuates the divisions among these groups by offering “rewards” for organizing along division lines. He further asserts that these arrangements “frequently increase the isolation and marginalisation of these groups” (440). Smootha argues that these arrangements and special rights to groups are “conducive to endemic disputes, stalemate and mediocrity in consociational democracies” (2001, 17). However, Lijphart argues that there is “broad” agreement among experts that (1) democracy is more difficult to establish in deeply divided societies than in homogeneous societies, (2) group divisions are greater in undemocratic or not fully democratic societies than they are in established democracies, and (3) the “successful establishment of democratic government in divided societies requires two key elements: power sharing and group autonomy”, which are the two main



elements of power-sharing democracy (what he refers to as consociational democracies) (Lijphart, 2004, 97). Elazar argues that “consociational regimes tend to be the result of a compromise achieved out of necessity among camps which, if they had their way, would seek domination or elimination of each other but which have come to recognize that the internal balance of power in the polity does not permit that to happen” (1985, 28). Lijphart (1969) argues that since the formation of a “national unity government” in segmented societies has been the “appropriate” response to external threat, then the formation of a “grand coalition or an alternative form of elite cartel” is also the appropriate response to the internal threat of fragmentation hostilities (214 - 215). Lijphart further argues that, “power sharing [or consociational democracy] has proven to be the only democratic model that appears to have much chance of being adopted in divided societies” (2004, 97). Therefore, although recognition of group rights may lead to increased division along divisive lines, this seems to be the only possible or appropriate model for deeply divided societies.

Smootha (2001) mentions other criticisms of consociationalism as an unstable system in the long run, citing the failure of consociationalism in Lebanon and the problems in Belgium, Canada, and India as supporting evidence. Elazar (1985) agrees that consociationalism has failed in some instances, such as Lebanon and Cyprus, and is declining in others, such as Netherlands and Israel. He also concedes that the success of Belgium can be attributed to its shift towards a formal federation along territorial lines rather than due to its consociational arrangements. However, he argues that, “consociationalism appears to be a relatively transient arrangement”, which seems to “last for about two generations before giving way to some other form of regime” but, he

asserts, this seems to be a characteristic of other “democratic polities” as well and not limited to consociational arrangements only (1985, 31). He argues that, “it seems that the moment enough people in the polity are no longer committed to the various camps, the consociational regime itself loses all meaning for them. Indeed, it becomes dysfunctional in their eyes—an artificial barrier to equal opportunity, access, and representation”. Thus he concludes that consociational democracies “are means of reconciliation but cannot be ends in and of themselves” (1985, 28). Therefore, consociational democracies can be viewed as an arrangement among hostile groups out of necessity but not as a permanent governing arrangement (Elazar, 1985).

Finally, it would be difficult to apply this model to the one-state solution and provide an idea of what it would look like. This is due to the fact that, as Lijphart (1969) argues, consociationalism does not necessarily have a specific structure, which can be applied and guarantee success; rather, it is a set of mechanisms (grand coalition or power-sharing, proportionality, segmental autonomy, and mutual veto) adopted by the state through a variety of possible structures. This can be illustrated through the differences in the governing structures of Belgium, Switzerland, Lebanon, Netherlands, Cyprus, and Colombia. Therefore, depending on which governing structure is used, and more importantly on the efforts of the elites, a constitutional model can be either stable or unstable.

In measuring democracy, the Economist Intelligence Unit Democracy Index, as mentioned above, provides the following as minimal requirements for considering a regime democratic. (a) A government based on majority rule and the consent of the governed. As discussed above, consociationalism is not contradictory to “majority rule”

but rather to the principles of a “simple” majority rule. Consociationalism, as argued by Elazar, is based on “concurrent majorities”. Furthermore, consociationalism not only delivers the consent of those governed by the system but also ensures the consent of the majority of the people and the minority groups, assuming that the elites were elected democratically. (b) The existence of free and fair elections. Consociational systems can provide for free and fair elections, so long as the government is committed to its democratic nature. (c) Protection of minority rights and respect for basic human rights. Consociational democracies provide more protections to minority rights than any other model. As mentioned above, the four elements of consociationalism ensure that minority groups are being treated equally and that they possess a level of autonomy over their internal matters. (d) Equality before the law, due process and political pluralism. Consociational democracies, again assuming that there is a commitment to democracy, can ensure the equal treatment of citizens, even those who do not belong to particular minority group. Therefore, a governing structure based on consociationalism can be a full democracy, such as Switzerland and Belgium, however the correct state structure and institutions need to be put in place.

Therefore, when evaluating the suitability of the consociational model to the “one-state solution”, we find that this model can provide: (1) a full democracy, depending on the state structure and institutions put in place. (2) A governing structure that minimizes factional, religious and ethnic competition for office, by promoting a political culture based on power-sharing and by providing groups with autonomy over internal matters. (3) An alternative to a “winner-take-all” approach accomplished by power-sharing and proportionality. In addition, consociationalism is based on negotiations and

inter-political party cooperation, therefore it necessitates that the party with most seats cooperates with other parties. Therefore, a consociational arrangement can be a suitable model for a Palestinian-Israeli “one-state”, if the right structure and state institutions are put in place. Thus we are left with the question of which model of consociationalism can be applied successfully to the Palestinian Israel conflict?

### **The Swiss Model**

As mentioned above, consociational structures use a set of mechanisms to deal with ethnic and cultural divisions. The Swiss model of democracy, as a form of a consociational arrangement, deserves special attention. First, it can provide an example of a successful consociational arrangement, which would allow for a deeper understanding of the application of the consociational mechanisms. Second, Switzerland has managed to manage conflict between ethnic, religious, lingual, and cultural groups in a peaceful way and yet it is a stable democracy. The Swiss model, therefore, can provide for a successful model for the Palestinian-Israeli “one-state” solution.

The Swiss model has managed to deal with religious, ethnic, lingual, and cultural divisions while maintaining high political stability. Switzerland’s history is ridden with conflict from a civil war between Protestants and Catholics, to tensions between French-speaking groups and German-speaking groups, to class-struggle and the exploitation of natural resources and of the people of some cantons by others (Linder, 1994, 4-5). The Palestinian Israeli conflict is also along similar lines of division. It is not just the religious differences between the two groups that fuels the conflict, nor is it just the lingual, cultural, and economic differences; it is also a matter of competing nationalism. Swiss

democracy deals with the issue of competing nationalism by designing itself to be a political nation-state and not a cultural nation-state (Linder et. al., 2006). This means that the various cantons are joined together under one federal government but maintain a high level of autonomy in which they maintain their identity, language, culture, and self-determination. Furthermore, Swiss democracy managed to decrease the division along religious lines through peaceful means (Linder et. al., 2006). This is of extreme importance and relevance to the Palestinian-Israeli “one-state”. In this section, the structure of the Swiss democracy will be discussed first, followed by an examination of Switzerland’s history, which allowed for this governance structure to emerge.

The Swiss model of democracy is based on three main concepts; power-sharing, federalism, and direct democracy. Each of these concepts is essential to the political stability of the country. Power sharing means that decisions are not reached through majority rule but rather through negotiations and compromise between the various political parties, representing the different cantons. The concept of power sharing is applied to the different bodies of the federal government. Linder and Steffen (2006) argue that federalism provided a mechanism for establishing a strong central government while allowing cantons to maintain their distinct cultures, religions, and languages. Second, it provided durable stability. Third, it provided minority groups with ability to participate in and influence the decisions of the federal government, which historically was put in place to provide guarantees for the “rural and Roman Catholic regions” that they would not be dominated by the “Protestant, liberal majority”. Finally, with the use of direct democracy, federalism allowed for the government to be directly accountable to the people, which is derived from the Swiss belief in the “sovereignty of the people”, and enhances the

democratic nature of the state.

The institutional structure of Swiss democracy is based on the separation-of-powers into three branches of government – the executive power, the legislative power, and judicial power – in all three spheres of government (the federal, the cantonal, and the commune).<sup>12</sup> For the purpose of understanding the Swiss model of governance, a description of each sphere of government and its respective branches of government is in order.

The federal government is made up of the Federal Council, the Federal Assembly, and the Federal Supreme Court, representing the executive, legislative, and judicial branches of the federal government respectively. The Federal Council is the “supreme executive and governing authority” (Linder et. al., 2006). It is composed of seven members, representing four political parties, which in turn represent 75% of the electoral vote. Each member of the Federal Council is elected individually by the Federal Assembly for a period of four years with the possibility, and likelihood, of re-election. All Federal Council members (federal councillors) are voted in as equals in which after their election each federal councillor acts as the head of one of the department (or state ministries) of the federal government. The departments are distributed among the councillors based on their stated preference (preference taken in order of seniority) and if there is competition over a department, then the matter is settled by majority vote. The federal departments are Foreign Affairs; Interior; Justice and Police; Military; Finance; Public Economy; Transport Communications and Energy (Linder, 1994). Each year the parliament elects one of the councillors as president for a one-year term, which cannot be

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<sup>12</sup> Switzerland has 26 cantons and approximately 2,900 communes and one federal government.

renewed the following year (Article 152). The president does not have any special powers, only formal obligations (Linder, 1994; Linder et. al., 2006). The Federal Council not only represents the four main political parties but also the three main languages. Power-sharing in regards to political parties and languages in the Federal Council is not required by the constitution but rather is merely a political arrangement. Linder explains that the inclusion of representative from all three languages is due to an “unwritten law” that requires that at least two councillors should come from French- or Italian-speaking regions (1994, 10). Similarly power-sharing in the Federal Council, in regards to political parties, is not a constitutional requirement either but rather a measure taken out of necessity to prevent the opposition from constantly blocking federal decisions (Linder et. al., 2006).

The second branch of the federal government is the Federal Assembly. The Federal Assembly is the “highest authority of the Confederation” subject only to “the rights of the people and the cantons” (Article 148 of the Swiss Constitution). The Federal Assembly is made of two chambers, the National Council, representing the people and the Council of States, representing the cantons. The National Council (or House of Representatives) has 200 members elected directly by the people on the basis of proportional representation (Article 149, points 1 and 2). Each canton forms an electoral district and is delegated seats in the National Council in proportion to its population size, given that each canton gets at least one seat (Article 149, point 3 and 4). The Council of the States (or the senate) has 46 cantonal delegates (Article 150, point 1). Each canton regulates the elections of its delegates. 20 cantons have two delegates each and six have one delegate each (Article 150, point 2). The six cantons that have one delegate each are

considered to be “half cantons”, whereas, “full cantons” get two delegates each (Linder et. al., 2006). The Council of the States is intended to provide equal representation of the cantons, irrespective of their size with the exception of the six “half cantons” (Linder et. al., 2006). The equal representation, or the overrepresentation<sup>13</sup> of the small cantons, is intended to protect the interests of these small cantons (Linder et. al., 2006). The Federal Assembly has the power to make all federal laws, appoint members of executive and judicial branches as well as other federal bodies. Every bill must be approved by a majority of both the National Council and the Council of States. This allows for the representation of the will of the people and the interests of the cantons.

The last branch of the federal government is the Federal Supreme Court, which is made up of 39 full-time and 40 substitute federal judges. The members of the federal judges are appointed by the Federal Assembly. However, as soon as they are appointed, they become independent of the Federal Assembly. The Federal Supreme Court has the jurisdiction over violations of “federal law; public international law; inter-cantonal law; cantonal constitutional rights; autonomy of municipalities, and other guarantees granted by the Cantons to public corporate bodies; federal and cantonal provisions and political rights”, it does not, however, have the jurisdiction to challenge decisions made by the Federal Council or the Federal Assembly (Article 189). This is different from the US’ system of “separation of powers” in which the Supreme Court has the power to review the constitutionality of enactments taken by the congress and to strike them down if found unconstitutional. This is part of the system of checks and balances, which limits the ability of one branch of government to get too powerful. La Porta et. al. (2003) find that

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<sup>13</sup> Overrepresentation in regards to their size in relation to the big cantons, with the exception for the six 1-delegate cantons.



constitutional review contributes to “political freedom”, including democracy, political rights, and human rights. The Swiss model’s system of checks and balances is based on the concept of “direct democracy”, which will be discussed later in this section. Though it is important to point out that the people pose a check on the power of the federal government and specifically the federal parliament.

Similar to the federal government the separation of powers extends to the cantonal and communal government. The cantonal government consists of the Cantonal Council, consisting of 5 to 7 members, elected by the people every 4 to 5 years; the Cantonal Parliament, elected by the people on the basis of proportionality; and the Cantonal Court, elected by either the Cantonal Parliament or the Cantonal Council (Linder, 1994). The communal government consists of the Communal Council, elected by the people; the Communal Assembly, which depending on the size of the commune, it may be a formal arrangement of elected representatives or it may allow for the participation of all the residents of the commune; and the District Court, the judges are either elected by the people in that specific district or are appointed by the cantonal authorities (Linder, 1994). Therefore, the separation of powers model extends to all spheres of government whether it's the federal, cantonal, or communal.

Through discussing the structure of the government, we were able to illustrate how power-sharing and federalism operate in the Swiss democracy. However, the concept of Swiss direct democracy requires a closer examination. Direct democracy is mainly implemented through two different mechanisms, the popular initiative and the mandatory and optional referendum. The popular initiative states that a 100,000 eligible

to vote citizens can bring a proposal for full or partial revision of the constitution (articles 138 & 139). Proposals for full revision of the constitution must be put to a vote by the people (Article 138). Proposals for partial revision of the constitution must be put to a vote by the people and the cantons (Article 139). Secondly, the constitution provides for mandatory and optional referendum. The constitution provides for specific conditions in which a proposal *must* be submitted to a vote by either the people or the people and the cantons.<sup>14</sup> Optional referendum, on the other hand, allows for a group of 50,000 eligible to vote citizens or 8 cantons to bring certain issues, including federal statutes and specific international treaties, to a vote by the people.<sup>15</sup> This allows for the maximization of individual and cantonal rights. It also allows for the federal government and the elites (borrowing a consociational term) to be held accountable directly to the people, which is an important component of the Swiss system of checks and balances.

Another issue of importance is the preservation of cantonal interests not only via equal representation in the Council of States but also through the cantons' ability to extract influence on the federal government. Cantonal influence is extracted through four main processes. First, federal decisions require not only the majority of the people but also the majority of the cantons (Linder et. al., 2006). Second, cantons have the right to a parliamentary initiative in which each canton can submit an initiative to the Parliament (Article 160, point 1). Third, eight cantons, collectively, can resist the passing of a

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<sup>14</sup> According to Article 140, Revisions of the Federal Constitution; entry into organizations for collective security or into supranational communities; and Federal Statutes declared urgent which have no constitutional basis and whose validity exceeds one year, must be submitted to a vote by the people and the cantons. Whereas, popular initiatives for total revision of the Federal Constitution; popular initiatives for partial revision of the Federal Constitution in the form of a general suggestion which were rejected by the Federal Parliament; and the question whether a total revision of the Constitution should be carried out if both Chambers disagree, are subject to a vote by the people.

parliamentary decision by requesting that it is put to a popular vote (Article 140, point 1). Four, cantons have the right to provide consultation or to be heard in the course of preparing for legislation (Article 147), which allows for each canton to influence federal legislation. Thus, the process of cantonal consultation is constitutionalized. These measures are important for ensuring that the interests of the cantons are being heard and represented.

Linder and Steffen (2006) explain that Swiss federalism came about historically due to two essential reasons. First, it allowed for “a political compromise between those wanting a strong central state and those wanting to maintain the status quo”. Second, it allowed for a “durable power-sharing arrangement” (2006). Both of these elements will be discussed separately.

Linder and Steffen (2006) argue that federalism in Switzerland was important for a variety of reasons. First, it guaranteed, to a large extent, the political autonomy of the cantons in which the distinct identities, cultures, and languages are preserved. Second, it allowed for the co-existence of these lingual, cultural, and religious groups, irrespective of their differences. Third, it helped the state overcome these divisions in a peaceful way. Finally, it made it possible for the creation of a Swiss society. Prior to federalism, the main focus was on the cantons in which a collective Swiss society did not exist. Thus, federalism was beneficial to Switzerland for the essential reason of peaceful co-existence without having to compromise the groups’ distinct identities, cultures, religions, or languages. From this, it may be deduced that Swiss federalism might be a viable option for States that:

- Have competing cultural, lingual, religious, and identity groups who want to preserve their distinct characteristics but would like to peacefully co-exist.
- Want a durable power-sharing arrangement.
- Looking for a way to accommodate the competing political forces pushing for a strong central government or the preservation of the status quo.

Thus, Swiss federalism provides an opportunity for divided societies, along religious, cultural, identity, and lingual lines, to form a durable political nation-state. A nation-state based on this model would be a political arrangement and not a culturally homogenous entity; groups would not be forced to assimilate or to compromise their beliefs or way of life. While, at the same time, allowing for the normalization of relations among these communities in which these divisions would no longer be a source of conflict; thus, minimizing inter-group violence. The Swiss democracy model, therefore, might be a viable model for divided societies, such as Palestine and Israel, to ensure political stability and democracy, while pursuing a “one-state solution”.

### **A proposal for a one-state solution**

Up until this point, I have introduced the possible options for a one-state solution in a deeply divided society such as Palestine and Israel. These included non- or quasi-democratic options, such as control, Herrenvolk democracies, and ethnocracy, as well as democratic options, such as ethnic democracy, individual liberal democracy, republican liberal democracy, multi-cultural democracy, and consociational democracy. I have, then, introduced the Swiss model of democracy to be considered as a form of a consociational

arrangement that have provided stability and democracy for a divided society. In this section, I will propose a possible model for a Palestinian-Israeli “one-state solution”.

This proposal for a one-state solution is based on the Swiss model, and deals with issues that are specific to Palestine and Israel. As mentioned above, a Swiss model of democracy can provide a sustainable solution for countries that have competing cultural, lingual, religious, and identity groups who want to preserve their distinct characteristics but would like to peacefully co-exist. Israel and the Palestinians have been engaged in a peace process, with on and off negotiations, for almost 20 years. This accounts for two groups who are attempting to coexist peacefully, even though they fail to agree on the outlook of the finalized agreement, specifically in regards to borders, Palestinian refugees, security arrangements, Israeli settlements, Jerusalem, and water. The Swiss model provides for a compromise between forces that want to maintain the status quo and those who want to change it. Therefore, a federalist structure, based on the Swiss model, may provide for a compromise between those who seek a two-state solution and those who advocate for a one-state solution. Finally, the Swiss model of governance can provide for a durable power-sharing model between Palestinians and Jews and their sub-cultural groups. Therefore, the Swiss model of democracy can provide for a durable one-state solution for the Palestinian-Israeli conflict.

This proposal will focus on the application of five elements of the Swiss model to the Palestinian-Israeli “one-state” solution. The first element is federalism while providing for a high level of territorially based autonomy for the distinct groups. The second element is power-sharing based on proportional representation of the distinct groups based on territorial and identity interests. The third element is minority “soft veto”

to guarantee that changes in demographics do not result in the loss of political rights for minority groups. The fourth element is direct democracy to ensure the accountability of the political parties to the people as well as to ensure maximal political participation. Finally, the fifth element is the institution of a constitution to protect individual rights, collective rights, and the governing structure of the state.

The first element is to institute a federalist structure, while ensuring a high level of autonomy to the various territorially based electoral districts, or constituent units. This element has two parts; the first is drawing electoral districts and the second is the division of power between the federal government and the state's districts.

First, Palestine and Israel would have to draw electoral districts, which would represent the various territorial constituent units (provinces, states, or cantons) within the state. These electoral districts should be drawn in accordance with the distribution of the different interest groups. This means that each electoral district should be as homogenous as possible to ensure that minority groups are not distributed among various electoral districts, which would prevent them from forming a collective voice, thus hindering the achievement of their collective rights. ACE Electoral Knowledge Network explains that, “the more the politically homogenous – ideologically or culturally – the region, the more likely the elected party representatives would reflect the ideology”. However, the boundary delimitation of electoral districts is vulnerable to political manipulation (or gerrymandering); however, there are some mechanisms that can prevent the political manipulation of electoral districts. According to ACE Electoral Knowledge Network examples of such mechanisms preventing political manipulation, include: the use of existing natural administrative or cultural boundaries, such as in Argentina; using

independent bodies to draw the electoral districts, such as in Canada and New Zealand; and using a computer software, such GIS (Geographic Information System) applications, as in India and Mexico. These districts, however, should not be drawn by taking only the Jewish and Palestinian factor into consideration but also, as much as possible, other variables such as culture, in which sub-cultural groups can be represented (i.e. Druze, Christians, and Sephardic Jews). This will allow for the maximal representation of the different collective interests of the main cultural groups as well as the sub-cultural groups, within their own districts as well as on the national level. This may discourage inter-district population movements, since individuals will maximize their collective rights in their own districts. However, this is not necessarily a negative consequence, at least for the time being, since it will eliminate the threat of the domination, overtime, of one group over large proportions of the districts. In sum, the use of federalism as such, given that there is no electoral district manipulation, should allow for both Palestinians and Israelis, and their sub-cultural groups, to maintain their distinct identities, cultures, languages, and religions without these differences becoming political issues.

The second part of federalism is the division of powers between the federal government and the districts. This should be done in a way as to provide as much autonomy to the districts as possible. Similar to the Swiss model of democracy, the division of power delegates the power of making decisions in regards to internal district affairs to the districts themselves, so long as they do not hinder individual rights (this issue will be discussed later as part of the “constitution” element). This provides the districts, and thus the residents of the district, with the power to determine internal matters, thus guaranteeing their cultural, lingual, and religious autonomy, and eliminating

any pressure of assimilating into dominant-group ideologies.

The second element of this proposal is proportionality and power-sharing. Similar to the Swiss model, power-sharing should provide for proportional representation of the populations as well as the equal representation of the districts. This can be accomplished via bicameralism. The parliament should be divided into two chambers (or houses), such as the House of Representatives and Senators, as in the US, or a National Council and a Council of States, as in the Swiss parliament.

Proportional representation can be accomplished by allocating seats, in the House of Representatives, to the districts on the basis of their population size. Proportional representation should also be extended to women and not only to electoral districts, if not through a quota system then through some affirmative-action measure. Women have been subjected to discriminations in both the Israeli and the Palestinian societies. Therefore, the protection of their rights is necessary and it can be achieved if they were adequately represented in all spheres of government and governmental institution. Therefore, proportional representation should allow for a fair representation of all collective identities. Similarly, equal representation of collective rights can be achieved by providing an equal number of seats to each district in the Senate. Depending on the population size of the districts, the state may decide to follow a system similar to the US where each state receives two seats in the Senate, irrespective of population size, or to Switzerland where full cantons receive two seats and half-cantons receive one seat only. This will depend on the difference in population size between the big districts and the small districts and on whether some districts can in fact be merged. For example, if population X is located in two main geographical locations and the population sizes of



both of these areas are too small in comparison to other districts, then population X can have two districts but with only one seat in the Senate, instead of two. Therefore, power-sharing, proportionality, and bicameralism maximize the collective rights of minority groups, even small minorities.

Proportionality is accused of re-enforcing divisions among the distinct groups within the state. The argument is that the state, by recognizing group rights, is rewarding individuals for organizing within divisive lines, which could lead to violence (Van den Berghe, 2002). Van den Berghe (2002) uses India and the US' affirmative action as an example. This one-state model, proposes the use of electoral districts to maximize the representation of the distinct groups, without enshrining, in the constitution, divisions along ethnic lines. This is similar to how the Swiss model operates; the rights of the distinct groups are guaranteed by ensuring cantonal rights and a high level of cantonal autonomy. This means that, since the proportionality rule does not guarantee the rights of *specific* religious, lingual, and cultural groups but rather the rights of the electoral districts (which, as mentioned above, would be drawn in a way as to constitute as much of a homogenous district as possible), collective rights can be ensured without them becoming a divisive factor. Similarly, the one-state can ensure the collective rights of Palestinians and Jews and their sub-groups by focusing on allowing for proportional representation of the population, and equal representation of the electoral districts (provinces, states, or districts).

Furthermore, power-sharing and proportionality should be extended to the executive branch of government. I would propose a similar structure to Switzerland of having a multi-party executive branch. The consociational arrangements in Cyprus and

Lebanon divided the top-government posts between the ethnic groups by allocating a specific post to each distinct group, based on population size. For an example, Lebanon allocates the post of the President to a Maronite Christian, the Prime Minister a Sunni Muslim, and the Speaker of the House to a Shiite Muslim. Both of the Lebanese and Cypriot consociational arrangements failed. This arrangement does not take into consideration that population sizes may change in the future, which would require the re-allocation of these seats among the groups. But this may cause outgoing groups to resist conducting census to avoid losing powerful posts in the government. Another possible power-sharing arrangement, mentioned by Lijphart (1999), is alternating the top government post, every term, between the two dominant groups, as in Colombia. However, this arrangement requires a high level of confidence that the group in power will give up its post by the end of the term. The Swiss model provides a solution for this problem in two ways; the first is by having multiparty, multimember executive branch and the second is by separating the powers of the government between an executive, legislative, and judicial branches. The use of a multiparty and multimember arrangement has allowed for the representation in the executive branch of four political parties and 75% of the population (Linder et. al., 2006). Linder and Steffen (2006) explain that the representation of multiple parties is not a constitutional requirement but has served as a way to prevent opposition parties from blocking federal decisions by means of referendum. The multimember executive branch makes it possible for power-sharing, on the executive level, to take place, without it becoming a divisive issue.

The separation of power factor can guarantee that no branch of government gets too powerful as to jeopardize the political structure of the government and hinder the

political rights of the people and the cantons. This can prevent a party in the executive branch from refusing to leave office. In the US, the separation of power provides a system of checks and balances in which each branch of government can limit the powers of the other branches if they exceed their designated powers. For an example, the Supreme Court can strike down unconstitutional legislation through the process of judicial review. In Switzerland, the system of checks and balances operates differently. The people directly play a part in limiting the powers of the government through the use of referendum and popular initiative. However, the process of judicial review (court judging the constitutionality of laws and having the power to declare them void) enhances the political freedoms of the people (La Porta et. al., 2003). Therefore, the separation of powers model, for the one-state solution, should incorporate elements of both the US and the Swiss systems. From the Swiss, the one-state should adopt the accountability of the government to the people and from the US the one-state should adopt the judicial review process. This will guarantee that the constitution is being upheld and that the federal government is not overstepping its boundaries.

The third element of this proposal is limited minority veto. Lijphart (1996) explains that minority veto in consociational arrangements generally consists of an informal understanding that minority groups can protect their interests by blocking attempts to take away their autonomy or infringe on their rights. Lijphart also explains that generally speaking the minority veto works best if it does not have to be used very often. Kelleher (2005) explains that minority veto can be a strong useful tool for protecting minorities but it can also be a divisive factor causing instability. By reflecting on the Macedonian and the Northern Irish experiences with minority veto, Kelleher

(2005) identifies three major problems with minority veto. The first problem is identifying the “veto holder”. The problem in is determining which minority groups should be given veto power. Kelleher (2005) explains that determining the veto holders may prove ethnically divisive by discriminating against groups that constitute a significant minority but may not be considered as veto holders. The second problem is identifying “vital interests” in which the minority’s vital interests are identified in order to include constitutional protections of these interests. This is a problem, according to Kelleher, because it is too rigid and does not allow for interests to change or for the protection of new interests. The final problem is that the veto power can cause deadlock and immobility due to a veto-potential. Kelleher (2005), however, proposes the Belgian minority veto as a successful example of veto power guaranteeing minority rights without the previously mentioned problems. Belgium provides a high level of autonomy for minority groups over non-territorial issues, such as language, culture, and education. It also allows for, what Kelleher describes as, a soft veto in which decisions can be suspended and referred to the Federal Cabinet (a third party, with proportional representation, operating on the basis of consensus) for recommendations, if 75% of a minority group signs a “justified motion” to suspend the legislation. This prevents political manipulation by leaders of minority groups because the suspension requires a significant majority of their constituents. Furthermore, by providing minority groups with non-territorial rights over education, language, and culture it guarantees that their vital interests are being represented, while providing room for them to change over time.

In Switzerland, 8 cantons can resist the Parliament’s decisions by putting the bill up to a vote by the people. In addition, 50,000 eligible to vote citizens can also resist

parliamentary decisions by the same referenda measures. These, although might not be formal veto powers, allow for the protection of the minority, or collective, rights without the danger of them becoming an ethnically divisive factor. Furthermore, the Swiss provide measures for cantons to influence federal decisions as a way to protect their interests. These measures are the requirement of a majority of the cantons, and not only the people, to approve federal decisions; each canton has a right to parliamentary initiative; the ability of 8 cantons to resist federal decisions; and their ability to provide consultation to the federal government. These measures can all be used to provide the utmost protection to minority groups without politicizing the ethnic, cultural, lingual, and religious differences of the population.

The fourth element is direct democracy to ensure the accountability of the political parties to the people as well as to ensure maximal political participation. As mentioned before, the direct democracy system in Switzerland is applied through popular initiative and referendum. Direct democracy allows for the people to challenge decisions taken by the federal government through the referendum measure, as mentioned above, in which 50,000 eligible to vote citizens can request that a bill is put up for popular vote. It also allows for the influence of the people on federal decisions, which is achieved by the popular initiative measure in which a 100,000 eligible to vote citizens can submit proposals for a vote by the people. These measures can encourage political participation of the people because they provide access for interest groups to influence federal decisions. A similar system can be put in place, in the Palestinian-Israeli “one-state”, in which the people can be involved directly in decisions made by the federal government. Some limitations would have to apply, such as the government’s rejection of popular

initiatives that undermine or directly call for the infringement on the rights of others.

Finally, the fifth element is the institution of a constitution to protect individual rights, collective rights, and the governing structure of the state. The institution of a constitution can guarantee that the rights of the people, as individuals and collective groups, and the autonomy of the districts, are constitutionally protected in which these rights cannot be taken away based on majority rule. Saban (2004, 931) explains that, “a statutory stipulation carries weaker symbolic weight than a constitutional stipulation, and is more easily annulled or altered”. In Israel, “a special procedure is not required for purposes of enacting, annulling, or amending the Basic Laws” (Saban, 2004, 974). This means that, “the national minority has little ability to prevent the diminution of the constitutional protection of fundamental rights” (Saban, 2004, 974). For an example, the status of the Arabic language, as a national language, in Israel is established through a statute and is not enshrined in a constitution, which makes it easier for its status to be annulled (Saban, 2004). Therefore, minority rights need to be constitutionally protected. The Supreme Court’s ability to perform judicial review and to declare laws void if deemed unconstitutional, can guarantee that the executive and legislative branches do not overstep their boundaries. This would provide guarantees for minorities that their rights cannot be annulled by the majority, during the legislative process. Furthermore, some fundamental rights, such as the US first amendment rights – freedom of speech, religion, assembly, petition, and press – need to also be explicitly protected by the constitution. The separation of state and religions should also be included in the constitution; this would guarantee that laws are not being passed based on the religious beliefs of one group, which would force religious practices on secular individuals and members of other

religions. In Israel, there can be no civil union, for individuals affiliated with any of the organized religions, only a religious marriage. This is problematic as it prevents secular individuals from enjoying the rights of a civil union without having to submit to a religious ritual. It also prevents individuals from different religious groups from inter-marrying, thus contributing to the persistence of group divisions.

Finally, an agreement is as good as its implementation and enforcement. Reaching an agreement but not actually implementing it or enforcing its elements, makes the agreement worthless. Furthermore, the implementation and the enforcement of the laws need to be carried out in a consistent and unbiased way, otherwise it will contribute to economic and social gaps between the subcultures, which can lead to the escalation of violence. It can also undermine the government and the governing structure, as biases can cause the government to lose its legitimacy in the eyes of the people.

A quick examination of how the Swiss federation came about might provide a perspective on how the Palestinians and Israelis can reach a similar governing structure. It is important to note that the Swiss people did not always live in harmony. Their past is made up of conflict between distinct lingual, cultural, religious, and ethnic groups who viewed themselves as belonging to sovereign states. There was no Swiss society, yet the process they went through and their model of governance allowed for such society to exist today and most importantly allowed for today's political culture of consensus democracy to develop. Therefore, a quick examination of the Swiss journey to achieving their current governing structure is important for the Palestinians and Israelis to learn from the Swiss experience.

The Swiss journey to their current federal consociational governing structure can be traced back to a treaty between three German-speaking regions, in what is now central Switzerland. Uri, Schwyz, and Unterwalden signed the treaty, or military alliance, of 1291 to ensure the continued sovereignty of the cantons and their independence from the Habsburg Empire (Wilner, 2010). Wilner (2010) argues that this treaty introduced the idea of the Swiss nation-state. By mid fourteenth century, five other cantons had joined the loose confederation<sup>16</sup> (Wilner, 2010). By the 16<sup>th</sup> century, the Swiss loose confederation has expanded to include 13 cantons. Wilner (2010) argues that because of its weakness, the loose confederation was forced to maintain neutrality and not participate in any wars or expansionist efforts; however, this same policy is what allowed the confederation to last for almost six centuries. Verdross (1956) explains that Switzerland, in the 16<sup>th</sup> century, had to remain neutral in the big-powers' wars because these wars were religious in nature and the Swiss citizens themselves had their own internal religious disagreements. Between 1531 and 1712, four wars were fought between Catholic and Protestant cantonal troops (Linder, 1994). Thus, the confederation's alignment with one religious sentiment meant an even deeper internal division and conflict. Despite Switzerland's attempt at neutrality, the French Revolution troops, with the promise of democracy, invaded Switzerland breaking down the loose confederation. The French attempted to turn the confederate cantons into a united republic, establishing the short-lived Helvetic Republic in 1798, but failed, leading Bonaparte to restore some of the cantonal autonomy in 1803 via the "Mediation Act" (Linder, 1994). In 1815, Switzerland's neutrality was recognized by the European-powers of the time and

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<sup>16</sup> The term "confederation" is used here, as Linder (1994) defines it, as "a treaty-based system of independent state".



Switzerland restored its confederate system over 25 cantons (Vedross, 1959; Linder, 1994).

The confederate system, which had the objective of guaranteeing “collective security by mutual assistance”, faced a problem of immobility (Linder, 1994, 5). It appeared that the constitution of 1815 was too de-centralized (Wilner, 2010). Each delegate was obligated to abide by the instructions of the cantonal government; thus, reaching decisions and mutual agreements was a difficult task (Linder, 1994). Linder (1994; Linder et. al., 2006) explains that this led to “internal polarization” between the Conservatives, representing Catholics and rural regions, who wanted maximal cantonal autonomy and for decisions to be reached through consensus, and the Radicals, mostly Protestant and industrialized cantons, who wanted a strong central government. The divisions over religion and culture, in addition to the attempted secession of the Catholic cantons in 1847, led to a 26-day civil war with 126 casualties (Linder, 1994; Wilner, 2010). With the Radicals, the supporters of a strong central government, winning the short-lived civil war, they led the effort of drafting a constitutional arrangement which would allow for a strong central government to exist while preserving some cantonal autonomy. The constitution of 1848, established a federalist structure, which allowed for the preservation of some cantonal autonomy and the creation of a strong federal government (Linder, 1994; Linder et. al., 2006).

Finally, the Swiss constitution is subject to change at any time (Article 192). The Swiss constitution was revised previously in 1874 (Linder, 1994) and 1999 (Switzerland Constitution, 1999). The revision of the constitution allows for the changing interests of the people and the cantons to be accommodated over time. The Swiss people are

empowered to a full or partial revision of the federal constitution, with some limitations, such as proposed changes that violate international law.<sup>17</sup> The revised constitution, in whole or in part, requires the approval of the majority of the people and the majority of the cantons to be entered into force. Therefore, although the Swiss constitution accommodates changing interests, it still provides for protections of the people and the cantons. Overall, this flexibility of the constitution, and empowerment of the people, had allowed for the constant improvement of the Swiss federal constitution overtime.

In sum, the current Swiss federation can be seen to have developed through 3 main processes. The first process consisted of a loose confederation, a treaty or set of treaties, providing mutual and desirable benefits for a number of sovereign states. The second process can be seen as a transition towards the institution of a central government. The third process can be seen as the continued modification and improvement of the central government in which more or less powers are given or taken away from the federal government, depending on the needs of the people and the cantons. This can be interpreted in one of two ways. The first is the possible necessity of going through all of these processes, in order to establish a similar governing structure. This interpretation can be explained through different reasons, such as; (a) the view that by taking small steps, Palestinians and Israelis can build the trust necessary for the establishment of a one-state; and that (b) the value of a federal government may not be realized until the parties face

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<sup>17</sup> A full revision of the constitution can be decreed by the Federal Parliament or proposed by the people or one of the parliamentary Chambers (Article 193). Article 193 of the Swiss constitution excludes provisions that violate international law from taken place. Similarly, a partial revision of the constitution may be requested by the people or decreed by the Federal Parliament (Article 194). Requests via popular initiative must respect “the principle of the unity of subject matter”, international law, and “the principle of unity of form” (Article 194, points 2&3). The same conditions, with the exception of respect of the “principle of unity of form”, apply to partial revisions made by the Federal Parliament. Finally, all constitution revisions require must be “accepted by the People and the Cantons” (Article 195).

the limitations of a loose confederacy. A second interpretation could result in the desire to immediately implement the end result rather than going through all of the different, and at times painful, processes. This view also has its own set of justifications, such as; (1) loose confederations face the threat of immobility, secession, and civil war and thus should be avoided. After all, the US similarly had a civil war over the secession of some states, which also led to the strengthening of the federal government. (2) The Swiss had to go through all of the different processes in order to reach their final arrangement, which wasn't clear to them when they began their process. However, the Palestinians and Israelis, if they were to implement a similar governing structure to that of the Swiss, they can learn from the Swiss and avoid unnecessary and sometimes costly steps. Regardless of which path is chosen by Israelis and Palestinians, one thing is clear; the Swiss governing structure, although an end of its own, is also a means to an end. It is a process and not just an end result. By this I mean that the Swiss created a successful democratic governing structure, which managed to accommodate the divergent interests of its various subgroups, while also establishing a framework that allows for change to be obtained within the institutions of the government and not outside of it. In other words, the Swiss constitution, and thus its governing structure, is not static but rather dynamic and subject to change allowing for a process of constant transition to take place.

Furthermore, the Palestinians and Israelis can take this model, one step further. A possible outcome of a Palestinian-Israeli "one-state" is reconciliation. Kelman (2010) makes a distinction between conflict settlement, conflict resolution, and reconciliation. He defines conflict settlement as a "process yielding an agreement that meets the interests of both parties to the extent that their respective power positions enable them to prevail". A

conflict settlement heavily depends on the “surveillance” by the parties themselves, by outside powers, and by the international organizations. This is not a sustainable solution, because it doesn't transform the hostile relationship between the parties, it may also lead to an escalation of violence (Kelman, 2010). Conflict resolution, on the other hand, depends on cooperation between the parties and not on a balance of power. It represents a transformation in the relationship between the parties and thus making for a durable solution (Kelman, 2010). However, reconciliation goes even beyond conflict resolution in that it allows for the societies to live peacefully together in a post-conflict environment. Reconciliation manages to change the aspect of the group's identity that negates the other. It allows for both parties to identify with their cultural groups but to also belong to a larger supra-culture that includes both groups. A party's recognition of the other would no longer threaten the party's perception of itself, which opens the way for the parties to accept each other.

Kelman (2010) explains that reconciliation is a process and an end result; thus, it takes time to achieve. Kelman (2010) explains that the negation of the other's identity is a central element of the Palestinian Israeli conflict. He explains that Palestinians and Israelis both “find it necessary to deny the other's authenticity as a people, the other's link to the land, and the other's national rights, especially its right to national self-determination through the establishment of an independent state in the land both claim, because the other's claims to peoplehood and to rights in the land are seen as competitive to each party's own claims and rights”. Furthermore, Kelman (2010) explains that negating, demonizing, and dehumanizing the other makes it easier for each party to cope with the guilt associated with violent conflict. Furthermore, it allows each party to

maintain an image of itself as the victim and not the perpetrator. However, reconciliation can help break down these negative images of the other and allow for a peaceful post-conflict co-existence.

Therefore, Kelman (2010) mentions five “indicators of reconciliation”, which can be viewed as steps towards achieving reconciliation, as well as, conditions for further movement towards reconciliation. These elements are “mutual acknowledgement of the other’s nationhood and humanity”; “development of a common moral basis of peace”; “confrontation with history”; “acknowledgement of responsibility”; and “establishment of patterns and institutional mechanisms of cooperation”. If Palestinians and Israelis take these steps, a positive outcome of a “one-state” solution can be reconciliation. Some of these elements are a de-facto achievement just by accepting the one-state concept. For an example, acknowledging “the other’s nationhood and humanity”, developing a “common moral basis of peace” and establishing “mechanisms of cooperation” are achieved simply by accepting to create a one-state on the basis of power-sharing between Palestinians and Israelis. Palestinian and Israeli acceptance of sharing all of the land implies a recognition of the other’s claims over the land. Accepting to be governed by a government representing both people equally implies the recognition of the other as a national group and as human beings. Designing a government on the basis of power-sharing implies the establishment of mechanisms for cooperation. Finally, agreeing to live in “one-state”, under one government, and to deal with conflicts through the cooperation mechanism of the state, implies the establishment of a “moral basis of peace”. Two elements, however, would require an additional effort from both parties. These elements are confronting history and accepting responsibility. Confronting history, Kelman (2010) explains, does

not require both groups to reach an agreement on historical events, but rather to acknowledge the other's narrative. Both group's acceptance of responsibility for actions taken that inflicted harm on the other, is necessary for moving forward and can be done in a variety of ways. It can be done on the individual level via measures such as the South African Truth and Reconciliation Commission, or on the elite level, through official statements by political representatives, such as the Canadian apology to the indigenous population. Finally, these elements can produce reconciliation for Palestinians and Israelis, which can transform the nature of the hostile relationship between the two. However, this is not a necessity for the achievement of a long lasting "one-state" solution based on the Swiss model of democracy.

## Conclusion

In this paper, I provided a list of possible interpretation for the "one-state solution". The list was based on Smootha's (2001) framework of possible governing structures for deeply divided societies. This was done to prove two over-arching points. First, the concept of a "one-state solution" can have a variety of completely different structures of government. The one-state solution could mean a variety of arrangements, ranging from apartheid-like arrangements to full political and civil rights for all. Second, not all of these governing structures are suitable for a "one-state solution". This paper measured the suitability of the models on the basis of their ability to provide a full democracy and enduring political stability. The research found that, based on these measurements, consociationalism provides the most suitable governing structure for the Palestinian-Israeli "one-state solution", only if the correct political arrangements and

government institutions were put in place. The Swiss model was then introduced as a specific consociational structure that can provide a successful model for the Palestinian-Israeli “one-state solution”. The paper then proposed a Palestinian Israeli one-state solution based on the Swiss model of democracy with a focus on five main elements. These elements are federalism, power-sharing based on proportionality, minority “soft veto”, direct democracy, and a written constitution. These elements were designed to ensure the protection of collective identities, while ensuring individual rights and the empowerment of the people.

This paper was not intended to provide the answer to the Palestinian-Israeli conflict so much as to incite *specific* detailed proposals for the one-state solution. The current discussion on the one-state solution is limited to arguing for or against the general banner of a one-state solution. This discussion is valuable but limited in the extent of which it can generate general agreements or specific disagreements. Specifics might help move the discussion in a more productive direction in which opponents can reject specific elements of each proposal, while providing justifications, and opponents can respond by making adjustments to the proposals or providing counter arguments and so on. By approaching the discussion in a detail-oriented manner, we can begin to identify elements of agreement or disagreement, which can help produce an effective dialogue on the “one-state solution”. However, by strictly arguing for the general banner of a “one-state solution”, we are not allowing this discussion to move forward or to provide a complete picture.

We’ve all heard of the fable of the elephant and the six blind men and unless we acknowledge the wide-range of options within a one-state arrangement, the one-state

concept will always be up for different interpretations, and the “one-state” discussion will go nowhere.

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