

Which One Democratic State?

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“The beginning is to develop something entirely missing from both Israeli and Palestinian realities today: the idea and practice of citizenship, not of ethnic or racial community, as the main vehicle of coexistence.”—Edward Said, 10 January 1999, [“The One-State Solution,” *The New York Times Magazine*](#).

Introduction

We are supporters of One Democratic State (ODS), some of us members of the [Popular Movement for ODS](#), who are happy to join the *Mondoweiss* debate over the more exact contours of a reunited, human rights-based Palestine. On 1 March 2018 Jonathan Ofir [announced](#) the launch of the new [One State Foundation](#), followed on 3 May by an [article](#) by Jeff Halper expressing his own vision and describing the new One Democratic State Campaign, followed in turn on 24 June by a [critique](#) of Halper’s article by Ofra Yeshua-Lyth and Naji El-Khatib, members of the [Popular Movement for One Secular Democratic State](#).

The Popular Movement for ODS formed in May 2013; most of its members are either Palestinian residents of the West Bank and Gaza Strip or their supporters in England, many of whom are also members of the affiliated English group [One Democratic State in Palestine Ltd](#), founded in July 2013, which posts thoughts, documents and news about ODS. We are writing in individual capacities. We however share with these groups and with many other ODS supporters agreement with a one-page common founding document called the [Munich Declaration](#). In ten points it outlines the envisioned democracy and purposely omits, in contrast to Jeff Halper, any mention of the collective political rights of ethno-religiously defined groups of its prospective citizens.

Whoever now understandably feels the need for an overview of this disparate movement, including older groups like *Abnaa al-Balad* and newer ones organized for instance in [England](#) or [Texas](#), can consult material at [Free Haifa](#) or [this recent article](#) in the *Palestine Chronicle*. We welcome the ODS Campaign, which has originated amongst Palestinians in Israel and Jewish Israelis and which, according to Halper, intends to open up to others this fall. While it is not possible at the moment to predict which groups and individuals will perceive enough common ground to work together, we would greet the establishment of an inclusive umbrella group even if some differences remain. What are some points of agreement and disagreement?

Points of Agreement

1) *Right of return and property restitution for all displaced Palestinians and their descendants.* ODS is not only the most just state form, but whatever the resulting “demographic” make-up between the river and the sea, it flows logically from this key, non-negotiable right, that of return. The *legitimate citizenry* of any state covering Palestine must include all 12 to 13 million Palestinians, whether or not they actually return. Palestinians or the Palestine Government would also re-take ownership of the land taken from them since 1948,

amounting to all but a mere 6 percent of Palestine which was then in Jewish and/or Zionist possession. Return furthermore includes compensation for lost property, income and livelihoods during the last 70 years.

2) The citizenry of the new state shall include *all people now residing as citizens* between the river and the sea. It should however be a matter of debate within the ODS movement whether this is a right of individuals who, like all of us, could not help where they were born, or is a generous political gift to the oppressing immigrant group. We in any case oppose any deportations, and would try possible war criminals in normal courts.



Logo: ODS in Palestine Ltd.

3) No discrimination on criteria of ethnicity or religion will be built into the make-up of the new country's *judiciary, executive or parliament*, which will be elected by proportional representation within geographical electoral districts.

4) The official *languages* would be Arabic and Hebrew – and perhaps English, used as in India as a domestically neutral way of communicating.

5) It goes without saying that the new country, to use Halper's word, would be "multicultural," because this follows from the bedrock right of individual *freedom of association*; this includes for instance schools specific to cultural, language, religious or even ethnic groups, none of which would be privileged or restricted.

6) Of course *the two-state solution* is politically "dead," but we emphasize that this is a good thing. The point is not that it is not "feasible" or "viable" but that it is not, and never has been, politically or ethically *desirable*. It would deliver a small, non-sovereign "Bantustine," would freeze in place the apartheid of the larger of the two states, and freeze out the displaced refugees from their homes and lands in the 1948-occupied territories.

7) We fully agree with Yeshua-Lyth and El-Khatib, [writing in Mondoweiss](#), that the one democratic state should be *secular*. This is known in Western countries as “separation of Church and State,” meaning that the state shall 1) not establish a state religion, 2) not interfere with individuals’ freedom of association and expression in matters of religion and 3) not privilege any religion – or ethnicity.

8) Finally, there is strong agreement with Halper and the nascent Campaign that an “end-game” yielding “direction” and requiring “strategy” is at this stage necessary. We reject the recently oft-heard injunction against “talking about solutions,” advised by people who are playing off a “rights-based” approach against one which explicitly formulates and works for a final state of affairs consistent with all the Palestinians’ rights. (In our view BDS’s [three pillars](#), in fact, imply ODS.) Anti-slavery, women’s suffrage, anti-Apartheid and, alas, Zionism needed a clear and inspiring end-vision in order to succeed.

If this sounds like a bog-standard liberal democracy, with separation of legislative, executive and judicial powers, that is because it is one; there is actually no need to re-invent the wheel.



Palestinian refugee Abdulrahim Saad, 82, holds the keys of his former house in the city of Lod as he sits at his home in the West Bank refugee camp of Askar, near Nablus, May 13, 2015. Many Palestinians keep the keys of their former properties as a symbol for both, of what they had to leave behind and to where they once intend to return. (Photo: Nedal Eshtayah/APA Images)

Points of Difference

We disagree with Halper’s view that *collectives* should have constitutional rights. He writes: “The ODSC promotes a one-state concept that is both democratic and just but that also

acknowledges... the collective rights of the peoples living in the country, Palestinian Arabs and Israeli Jews.” He sees a “the fundamental reality that two national groups – Palestinian Arabs and Israeli Jews – inhabit the country.” The ODS Campaign’s “Program” provides that “the Constitution will also protect the collective rights of Palestinian Arabs and Israeli Jews to freedom of association.”

In contrast, we believe it is strong enough and sufficient to recognize fundamental *individual* rights, two of which are the rights of free association and free expression. Any legal standing of associations, groups, companies or “collectives” is derivative – reducible to individual liberties. It is category mistake, moreover, to classify “freedom of association” as a “collective right”; in all constitutions known to us this is an individual right. We believe such collectives can be a euphemism for sectarianism and even lay a platform for the continued socio-economic superiority of one group.

That is, all groups – not just Halper’s “ethno-national” ones – should go about their business privately and within the law. One relatively minor problem, by the way, is that there are more than just two “peoples” in Palestine (think for example of Arab Jews, Druze or Baha’i) and there are also individuals claiming their right not to self-identify in any ethnic or religious terms, for which there is no place in Halper’s concept. But mainly, we believe that dividing citizens formally up into “nations,” races, ethnicities, and religions (or even languages) not only takes away from the advisable unity of citizens, it takes a step on the slippery slope of the ethno-nationalism that has underlain so much war, hegemony and suffering.

We are glad that Halper’s vision no longer foresees bi-nationalism, which would have to be applied through quotas for his ethno-religious “collectives” in state institutions such as legislatures (as in Belgium and very few other countries). But we indeed wonder what concrete, tangible form the advocated “collective rights” might take. Indeed, how are the collectives which should enjoy explicit legal protection or “rights” be defined? Which rights, indeed, adhere to collectives over and above any which constitutionally adhere to individuals? These definitions, and what the “collective rights” in the ODS would be, is not made clear by Halper.

The collective Halper is concerned about is the self-defined Jewish one which would comprise a minority of individuals. He understandably both wants to “sell” ODS to Jewish Israelis and “protect” the Jewish “national, ethnic or religious collectivities” in some special way. In our view, however, named and protected minorities, somehow defined, would receive no greater protection than that in reality provided by successful individualist constitutions all over the world.

But Halper then correctly sees a “dilemma” for the Campaign, because the “collective rights” doctrine applied to the group which has colonized, brutalized, expelled and humiliated them would make it impossible to “sell” ODS to Palestinians: “While the vast majority of Palestinians recognize the permanent presence of Jewish Israelis, to be forced to acknowledge them as a national group places Palestinians in a position of having to legitimize settler colonialism in its Zionist form, which is a bridge too far.” Indeed, but unfortunately, he does not pursue this point. We reject granting of special rights on the basis of genetics or religion – e.g. to Jews *because they* are Jews, or to anybody else on that basis.

A fatal problem for this “two peoples” doctrine is that it of necessity, constitutionally and explicitly, grants the two collectives *parity*. Politically and ethically, the scheme is giving the two groups equal status. But there is no such parity between oppressor and oppressed, colonizer and colonized, cleanser and cleansed. Yet Halper writes for instance of “we, the stakeholders, Palestinians and Jewish Israelis together” – the picture being one of two equally legitimated groups in an overall group of “stakeholders,” which must “offer our own peoples a mutually acceptable way out.” The parity principle is likewise reflected when Halper twice uses “Palestine/Israel” rather than “Palestine” as the name of the re-united country. (We believe the name should be restored to *Palestine* for its inclusivity and historic significance.)

There is one last problem with the “two peoples” or “two collectives” idea: While the “Jewish Israeli” group is defined in terms of genes and religion, the “Palestinian” or “Palestinian Arab” group is defined in terms of land, historical rootedness and (Arab) culture and language, including as it does Christians and Jews as well as Moslems. The first group justifies its presence in Palestine on ethnic, or racial, or religious, grounds, while the second group can make the infinitely stronger case based on belonging to the land and unbroken descent over millennia from the indigenous residents. To talk of “two peoples” is to compare apples and pears.

Some less weighty issues remain. One involves how we use the term ‘occupation’: Since all of Palestine is occupied, to employ the term “OPT” as Halper does is an implicit recognition that de-facto Israel is legitimate “within the 67 borders.” We, on the other hand, refer to the 1948 occupation (*nakbah*) and the 1967 occupation (*naksah*); the Occupied Palestinian Territories are geographically congruent with Palestine.

There is some difference in our idea of the political task, as well. Halper writes of the task’s being “to sell to, or impose upon, Jewish Israelis” the ODS idea. But in our view these are two radically different things. Palestinians and other democrats have been arguing in vain with Zionism for over a century. And the Jewishness as opposed to the democracy of the Israeli state has gained ground enormously even since ODS started becoming well-known over the last two decades. Of course, the more Jewish-Israeli ODS supporters the better, but we believe it is a necessary condition for the replacement of Israel by a democracy that it be *imposed*.

We are also skeptical about placing emphasis at this stage on what Halper writes of as “reconciliation,” a “new society,” “mutual trust,” “building a shared civil society” and even “economic justice.” If such thoughts are now pursued, we must of course say with no ifs and buts that Zionism threw the first stone and that the Palestinians have done nothing requiring forgiveness; there is no *symmetry of reconciliation*. We furthermore worry that by aiming beyond the political into these realms of feeling and socio-economics is biting off more than the ODS movement can chew. To put it perhaps too provocatively, we are willing now to settle for a less ambitious principle of “Hate me, don’t hurt me.” That is, harmony and forgiveness would be wonderful, but mainly we want a just solution and peaceful *behavior*.

A final issue concerns the danger of treating Palestinians paternalistically. After affirming right of return Halper asks “how do we prevent the refugee population, traumatized, impoverished, severely under-educated and unskilled, from becoming an underclass in their own country?” First, the unskilled, undereducated Palestinian refugee is largely a myth. Second, we believe that

once the political rights and emotional stability of living in their homeland have been restored, Palestinians will be perfectly capable of fending for themselves, the more so as they would share relatively open borders with an Arab region where Arabic is the dominant language.



Logo: Haifa Conference

Which ODS Platform?

There is of course always something new to be said against Israel, against Zionism, and against the (Zionist) two-state solution. But we would like to suggest to other ODS supporters that we should also try switching the discourse from negative to positive. That is, in addition to attacking settler-colonialism and apartheid, etc., we should begin with, and build the argument on, the positive rights of all the Palestinians, then ask what solution is compatible with them. Then, if we show that if this logically leads to the demise of Israel, then so be it. But it puts Palestine, rather than Israel, in the centre of the discussion. Accordingly, we support the Campaign's project of painting in as much detail as possible what the ODS would look like, and refer to the comprehensive 2010 [Dallas Declaration](#) for ODS.

However, judging by its rhetoric, we do not believe the Campaign's Preamble and Program have made enough room for the feelings and narrative of Palestinians who have for one century suffered death, maiming, exile, transfer, occupation, imprisonment and humiliation – and who therefore reject any lingering shred of Zionism or the political rights *of the group* – the *collective* – that has killed and oppressed them. ODS should leave appropriate space for freedom of radical Palestinian expression. Finally, to include Jewish-Israeli “collective rights” in the state's constitution – even if not on parity with Palestinians' “collective” rights – is a further case of Jewish-Israeli “exceptionalism” wherein one fully backs human rights-based democracy everywhere else in the world, but not in Israel.

There is much to be said for the existence of several different ODS groups, each aimed at and speaking the language of a certain target group: Palestinians in Israel, Palestinians in the West Bank and Gaza Strip, externally-displaced Palestinians, Jews in Israel, as well as millions of

others worldwide who would not be citizens of the future state. For groups agreeing on 95 percent of the issues, a common platform would obviously be a huge asset. Which one?

As noted at the outset, the Popular Movement for ODS, along with other groups, has adopted the one-page, ten-point [Munich Declaration](#), resolved unanimously at an ODS conference in Munich in 2012 and consistent with several earlier ODS [Declarations](#) and ODS-conference [Resolutions](#). We are glad that the Campaign's Program has adopted the bulk of it (its Points 1, 2, 4, 5, 6, 8 and 10, mostly word-for-word), and in awareness that the document can be superseded by something better, longer, or shorter, we ask the Campaign for the sake of unity to first openly endorse the Munich Declaration, then work together to add to it or improve it.

Over the last two centuries the world has had enormous experience with unified democratic states. Halper however writes that "The time is far overdue to begin formulating a genuinely just and workable political settlement..." But the "beginning" of the de-partitioned Palestinian ODS has already been formulated many times over! Since 2004 at least seven books have appeared entirely devoted to ODS (by Mazin Qumsiyeh, Ali Abunimah, Virginia Tilley, Ghada Karmi, Hani Faris, Antony Loewenstein & Ahmed Moor, and Karl Sabbagh). The political party National Democratic Assembly has during that time, at high risk, argued inside and outside of the Knesset for a state of its citizens. ODS was the platform in the 1960s and 1970s of the PLO and thinkers such as Yusif Sayigh and George Habash, as well as earlier, during the Mandate, of all seven Palestine Arab Congresses and of leaders like Musa Kazim al-Husseini, Musa al-Alami, Jamal al-Husseini and Henry Cattan. Palestinians never accepted partition – the "One" in One Democratic State. Most of them advocated the "Democratic" part in the form of proportional representation. Recognising the ODS idea's rich history not only heightens its attractiveness but would be a step towards readiness to work with others in a broad group for the same goal.

Signed,

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Dr. Blake Alcott, Istanbul, ODS activist

Yousef Aljamal, Sakarya, from Alnuseirat Refugee Camp

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