

ISRAEL'S ONE-STATE REALITY AND THE CHALLENGE OF DEMOCRATIZATION

Decades of massive Israeli settlement of the West Bank reflect a fundamental transformation of Israel from a state with a social democratic ethos to one dominated by a militantly nationalist political culture. Consequently, the two-state solution to the Israeli-Palestinian problem has become unattainable. De facto Israeli rule of the entire country between the Jordan River and the Mediterranean Sea is not a one-state solution but a one-state reality. The remaining path to a better future for both Jews and Palestinians is the democratization of that state. Factors that can contribute to this process are considered. The struggles and political emancipation of blacks in the United States, Irish Catholics in the United Kingdom, and women in most industrial democracies, suggest this process is likely to take decades or generations rather than months or years, but early signs of change are apparent.

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On 1 November 2022, Israel held its fifth parliamentary election in than four years. Following both elections in 2019, one in 2020 and one in 2021, political divisions, personal hatreds, and partisan squabbling either prevented any coalition majority from forming or yielded governments too weak to agree on a prime minister or to last more than a year or two. This time round it appears that if he can resolve the horse-trading problems he is likely to face in negotiations with Itamar Ben-Gvir's Jewish supremacist Religious Zionism Party, Likud leader Benjamin Netanyahu will return to the Premiership with the support of a narrow but unprecedentedly extreme right-wing coalition.

Meanwhile, the West Bank is on fire. The Palestinian Authority's legitimacy and capacity to enforce Israeli security mandates has disappeared. Waves of Palestinian resistance, including killing at least 20 Israelis, have triggered a massive and bloody reaction. A continuing, and continuing crackdown by the Israeli military features nightly raids into Palestinian cities, widespread use of collective punishment, a rise in vigilante attacks on Palestinians by settlers, more than 180 Palestinians shot to death in 2022, thousands injured, and many more arrested.

Casual observers might imagine that Israel's confrontation with masses of defiant Palestinians is what has produced the political turbulence associated with repeated and indecisive elections. They would be wrong. While the few voices calling for restraint have been drowned out by demands for removing legal restraints on Israeli soldiers operating against Palestinians, the overwhelming majority of Israeli Jews voted this year without thinking much about the nuances of Israeli policy toward Palestinians. This disinterest is reflected in political advertising, which contained virtually no mention of the subject apart from racist and ultranationalist invocations of Palestinians as savage enemies.¹ Instead, argument and invective focused on the personality of former Prime Minister Benjamin Netanyahu, the redemptive or catastrophic implications of his return to power (depending on your point of view), on the cost of living, and the celebration of the Israeli military and Jewish nationalist values. Israel, in American parlance, used to be a blue state (like New Jersey). In the 1980s and 1990s it was purple (Pennsylvania or Wisconsin). But today, and indeed for the last decade, it is deep red. Think Oklahoma or Idaho.

This is the new world of Israeli politics—where struggles for power rage within a population of Israeli citizens that includes only 60 percent of all the people ruled by the governments those citizens elect. Israel occupied the West Bank and Gaza Strip fifty-five years ago. For several decades, the question of what to do with those territories,

¹ Ofer Shelah, "Your Palestinian Problem Is Back," *Yedioth Ahronoth*, September 6, 2022. Translated by the S. Daniel Abraham Center for Middle East Peace, available at: <https://paradigmlostbook.files.wordpress.com/2022/09/warning-of-slide-to-binationalism.pdf>

and their swelling Palestinian populations, dominated Israeli politics, dividing the country between advocates of withdrawal in return for a peace agreement and those committed to ensuring that would never happen. But at least for the last decade, that has not been the case. The question of what policies to adopt toward Palestinians in the West Bank and Gaza is simply absent from the political agenda. That is because the old debate over whether to withdraw or not; whether to agree to a Palestinian state or not, has been settled. There will be no negotiated withdrawal and no Palestinian state. Among the mass of Palestinian non-citizens living across the green line are nearly 700,000 Israelis—eleven cent of Israel's entire Jewish population. Their entrenched presence, along with the political and cultural constellations of power than allowed the settlement juggernaut to succeed, explain why no candidates for national office offer plans for negotiations that anyone believes could lead to a peace settlement based on establishment of a Palestinian state.

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Yet commentators and analysts also agree that the situation cannot continue indefinitely. The problem of the future of five and a half million Arabs living in the territories occupied in 1967 is not now politically decisive, but it was and will be again. Its suppression is due to the disappearance of the option of removing them from Israel, by mass expulsion or by a two-state solution, *and* to their simultaneous exclusion from the Israeli political process. Although they live within the ambit of Israeli state power, they have no voice in choosing the governments that control their fate.

When the Palestinian problem does return to Israeli politics, it will not look like it did in the past. The system of control Israel has imposed on Palestinians based on blanket surveillance, systematic coercion, mass imprisonment, vigilantism, elaborate economic sanctions, and elaborate bureaucratic requirements, has transformed the very meaning of the “State of Israel.” The West Bank and Gaza Strip (“Judea and Samaria” and the “coastal enclave” in Israeli parlance) no longer exist as territories

held by the Israeli state, but separate from it. These areas and their populations are now parts of the State of Israel, albeit ruled according to norms different from those prevailing in other regions. That is a fact. It is a fact just like the fact that most of the Arab citizens of Israel (demarcated by the 1949 armistice lines) were ruled by a military government from 1949 to 1966, and yet certainly lived within the State of Israel. And it is a fact just like the fact that prisons in Ramle, Meggido, and Ketziot, whose internal affairs are largely controlled by Palestinian prisoner organizations, are located within the State of Israel. So too is it a fact that Nablus, Jenin, and Gaza, are located within the State of Israel, by virtue of being subject to the regular exercise of Israeli military power and the oversight of COGAT, the Israel Defense Ministry's "Coordinator of Government Activities in the Territories."

So what are the political implications of the radical, if undeclared, transformation in the Israeli state's geographical scope and demographic composition? If a two-state solution to the Israeli-Palestinian conflict is no longer available, what path toward a better future remains? And how are we to understand the motives of those, such as Israeli Prime Minister Yair Lapid in his speech to the United Nations General Assembly, who pretend commitment to a negotiated two-state solution when their audiences know their words have no practical meaning?

Most profoundly, the emergence of Israel as the state that encompasses all the territory and all the people between the Mediterranean Sea and the Jordan River is that the Israeli-Palestinian conflict has returned to being a struggle over whether and how Arabs and Jews can live together in the same polity after having been, for half a century, a struggle over whether and how a border between an Arab and a Jewish polity could be established. The crucial operational question is democracy. Jews hold power in a state inhabited by as many or more Arabs than there are Jews. Can such a state democratize? If so, how?

Facing these questions requires a drastic extension of the time frame observers have been accustomed to using when thinking of positive ways the Israeli-Palestinian conflict can evolve. This is a difficult challenge for those willing to face the implications of the one-state reality. Another implication of that reality is more heartening. Most of the month-to-month or year-to-year developments and issues that have for so long tormented two-state solution advocates have, as a result of the one-state reality, become either irrelevant or a boon for those struggling for a more inclusive and tolerant future. No longer must they, or should they, be concerned with such perennially frustrating questions as whether this or that settlement is about to be expanded, whether a new Israeli housing project will or will not be built in some greater East Jerusalem neighborhood, whether the United States will overcome

domestic political constraints and finally serve as a forceful facilitator in a revived “peace process,” whether political moderates in Israel will prevent yet another right-wing government from coming to power, or whether Israel will end up a binational society. In the one-state reality these questions are irrelevant, at least when it comes to gauging prospects for peace based on partition. What forty years ago was called the “point of no return” has been passed. Whether Israel builds new neighborhoods or settlements here or there does not matter for future peace negotiations. No negotiations of any consequence will occur anyway. And the more Jews living on Arab land in the West Bank, the fewer will be residing on Arab land in the Negev or the Galilee. Instead of agonizing over Washington’s failure to pressure the parties toward a two-state solution, progressives can begin to appreciate the shift in Washington away from diplomacy toward emphasizing the goal of equality of rights, statuses, and opportunities for both Israeli Jews and Palestinian Arabs—objectives attached to the operation of Israel as a state advertising itself as democratic, rather than to its “foreign policy.”

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For the foreseeable future, and, in fact, for a considerable time beyond the foreseeable future, the only governments that will be formed in Israel will be right-wing. They will not all be as extreme as the government that seems likely to emerge following the 2022 elections. Still, none of them will entertain any proposals or processes based on placing large portions of the West Bank and Gaza Strip under sovereign Palestinian control. From time to time, these governments will announce plans to annex portions of these areas or declare Israeli sovereignty over them. Far from fearing such developments, and instead of rewarding Israel for refraining from doing so, the world community should welcome the formalization of de facto Israeli rule and insist that legal measures be implemented fully, consistently, and reasonably so that all inhabitants of the areas Israel treats as its territory enjoy equal rights to citizenship, voting, and a proportionate share of national resources.

Whether Israel does or does not make its rule of the entire country official, of one

thing we can be sure. Calculating prospects for successful negotiations between the Israeli governments and Palestinian “state-on the way” representative is no longer an effective way to think about the country’s future. Once we internalize the fact that Palestinians living in the West Bank (including expanded East Jerusalem) and Gaza are living within the State of Israel, we can appreciate that negotiations between Israel and the Palestinian Authority or Hamas will never achieve more than do negotiations between wardens in Israeli prisons and the Palestinian prisoner organizations who represent those incarcerated. Such so-called “peace” negotiations, or even talk about conditions under which they might be resumed, are nothing but a pretense for avoiding the real and decisive question posed by the one-state reality: How can the state that rules 14 million people from the river to the sea be democratized?

Autocracies can be toppled quickly, as they have been many times in Eastern Europe and Latin America, and replaced by democratic regimes, which may or may not survive. This form of “change at the top” democratization can come suddenly. Color revolutions, democratic uprisings, and coups offer uncertain but real opportunities for shifting from dictatorship to democracy in weeks or months. But the kind of democratization challenge that Israel faces is different. It entails the extension of rights to large populations who have long been excluded from participation in the demos; people who have been stigmatized as unworthy, unqualified, threatening, or irrelevant to politics by the long-enfranchised.

If we consider how long were the struggles for political equality of enslaved black people in the United States, of non-whites in apartheid South Africa, of the Catholic Irish after the incorporation of Ireland into the British state in 1801, and of women in almost all industrial democracies, we can expect that Arabs under Israeli rule could face decades and even generations of struggles for citizenship and full political rights. Many factors can be identified as necessary in the development and success of these struggles—cultural and generational change, international pressure, severe economic strain that raises the value of traditionally excluded groups, and large-scale wars that upend norms and force the mobilization of all available human resources. These are macro circumstances that democratization advocates can exploit, but not effectively manipulate.

On the other hand, regimes whose democratic character is contradicted by limits on the availability of citizenship or voting rights do present distinctive opportunities for the excluded. A key feature of democratic competition is that incumbents and challengers are willing to do almost anything to win elections. This means that excluded populations, once they mobilize and demand rights, can be viewed as crucial political resources, either by incumbents who want their support against

challengers in return for extensions of political rights, or by challengers who can see similar opportunities if they believe their ranks would be swelled by dissatisfied new voters. If the competition between them is very close, and the beneficiary of political emancipation of the traditionally excluded population is uncertain, challengers and incumbents may both support franchise extension.²

This perspective on the one-state reality highlights the practice of most pundits and analysts of Israeli politics to rely overmuch on current events, election outcomes, and polling data. As noted, an entirely different time frame is in order. From the blatant racism of American whites toward blacks in the 1890s or even in the 1930s, or from the Democratic Party's commitment to Jim Crow, there was little to suggest that in the 1980s George Wallace would win re-election as Alabama's governor by kissing black babies, that a decade later the Democratic Party would become utterly reliant on black turnout to win national elections, that not long afterward Barack Obama could be president and Kamala Harris vice-president.

There are of course no guarantees that democratization will occur; nor is the process of democratization necessarily peaceful. Increasingly ruthless oppression, spasms of violence, expulsions, and even civil strife are all possible. We must not forget that a civil war costing 600,000 lives was one feature of the American journey toward multicultural democracy. The point is that taking this long view allows us to imagine many pictures of the future prettier than the present—a state for all its citizens, a binational state, a state comprised of cantons federally linked with one another, and even a two-state outcome. This latter future could emerge eventually, though not by virtue of a new Washington diplomatic initiative or a clever negotiated compromise. Rather, following the Irish example, the secession of “Palestine” from Israel could develop by processes of mobilization, political competition, emancipation, civil disobedience, violence, and secession that led downtrodden Irish Catholics from an oppressed and excluded minority in the one-state reality created by Great Britain in 1801 (when it annexed Ireland without granting political rights to Irish Catholics), to a force holding the balance of power in British politics from the 1880s to the achievement of Irish statehood in most of Ireland in 1921.

Regardless of whether one of these more democratic futures does emerge, given the ferocity of politics within the Israeli “ethnocracy,”³ the centripetal effect of elections—the pulling in and elevation of peripheral or excluded groups as a result of intense competition among the already enfranchised—will be of increasing

² For analysis of the contribution this mechanism made to the emancipation of women in Britain, France, and the United States see Dawn Langan Teele, *Forging the Franchise: The Political Origins of the Women's Vote* (Princeton: Princeton University Press, 2018).

³ Oren Yiftachel, *Ethnocracy: Land and identity Politics in Israel/Palestine* (Philadelphia: University of Pennsylvania Press, 2006).

importance. Indeed, Arab participation in Israeli politics has already become an order of magnitude more salient than in the past, and is widely considered one of the two decisive factors in the outcome of this year's election. With peace negotiations and territorial withdrawal no longer on the Israeli political agenda, the question of how to "solve the Palestinian problem" no longer organizes Israeli electoral competition. Instead political parties aligned themselves into the "Netanyahu bloc" on one side, comprised of Likud, the ultra-orthodox parties, and the Religious Zionists; and the "anti-Netanyahu bloc," led by Lapid's secular centrist "Yesh Atid" (There is a Future), along with the anti-Netanyahu right of center "Statist Camp" or "National Unity" party, and an array of small parties—the formerly dominant Labor Party, the liberal Zionist "Meretz," the Israel Our Home party of Russian speakers, and one Arab party, Ra'am, which participated in the Bennett-Lapid unity government. Before the election, savvy observers commented that, given what has happened in each of the four elections within the last three years, and given the stability of polling showing each bloc on the edge of either gaining the 61 seats needed to form a government, whether a government would be able to be formed, and which bloc would create it, was likely to depend on voter turnout among Arab citizens of Israel. The fragmentation of the mainly Arab "Joint List," which won 13 seats when it competed in 2015 and in September 2019 and fifteen seats in 2020, threatened those committed to blocking a Netanyahu government with the loss of parliamentary seats attendant upon failure of one or more of the fragment Arab parties to pass the 3.25 percent threshold needed to qualify for any representation.⁴ It is both striking and ironic that, as final election results were being calculated in 2022, it appeared to the anti-Netanyahu bloc that if there still was a chance to "save the country" from Netanyahu and his Jewish supremacist allies, it lay in the possibility that the explicitly Palestinian nationalist Balad party might squeak past the threshold and provide four crucial Knesset votes in favor of new elections.

It now appears that many Balad voters overcame their inclination to sit out the election. They voted late and produced a surge toward Balad, but the party still failed to pass the 3.25 percent threshold. The two other mainly Arab lists will have ten Knesset seats between them, just as they did in the April 2019 election when a similar split in the Joint list occurred. Regardless of the details of the outcome in the 2022 election, a remarkable transformation in the salience of Arabs in Israeli politics can be observed. Although rare for most of Israel's history, it has now become standard practice among Israeli commentators to treat Arab political parties as potential coalition makers or breakers and for Israeli pollsters to include in their surveys and their reporting the political preferences and probable turnout

⁴ See for example, Amir Ettinger, "Battle Over Arab Vote," *Israel Hayom*, 3 October 2022. Available here: https://paradigmlostbook.files.wordpress.com/2022/10/ettinger_battle-over-arab-vote.pdf

of Arab voters. From the 1950s through most of the 1980s, Arab political parties (including the primarily Arab Communist Party) were either prevented from forming or automatically excluded from coalition calculations. The fierce and even split between Likud and Labor in the late 1980s helped Arab politicians launch independent political parties and begin to play a role in coalition politics, if only informally.⁵ In 1992 Arab support from outside the coalition enabled Yitzhak Rabin to form a government which, among other things, set the stage for the Oslo peace process. In 2021 the Bennett-Lapid government's inclusion of the Ra'am Party as a coalition member—a party which emerged from the same cultural and ideological community as Hamas—is stunning evidence for how political competition can expand opportunities for traditionally excluded populations. One can also interpret the passage of the controversial “Basic Law: Israel as the Nation-State of the Jewish People” as evidence of just how real and how disturbing, for ultranationalist Israeli Jews, is the political potential of Arabs within the one-state reality. What never needed to be said, that Jewish priorities would ultimately be decisive in Israel, now needs to be legally entrenched. Unsurprisingly, right-wing parties, less likely to benefit from future extensions of the franchise to West Bank and Gaza Palestinians, were the motive force behind this law. In contrast, Yair Lapid, who opposed the law, has promised to change what he calls “insulting” legislation to affirm the equality of Arab citizens; this as a means of increasing Arab turnout and thus his prospects for forming a government.

Though some talk has begun, among both right-wing and left-wing annexationists, about the eventual implications of extending Israeli citizenship to Palestinians living in the West Bank, developments in expanded Jerusalem suggest that repercussions of the one-state reality are already appearing there. Since June 1967, Arabs holding Jerusalem residency cards have already had the right to vote for city councilors and the mayor. Traditionally, however, in protest against the occupation, Palestinians have boycotted municipal elections. In 2013 fewer than 1 percent of eligible voters cast ballots. But consolidation of the one-state reality has had an effect. In 2015 52 percent of Arabs living in East Jerusalem told pollsters they “would prefer to be citizens of Israel with equal rights -- compared with just 42 percent who would opt to be citizens of a Palestinian state.”⁶ Five months before the October 2018 municipal election another poll showed that 22 percent of eligible Palestinians in the city intended to vote or were thinking about voting in what appeared to be an

⁵ Ian S. Lustick, “The Political Road to Binationalism: Arabs in Jewish Politics,” in *The Emergence of a Binational Israel: The Second Republic in the Making*, Ilan Peleg and Ofira Seliktar, eds. (Boulder: Westview Press, 1989): p. 97-123.

⁶ David Pollock, “Half of Jerusalem’s Palestinians Would Prefer Israeli to Palestinian Citizenship,” 21 August 21 2015. <https://www.washingtoninstitute.org/policy-analysis/view/half-of-jeruselems-palestinians-would-prefer-israeli-to-palestinian-citizen>

extremely close election.⁷ Several Palestinian parties seeking representation on the council announced campaigns, but were pressured by both Palestinian and Israeli authorities into withdrawing. However, one such movement remained in the race, “al-Quds, Baladi,” (Jerusalem, My Hometown). Despite threats against the family of its leader, Ramadan Dabash, and the withdrawal of other candidates from its list, the party attracted 3000 votes out of more than 4000 votes cast in the first round of the election by residents of Arab neighborhoods.

Assuming there were approximately 280,000 Arabs eligible to vote in the 2018 Jerusalem election, that is a turnout rate of 1.4 percent, not high enough to make Dabash a member of the city council, but still higher than in previous elections. What makes this outcome significant as a harbinger of things to come is not only vastly increased discussion among Palestinians about the advisability of voting, but the exquisite narrowness of the election’s outcome. In the runoff between the right-wing and ultranationalist candidate, Moshe Lion, and the liberal, secular oriented Ofer Berkovich, Lion won by fewer than 4,000 votes—only 0.7 percent of the votes cast. If only fifteen per cent of those Arabs who were thinking of voting had actually voted that would have likely changed the outcome of the election, transforming the landscape of politics and policy in the Israeli capital, and dramatically demonstrating the potency of Jewish-Arab political partnerships.

Of course, the Palestinian Authority and Israel have a variety of options for suppressing Arab participation. But increasingly explicit coercion, threats to remove residency rights, or actions to deprive all those Palestinians living east of the separation barrier of their residency rights, have high costs and themselves testify to the lengths Palestinian and Israeli political establishments now need to go to forestall the broad-based struggles for democratization and equality incubated by the one-state reality. It is also of interest that while the PA pressured East Jerusalem Arabs not to vote in municipality elections, it has strongly urged Palestinian citizens of Israel to vote in this year’s Knesset elections.

The final question to be answered is why so many Israeli politicians, authors, and commentators, from the left to the center-right, still publicly advocate, at least occasionally, some version of the two-state solution. Most who do so know there is no viable way to achieve it. They also know that most of their audience knows that. The one Zionist party in the last Knesset that strongly advocated resuming diplomatic initiatives toward the two-state solution, the liberal Meretz party, failed to win any seats in the new parliament. So why, for example, given the evident

⁷ Jonathan Blake, Elizabeth M. Bartels, Shira Efron and Yitzhak Reiter, *What Might Happen if Palestinians Start Voting in Jerusalem Municipal Elections?* (Santa Monica: Rand, 2018): p. 24.

disinterest of Israelis in the two-state solution, did Prime Minister Yair Lapid include commitment to it in his address to the United Nations General Assembly? Some observers interpreted that move as a message to Arab voters in Israel, but that is wrong. Palestinian citizens of Israel know better than anyone else how hollow were his words and how little real support existed for a viable two-state solution, even within his own government. When the Prime Minister returned to Israel, he travelled to the Arab city of Nazareth to campaign for Arab votes. There he knew better than to prattle about the two-state solution. There he talked about political equality, economic progress, and public safety in Arab communities. Why? Because those are the issues that Palestinians in Israel care about and with respect to which an Israeli government might at least theoretically be responsive.⁸

Lapid and other Israelis and Israeli advocates still talk about two-states, in fora such as the United Nations, because they are desperate to avoid acknowledging that Israel already is a state that includes as many or more Palestinian Arabs as Jews. To the extent the country and the world imagine Israel and the Palestinians as hoping for, or at least waiting for, the two-state solution, the fundamental issue of democracy can be dodged. This is the issue that Abraham Lincoln identified when he declared, in 1858, that government “cannot endure, permanently half slave and half free.” By preserving the image of a negotiated two-state solution, at least officially, in the public and international imagination, policies of coercion and mass political exclusion can be justified as stop-gap, temporary measures to be enforced only until a revived peace process produces a treaty establishing a Palestinian state west of the Jordan.⁹ The actual effect, and the real (if unstated) purpose, of such posturing is to preserve the status quo of silent apartheid, a form of systematic discrimination achieved without official and explicit use of the legal system to formalize racial or ethnonational inequality.

The struggle for democracy in Palestine-Israel will be long, but it will not begin in earnest until the mirage of the two-state solution is understood for what it is and does. The current challenge, for those committed to democracy, equality, and opportunities for both Palestinian and Jewish projects of non-exclusivist national self-determination, is not to turn the one-state reality into a one-state solution. The imperative of the moment is two-fold: to resist, in the name of democracy and equality, the racist and violent policies likely to be implemented by the Netanyahu—Ben-Gvir—Ultraorthodox government, should be formed, while, at the same time, exposing the disingenuous, self-interested, and self-protective rationales that

⁸ “In Nazareth, Lapid urges Arab Israelis to vote in election—for their own sakes,” *Times of Israel*, 25 October 2022. <https://www.timesofisrael.com/in-nazareth-lapid-urges-arab-israelis-to-vote-in-election-for-their-own-sakes/>

⁹ Ian S. Lustick, *Paradigm Lost: From Two-State Solution to One-State Reality* (Philadelphia: University of Pennsylvania Press, 2019): p. 113-118.

undergird continued allegiance to the two-state solution. In the coming decades the challenge will be Palestinian emancipation, to work within the one-state reality to trade today's problems, based on coercive exclusion of Palestinians from politics, for better problems associated with politics in an inclusive multinational democracy.