

A Response to Peter Beinart

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By Paul Scham

The liberal Jewish world has been shaken since the publication of Peter Beinart's July 7 essay "[Yavne: A Jewish Case for Equality in Israel-Palestine](#)" in which he argues that both Zionism and the political/moral imperative of equality can now be best (only?) served by the establishment of one binational state encompassing all of historic Palestine "from the River to the Sea." The furor was predictable and undoubtedly intended, not only because Beinart is probably the single best-known exponent of what some call "Liberal Zionism," but also because the sterility of the Israeli-Palestinian conflict has led to despair and hopelessness on the moderate Left, which has adhered to the two-state solution with increasing desperation, seeing (and, for the most part, seeking) no alternative.

Beinart is by no means happy at abandoning the venerable 2SS, but he rightly points out that it is unattainable in the form envisioned by most of the world outside the Jewish and evangelical rightwing, i.e., an Israeli and a (arguably demilitarized) Palestinian state living in peace, with a border more or less at the June 4, 1967 Green Line, and a shared Jerusalem. With roughly 650,000 settlers already living east the largely erased Green Line, he maintains that it is nearly impossible to imagine that a path could be found to the 2SS, even if patchwork swaps allow most settlements to be incorporated in Israel.

I added "nearly" because I recently listened to a [lecture by Shaul Arieli](#), perhaps the most technically knowledgeable and eloquent exponent of two-states, who explained convincingly how it could be done. However, it was convincing only in its own terms because he did not at all address the political factor; namely, that the Israeli Right is ascendant with little indication that a majority of Israelis will in the imaginable future vote in a government that would implement the "classic" 2SS. When I asked Arieli after the lecture about the political factor, his answer stressed hope and optimism, i.e., he had no political path that would lead to two states, even though technically it could be attained.

Thus, I see no way not to subscribe to Beinart's description of a settlement enterprise too far advanced to be able to seriously imagine reversing it in order to realize the classic 2SS. Ain't gonna happen.

However, accepting Beinart's diagnosis by no means implies accepting his prognosis. Seemingly on automatic pilot, he moves on to the popular view that there exists a one-state/two-state dichotomy, and never the twain shall meet. Although he writes "It's time to explore other ways to achieve that goal—from confederation to a democratic binational state," he does so only cursorily, leaving the strong impression that Zionism can and must be built within the confines of a binational state, which many critics regard as a contradiction in terms.

That is where I part company with him. There's no need to dismantle the existing state of Israel to preserve both democracy and a Jewish state. While I have my own strong critiques of how Israel is being governed today, it has created highly functional, though inevitably flawed state that is indeed a "Jewish national home," and absolutely serves as a refuge for those (now increasingly few) Jews in distress and in need of refuge. The question is how those accomplishments can be maintained while finding a solution to Israel's greatest problem: its continuing inability to come to terms with the Palestinian nation living next to and within it, which it controls with a heavy and seemingly unremitting hand.

The fact is, in the modern world, there are shifting and increasingly varied models of sovereignty being asserted, with some even being implemented. The largest and most important is, of course, the European Union, now much maligned, but which has nevertheless unquestionably succeeded in its original and most important task; preventing a major European war, specifically between longtime enemies France and Germany. Not at all coincidentally, creating a lasting structure of peace would be the single most important task of any Israeli-Palestinian "arrangement." All else is commentary.

Of course there are innumerable differences between France and Germany (and Europe) in the early 1950s, and Israel and Palestine (and the Middle East) in the 21st century, beginning with the fact that the Europeans (mostly) had historically defined and separate homelands (we'll leave Alsace and Lorraine out of it). Nevertheless, in eventual tandem with most of the rest of Europe, they incrementally built a unique supra-national structure within which nationhood and national sovereignty were largely maintained. Obviously the Brexiteers took issue with that and proved that one person's generous offer is another's humiliating deception (as we had already seen at Camp David in 2000). Nevertheless, there remains a huge middle ground between two states and one, and continuum that is the only fruitful space that seems available to explore in hopes of reaching genuine Israeli-Palestinian peace.

I should make clear at this point that I come out of what I would term the Jewish Left. Thirty years ago I set up the first Washington, D.C. office of Americans for Peace Now; I am currently President of Partners for Progressive Israel, which is loosely affiliated with Meretz. When I lived in Israel from 1996 to 2002, I coordinated Israeli-Palestinian and Israeli-Jordanian joint research projects at the Truman Institute for Peace of the Hebrew University. Thus, I have no doubt Israeli-Palestinian peace is possible, and have long seen the settlement movement as ideologically pernicious and dangerous to the State of Israel because settlements had the potential to block a two-state solution, which I still see as the best arrangement for settling the Israeli-Palestinian conflict.

However, the settlement movement has now accomplished what I and many others feared. The window has closed and the train has left the station. While, as Arieli and others have shown, there exists a theoretical path to the classic 2SS as we have understood it; in practice it is gone, almost certainly for good. We on the Left must face that fact, and deal with the new possibilities, as well as the limitations, of this reality.

For me, these new possibilities are best embodied in two organizations I became aware of in 2018, namely [Roots/Shorashim/Judur](#), composed mainly of settlers in the Gush Etzion region of the West Bank and of Palestinians who work with them, and [One Land for All](#)/Eretz l'Kulam (which Beinart mentions in passing), until recently known as "Two States, One Homeland." The former comes out of the religious and settler Right; the latter from the secular Left. They work together and I support both (though I am not affiliated with either nor is Partners for Progressive Israel). There are indeed many other models, old and new, but in creating a vision for the future it seems to me essential to retain the national identities that both nations have labored to express in modern terms. It is not a post-nationalist world, and certainly not for Israelis and Palestinians. [Confederation is a form of two states](#), not one, but transcends the unnecessary dichotomy.

One Land for All is more overtly political, championing a confederation of an Israeli and a Palestinian state, with citizens from either free to live where they choose in the whole Land (presumably subject to reasonable local regulation) and, importantly, a "right of return" for both peoples (presumably qualified and regulated). Roots, by contrast, emphasizes longterm grassroots work among Israelis and Palestinians. Both are necessary, fruitful, and, frankly, somewhat utopian, as must any plan for Israeli-Palestinian reconciliation be (excepting the cynical variety, such as Trump-Kushner).

The potential Left-Right axis of support for confederation is potentially one of the most interesting and important phenomena in the constellation of Israeli politics. Admittedly, neither organization is currently at all representative of nor is trusted by the "members" nor the leadership of their respective camps. Both are described as fringe – and worse. I submit, however, if we let go, even conceptually, of the conventional sovereign structures (namely the one-state/two state dichotomy), more opportunities will appear, and will gather political support. This is a longterm project.

In more concrete terms, the settlements are there to stay. If they, together with their adjoining space for "natural growth," are annexed to Israel (as in Trump-Kushner), they effectively and deliberately prevent any contiguous or viable Palestinian polity from forming. However, if they are simply Jewish islands in a Palestinian sea, both subject to Palestinian law and protected by a confederation agreement, they can become positive additions to Palestine and not inimical to its sovereignty.

The most important message of Beinart's article is that the classic two-state phase of the Israeli-Palestinian conflict is now closed. Obviously, people and organizations are welcome to hang on to their hopes for the 2SS as long as they want, but they are missing the boat if they don't engage in exploration and consultation about other possibilities and configurations.

Beinart's greatest weakness, in my view, is in implicitly downplaying the importance of national sovereignty which, in the 21st century, implies limitations. True, binational states exist and have been functional. But confederations, where two states join, voluntarily yet contractually, in a union for specified purposes, maintaining their own languages, traditions,

religions, and territory, are much more likely to endure.

Some [Haaretz columnists](#) have [poked fun](#) at Beinart as only being relevant to American academic discussions; pointing out, for example, that one state has no visible Israeli support, and that even Ayman Odeh and his supporters on the Joint List are absolutely committed to two states. However, there is little doubt that we are currently at an inflection point – and what we hold on to now will not necessarily be relevant in 5 or 10 years, let alone in a generation or two, which is how we need to be thinking. Those of us who lived through Oslo thought we were months or just a year or two from settlement. We have to get over that mindset; peace is not around the corner, unless a deus ex machina appears and surprises us all. But that's not something to count on, even in the Holy Land.

The obvious objection to any sort of confederation plan is that it requires trust – lots of it; an ingredient that has been lacking in the Middle East since 'time immemorial', but in complete deficit since the Oslo balloon was punctured in 2000, and nothing since then has succeeded in restoring it. Oslo itself failed largely because of the trust issue, and certainly no new consensual arrangement is possible without it. The Trump-Kushner plan, of course, dispenses with it entirely – Palestinians had no input and reject it out of hand – which is why it could only "succeed" as a slightly rearranged occupation.

This is where the grassroots work of Roots and other civil society organizations is essential. As exponents of a conviction that the land belongs to both peoples, they are starting to break down – admittedly in a limited way – the mountains of distrust that separate the sides. There is no need to rehearse the innumerable actual events – let alone mis- and disinformation – that have cemented this distrust into place. In order to dislodge it there must be a shared concept of a solution that provides hope and a space for those who believe in consensual solutions to gather in. Confederation provides that.

Confederation is probably still too inchoate an idea to be called a "solution," such as the 1SS or 2SS, may they rest in peace. Perhaps there won't be a solution at all and the occupation will continue indefinitely. However, if there is an end to it, my bet is on some sort of confederation, preceded by decades, perhaps even a couple of generations, of painful trust-building, that will, b'ezrat Hashem, inshallah, bring us to a configuration that allows both sides to express their national feelings, but enables cooperation as well.

Meanwhile, there is no question that Palestinians have the short end of the stick in almost every way. The occupation persists, Israel controls almost everything, and settlement-building continues. The Israeli standard of living is immensely higher than that of Palestinians. For many Israelis there is no particular downside to the current situation, even if it includes "mowing the grass" every few years. Thus it's to be expected that Beinart's proposal is not being greeted with joy and excitement by Palestinians, nor will confederation be. There is a long slog ahead with a far-from-certain ending – and the Palestinians have every reason to be skeptical.

However, something remarkable seems to have happened in the last few weeks. There was a near-universal expectation that “annexation” of some form would take place on July 1 or immediately after. It still may, but it hasn’t yet. An ad hoc conglomeration including, among others, American Jews, members of the US Congress, European states and organizations, and, perhaps most important, Arab states including Jordan, Egypt, and the UAE, with whom Israel has developed increasingly warm, if largely invisible, economic and political ties, sprang up in the weeks preceding July 1. Some Jewish Israelis participated, but it never became a mass movement (of course, many Israelis have been consumed by the concurrent return of the coronavirus). Nevertheless, the clear and present danger of annexation may have been avoided – and the power of joint action has been demonstrated. Perhaps the Palestinians are not as abandoned as it has seemed over the last few years? Now, the return of the coronavirus seems to have sparked a popular rebellion in the streets. Has Netanyahu’s time finally come?

Why should Israelis ever agree to turning over the power they currently wield? I’m not going to even pretend to answer that one. No one can predict the history of the future. But occupation corrodes, as the Israeli Left has been saying for over half a century. New generations of Palestinians, as well as the actors above and their successors, will not acquiesce forever to being ruled a subjects. Since assimilation into the conquerors is unlikely ever to be an option, separation must be the goal. But complete separation will likely be impossible. Hence, confederation.

What is needed is a multi-headed movement that aims at building trust, not only between Israelis and Palestinians, but within each society as well. Thus, it is all-important that exponents of confederation come from the Israeli “tribes” that have been most at odds; i.e., secular leftists and religious settlers. A more general recognition that their longterm aims are not necessarily incompatible could lead to an upheaval in Israeli politics, a development that would be most welcome at this point.

Peter Beinart has performed a signal service by profitably utilizing his high profile to reinvigorate the public debate – and especially that within the liberal Jewish community in the US, Israel, and elsewhere – on the festering Israeli-Palestine conflict. Scholars and others are [already exploring](#) the new reality. Confederation, with its attendant flexibility and possibilities, is certain to be a major part of the coming debate.



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