

***Rethinking the Principle of National Self-Determination:
Toward a New Approach for the Question of Palestine***

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Abstract

Several ideas have been proposed to solve the question of Palestine, but none have succeeded. Representative examples include the two-state solution for the separation and independence of Israel and Palestine and the one-state solution for the coexistence of two ethnic groups within one country. This study examined methodological problems common to these two central ideas to contribute to the development of viable and sustainable solutions in the future. Ultimately, the most significant problem is that these ideas, while tolerating to a certain extent the legitimacy of the nationalistic aspirations of the two ethnic groups, fail to respond effectively enough to either achieve sustainable segregation and stabilization or to adjust them within a country. To cope with this problem, this study discusses the possibility of introducing an individualistic governance system in which sovereignty overlaps within the same territory based on individualism, through the relativization of the principle of self-determination and the conventional nation-state system.

Keywords: The Question of Palestine, the Israeli-Palestinian Conflict, Conflict Resolution, Nationalism, Governance

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Introduction

In recent years, the pros and cons of the one- and two-state solutions have been debated as the central themes concerning the question of Palestine. Supporters of one-statism point out that the increase in Israeli settlements makes partition unrealistic and advocate coexistence within a single democratic state as an alternative (Abunimah, 2007; Faris, 2013; Farsakh, 2013, 2021a, 2021b; Ghanem, 2007; Habib, 2016; Hilal, 2007; Karmi, 2008; Tilley, 2010). According to Farsakh, the one-state solution can be further classified into singular democratic statism and binational statism. The former prioritizes individual over collective rights, leaving it to specific constitutional arrangements to sort out how collective rights can be protected. The latter envisions a federated or confederated state, along the lines of the Belgian or Swiss model, one that protects Israeli and Palestinian cultural and political institutions while giving them local autonomy within a democratic, binational state (Farsakh 2021a).

However, there are criticisms of the one-state solution and public support for it is not widespread. There is little advocacy for it, and its implementation is simply unrealistic. Moreover, there are concerns it could lead to a further escalation of clashes between the two groups (Arnaud 2003; Avnery 1999; Baraka 2005; Schenker 2014; Shikaki 2012; Roi 2013; Tamari 2000; Unger 2002, etc.). In addition, as will be described later, there are persistent objections on the Israeli side to the one-state solution in light of the “demographical threat” (Farsakh 2021a, Morris 2009).

As a result, there is now a consensus that there is no choice but for both sides to realize self-determination through the two-state solution as a compromise. The two-state solution has been seen as the only option in political negotiations. However, there has been no decisive debate over which plan is most appropriate since the beginning of the 2010s, and disputes over the one- and two-state solutions have reached a stalemate.

Nationalism as a Fundamental Challenge

Farsakh (2011), a prominent proponent of one-statism, has argued that Palestinians should seek a solution based on their rights rather than on the state itself and suggested the need for the one-state solution as a result. Given the unrealistic nature of two-statism and its deceptive current situation, it is highly persuasive as an alternative plan. Farsakh, however, argued that there are several obstacles to its realization. She pointed out that it is difficult to identify the actors who can take the initiative in implementing the one-state solution, and that the Palestinian side is preoccupied with internal divisions and is not at the stage of seriously considering the one-state solution.

The greatest obstacle which the conflict faces, however, seems to be the inherent exclusivity of the nation rather than the political reality. In short, it is difficult to say that the response to this obstacle has been sufficiently addressed in recent arguments for one-statism.

To revisit this deep-rooted challenge, let us briefly review Elie Kedourie's argument, which is known for its unique approach to clarifying the nature of nationalism. Kedourie saw the origin of nationalism not so much in the French Revolution as in the tradition of German philosophy that originated in Kant and was followed by Fichte and Schlegel. This argument is known as a pioneering demonstration of the anthropological and philosophical implications of nationalism, starting with the philosophical notion of understanding human beings.

According to Kedourie (1993), Kant's concept of autonomy and self-determination became dominant in the moral and political discourse of the German philosophers that followed him. Then what is Kant's concept of autonomy and self-determination? According to Kant, human freedom is self-legislation in the sense that a man, who is a rational being, obeys the laws that he has assigned to him, otherwise known as freedom of self-determination. To Kant, a good human being is an autonomous human being. In other words, self-determination came to be considered the ultimate political good when it was assumed that one had to be free to be autonomous. This notion was developed by later German philosophers and combined with political discourses to produce a political ideology that made the existence of the state superior. Kedourie (1993, 30) argued:

From this metaphysics, the post-Kantians deduced a theory of the state. The end of man is freedom, freedom is self-realization, and self-realization is complete absorption in the universal consciousness. The state, therefore, is not a collection of individuals who have come together to protect their particular interests; the state is higher than the individual and comes before him. It is only when he and the state are one that the individual realizes his freedom.

As is well known, the concept of the self-determination of nations does not simply mean separatist independence in the Leninist context, but has various interpretations including autonomy within one country and cultural autonomy, notably typified by Austro-Marxist, Otto Bauer (1924). But, particularly in Israel and Palestine, the goal of national independence, based on separatism, is of particular importance in current political discourses (Khalidi 2010).

The importance of Kedourie's argument lies in his suggestion that nationalism and its exclusivity can arise as an essential aspect of human nature, beyond its manifestation as simply a modern phenomenon. These discussions are particularly relevant to the Israeli-Palestinian conflict because the ideology with the supreme goal of national independence that is currently shared by both Palestine and Israel is believed to be based on this nationalistic sentiment. In other words, it is a philosophically deep-rooted problem for human beings. It is therefore necessary to reaffirm that it is, in a sense, a fundamental human aspiration, rather than a realistic strategy for dealing with difficult situations at a particular moment or in current international politics.

Therefore, this disease of nationalism cannot be easily overcome by appealing to short-term interests and rationality. No matter how attractive a one-state solution may seem according to reason, it does not guarantee that it will be accepted in reality. The development of this nationalism — Zionism in Israel and Wataniya in Palestine — was, in a sense, an inevitable consequence of history and has deeply embedded in the identities of the Israelis and Palestinians the belief that they *can* and, more importantly, *should* maintain their distinct identities independently. This has resulted in ideological hegemony, in which the two-state solution is now the dominant framework for peace politically and both peoples expect an independent sovereign state based on the principle of national self-determination.

Original Issues

What is important here is what caused the conflict in the first place, what the original issue was. Of course, this point is very complex and ambiguous, and its scope can vary arbitrarily. For example, it is possible to say that the so-called “Jewish question” that had traditionally

existed in the West was the “essential” cause of the conflict, or that it was the birth of monotheistic religions dating back to before Christ. Based on the above understanding of the conflict, however, we view it as a conflict between Israel as a modern sovereign state and a group of people who recognize themselves as Palestinians. In this way, the origin of the conflict can be traced back to the point at which Palestinians were deprived of their right to live peacefully and be treated equally. This proposition seems to consider only the Palestinian point of view, but it can be explained as follows.

From the Palestinian point of view, the deprivation of these rights places them in a state in which “what originally existed” is “taken away” (a change from zero to a negative), and it can be said that asserting their rights is an act of “trying to bring the negative back to zero.” On the other hand, from the perspective of the Jewish people, the question of their disenfranchisement is a Western issue, separate from the context of the Palestinian issue discussed here. If we imagine an act of “bringing a negative to zero” for them, it would mean gaining the right to live peacefully and equally in Europe, where they have lived. In other words, the Jewish claim to rights in Palestine is interpreted as an act of “acquiring” something that did not exist originally, or “making zero into a positive,” and in this respect, both claims cannot be said to be symmetrical.

However, ignoring the reality that the Jewish community has been living in historical Palestine for several generations is hardly a productive approach to fair conflict resolution. Taken to the extreme, that understanding leads to the unrealistic argument that Jews should leave Palestine and return to Europe. Nevertheless, this point needs to be addressed separately from the origin of the conflict.

Based on the above understanding, the question of Palestinians arose because Palestinians were deprived of their right to live peacefully and be treated equally in the places where they originally lived. This is understood as the “most deep-rooted cause of disputes” in conflict resolution. In other words, when considering the “solution” to this question, the “total possibilities” is everything assumed as a countermeasure to the “cause” mentioned above. So there are countless possibilities, and every alternative can exist. International treaties and United Nations resolutions, national independence and self-determination, nationalism that enables or uses these theories, and the theories of two- and one-statism developed through these frameworks are just some of the possibilities. Even if there seems to be a consensus at the moment, we must be aware that it is only provisional.

In short, the national aspiration of Palestinians is the freedom of all Palestinians, including refugees, to reside anywhere in historical Palestine and to protect their culture, language, religion, and property. However, the same is true from the Israeli point of view. Future solutions should therefore be discussed only in the context of restructuring governance to coordinate these national aspirations.

Limitations of One-Statism

The biggest and most difficult challenge in promoting a one-state solution is the fact that it can only be achieved by partially ignoring or shelving the inevitable ethnic aspirations of both sides. In a single democratic state, democracy enables the intentions of the majority population to override other national aspirations. In the case of the federal (binational) system, which envisages the autonomy of two peoples within one country institutionally, the aim is to eliminate discrimination between peoples by establishing a single government.

However, since territorial freedom is restricted to a certain extent in the name of autonomy, the system fails to maintain and promote the essential elements of ethnic identity for Palestinians and Israelis, such as the return of refugees and ties to the land. More specifically, even if a federal system were to be adopted, it would present the same difficulties as those currently faced by the two-state solution in terms of which jurisdiction would include the holy sites such as Jerusalem, Hebron, and Bethlehem.

In particular, opinions expressed by the Zionist faction of the Israeli side on the one-state solution have been consistently negative. This negative view is based on the demographic reversal within historical Palestine, a situation the Zionists call a “demographic threat.” Of course, this is because they are concerned that the Palestinians will be able to democratically overtake their control of the future state. This is related to the fact that Zionism, a quasi-ethnic nationalism, has an inherently exclusive nature.

In sum, although active discussions are underway on how to ensure civil equality between the two ethnic groups under one-statism, the future state, which is supposed to have a single government, cannot essentially overcome the problems Zionists (or Palestinians) would face in becoming minorities, no matter how much institutional equality was guaranteed. Therefore, as long as the fundamental aim of current Zionism is to construct and maintain a state in which Jews are the majority (or there is no one other than Jews), the acceptance of liberal values and the realization of an institutionalized single state will be extremely difficult. Also, in the case of binational state theory, there is a *de facto* federal system. It aims to end the conflict through the realization of a unified government. However, even if there is an institutionally unified government, if it assumes that each ethnic group has its territorial division and autonomy is achieved there, then a zero-sum game of territory will occur just as in the two-state solution, and it will be difficult to find a compromise, especially in regard to the treatment of sacred sites and Israeli settlements.

After all, there is no difference between Palestinians and Israelis in their desire to achieve self-determination based on ethnic nationalism with a certain degree of exclusivity, and dealing with this point is the biggest obstacle to the one-state argument. No one wants to become a second-class citizen or ruled class, but the harsh reality of their differences lies before them. In other words, according to the civic nationalist argument, in various aspects, the gap between the two peoples is too wide to conceive of single Nation of free individuals who overcame differences in blood, language, and culture.

Based on these assumptions, it is somewhat optimistic to assume that Israelis and Palestinians will suddenly turn to liberal values, create a civic image of the nation, and bet on the possibility of embracing the one-state solution. It would be difficult for the identities of the two peoples to integrate, and even if such an outcome were possible, it would take at least a few hundred years. In other words, the one-state solution must realize this sort of situation from above through institutional reforms, which ultimately can be viewed as forcing the dissolution of the existing identities of both peoples to a certain extent. Of course, if it were to be achieved, its historical significance would be enormous, and it would be an important achievement in truly liberating humanity from war and conflict. Therefore, this paper does not disregard one-statism itself. However, whether such a great achievement should be a target in the present situation needs to be carefully considered.

Therefore, the one-state solution is almost as problematic as the two-state solution. The revival of one-statism, which emerged from the work of Edward Said (1999), even now, more than twenty years later, is still no more than an antithesis of two-statism. It may not have grown into a project with reality or actuality in itself.

Rather, in the current situation of the question of Palestine, the first thing that must be tackled is to dissolve oppression and inequality and release the oppressed, while quickly concluding the conflict at hand. Although the vision of one-statism should not be dismissed, if we think more realistically, gaining a perspective on how to envision a transitional era between complete separation and unification is important.

Relativization toward a New Paradigm

What is needed, therefore, is a perspective on how governance can be envisioned to enable the coexistence of the two ethnic groups without expecting a radical dissolution of their national identities or pursuing an impossible division. In other words, is there any form of governance that can embrace the conflicting aspirations of the two ethnic groups, rather than seeking to transform or transcend them?

Although there are already several proposals for alternatives to partition, it is considered problematic to apply governance systems of existing countries to Israel and Palestine as is (Farsakh 2021a). One reason for this is that the entire historical Palestine is inseparable from the national identity of both peoples. For example, there is the Swiss model of a federal system, which is often cited by the binational statist. However, if the federal government and autonomous states are based on a limited territorial demarcation, such a model is unlikely to be accepted.

Another reason is that for both Jewish Israelis and Palestinians, the homogeneous identity of the nation is difficult to reconcile with their traditional values. Therefore, it is necessary to reconsider the norms that they presuppose, to relativize the existing solution models and to create a new model of governance. Rather than raising the status of Israel and Palestine, which have "lagged," to a "normal" state based on the standards of other countries, this conflict should be dealt with from the perspective of developing new futures.

We will now examine the relativization of the existing nation-state model. First, in the Western model of the nation-state, it is assumed that homogeneous groups of people have sovereignty. In a democracy, the people make laws based on the principle of majority rule and rule according to those laws. In this way, when the people, sovereignty, and the territory to which that sovereignty extends are combined, the minority's opinions within the same territory are effectively disregarded. As is well known, this basic fact forms the basis of the discourse of separatists who deny one-statism.

In this section, the example of an Islamic worldview is taken as the basis for relativizing modern norms in the West. Based on the traditional perspective of Islamic jurisprudence and theology, sovereignty exists only in God, not in the people. This is a unique communal tie in which one God is assumed to be a single sovereign and only hub. When God alone is the sovereign, the people under his sovereignty, the believers, whether they are ethnically in the majority or minority, are guided by a single source of norms, and their correctness is judged. In this case, theoretically being in the minority does not necessarily mean that one's rights are hindered or denied (It should be noted that what is being considered here is the ideal of

monotheistic governance. For example, in the historical Islamic state, the actual power of the caliphate and the agreement between Ulama (Ijma) exercised *de facto* authority, and this study does not take these as models). To conceptualize this, it is not the idea that being in the majority determines control, but that another universal factor, different from a group's position in the majority or minority, determines control.

These basic principles resulted in the creation of a historical form of governance. Al-Faruqi (1980), a Muslim scholar on comparative religions, discussed an Islamic solution to the question of Palestine. Al-Faruqi argued that the solution to the question of Palestine would be achieved by the establishment of an Islamic state and advocated for the dismantling of Middle Eastern countries and the incorporation of their populations into a single regime, rather than imitating Western nation-states. Such Islamic states should abolish all internal borders and individual defense mechanisms and have a single, comprehensive defense and diplomatic structure. This is similar to the recent concept of one-statism, but with the addition of the superiority of Islamic law. Al-Faruqi's argument also assumes that Jews would be subject to the rule of Islam. This would represent a political system similar to the Millet regime in the Ottoman Empire, and it is hard to imagine that Israel, which holds power in reality, would be incorporated into such a system. However, the model of autonomy by religion represented by the Millet regime has implications in the present day.

Islamic law, or Sharia, is not generally based on territorial principles but an individualistic legal system. As long as an individual is aware that he is a Muslim, Islamic law applies wherever he is. It can be said that the legal system of Judaism is the same. An extended interpretation of this model of the rule of law over people, rather than over land, would enable the realization of new governance. The autonomy model of each religion in the Millet regime can be regarded as a result of this individualistic governance.

Of course, the idea that either Islamic law or Jewish law is superior to other kinds of law is not realistic when considering the resolution of this conflict. In addition, this argument does not propose that Sharia and Halacha be the laws of a newly born state but simply refers to the conditions of these laws to be effective, as a model. Thus, regardless of religious values, at least two governments, two judicial systems, and two ethnic divisions would coexist in the same territory in a new state. This differs from the one-state solution because it does not assume a unified government. In addition, in the federal system, territorial divisions are often defined, but in this parallel state model, such divisions are not institutionally defined. This allows Jews to protect their language, Jewish culture, and religious beliefs institutionally and ensures that their rights are not threatened if they become a minority. The same is true of Palestinians. In addition, in the whole of historical Palestine, an arrangement between the two ethnic groups would make it impossible for either ethnic group to have exclusive control over a particular territory, but in return, each citizen would be free to move to and within, own property in, and reside in historical Palestine.

This discussion is similar to Mossberg's (2010) discussion of the condominium state and Witkin's (2011) notion of the "Interspersed Nation-State System," the idea of establishing a nation-state on a particular people rather than on exclusive territory. This would be a way for Israelis and Palestinians to live together on the same land while achieving self-determination through independent governments. In other words, there would be two states and governments, Israel and Palestine, on the same land of historical Palestine and both peoples would coexist.

Both the individualistic model derived from monotheistic governance and the model proposed by Witkin present a governance model in which multiple ethnic groups can exist on the same land. This can also be interpreted as enjoying ethnic autonomy without being bound by territory. The models make it possible to get out of the zero-sum game of exclusive competition for limited land, and by allowing all people to move freely, they can access and live on the land equally. For displaced Palestinians, it would be possible, of course, to return to anywhere in historical Palestine. Houses and villages that have already been destroyed cannot be restored, but, in reality, it is likely that compensation would be given.

Witkin's argument can be interpreted as a kind of thought experiment that strongly advocates for a completely new form of governance, but, as discussed in this paper, this form of governance can also be derived from the traditional relationship between humans and monotheistic laws, including Islam and Judaism. For example, the Millet regime in the Ottoman Empire can be considered similar to the model discussed in this paper, especially compared to the current nation-state model. This suggests that such a form of governance is worthy of consideration for reexamination in the future. In other words, individualistic governance can be seen as having a certain historical tradition, one that is not that far removed from the traditions of today.

In contrast to the conventional binational state solution, the model discussed in this paper is based on the methodology of separating the state and territory, and the people and territory. As mentioned above, the biggest obstacle to both the theory of two states and the theory of one state is that it is difficult to fully respect the desire for free access to the entire land, which is fundamental to the two nations, while each nation maintains their ethnic identity. In this respect, individualistic governance seems to be an effective approach. At the very least, this approach would systematically avoid a one-state scenario in which people were forced to be part of a single nation and accept majority rule in the name of democracy. In theory, this would eliminate the possibility of a population becoming a minority and having its rights threatened or being arbitrarily controlled by another population. Compared with the alternative of the dissolution and transformation of ethnic identity, it is theoretically more realistic.

Also, while the existing two-statism envisaged the abandonment of about 78% of historically Palestinian land, this alternative could provide Palestinians with more. And it's not just about land or property. If some sort of integration between Israel and Palestine becomes possible, it could bring about positive changes both economically and in regional security. It is considered highly rational for both Israel and Palestine.

The importance of modifying or transforming Israel's colonialist character is often pointed out, but if an institutional change is understood to be capable of maintaining and promoting Israel's Jewish character without the assumption of exclusive territorial control, a shift in direction to create the reality that there is no need to maintain such a colonialist character and to disseminate such awareness is also possible. This is a relatively realistic approach considering that, until now, people could only expect voluntary changes to colonialism by demonstrating its folly and mistakes and could not bring any real pressure. At the same time, it could be an effective approach for Palestinians to reaffirm how unsustainable and unrealistic separatist and exclusionist ideologies are.

According to the modern nation-state model, in which a nation-state can be established only by building a homogeneous national image, the biggest obstacle is whether the Israelis and

Palestinians can forge a new identity as equal citizens. However, in the case of the principle of the rule of law based on individualism, such an obstacle does not exist. In the future, these ideas should be considered in parallel with one-statism.

Conclusion

It is only at this point that the alternative concept can be discussed in detail. This study began by looking at the fact that the deep-rooted challenges of nationalism, which is related to human nature, are making it difficult to find a solution to the question of Palestine. After that, a new governance model for the transitional period between separation and integration was proposed. In doing so, we reconsidered a governance model that relies on the traditional relationship between monotheistic law and human beings, and a model based on individualism and the separation of control and land, as represented by the interspersed nation-state system (Witkin 2011). This was considered a more feasible model because the two-state solution is no longer feasible, while the one-state solution is still seen as utopian. As discussed in this paper, it should be noted that the individualistic governance is actually realistic and a direction worth reexamining in the future if we are to squarely face the fundamental problem of two- and one-statism, namely the problem of the exclusivity inherent in ethnic nationalism.

To develop a more concrete alternative framework, it is necessary to carefully design it through detailed discussions from a wide variety of perspectives, including political, social, economic, and military perspectives.

To implement these ideas, it is essential to promote, through democratic means, support for such movements and political parties in both Israel and Palestine and to allow such movements to gain power. After that, to carry out the transition of the political system, there would need to be processes such as the formation of a consensus in the United Nations and the establishment of cooperative relations with neighboring Arab countries, followed by the transition to the actual operation of government in an experimental phase under the supervision of United Nations forces and the forces of neighboring countries and with cooperation in maintaining security; more specific discussions about this process will be required in the future.

The ideas presented in this paper are incomplete at this stage and need to be criticized, reinforced, and modified from various perspectives. Discussions must be held among researchers and experts with diverse expertise.

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