The word "Logos" is written in a large, elegant, cursive script. The letters are interconnected, with a prominent 'L' and 'o'.

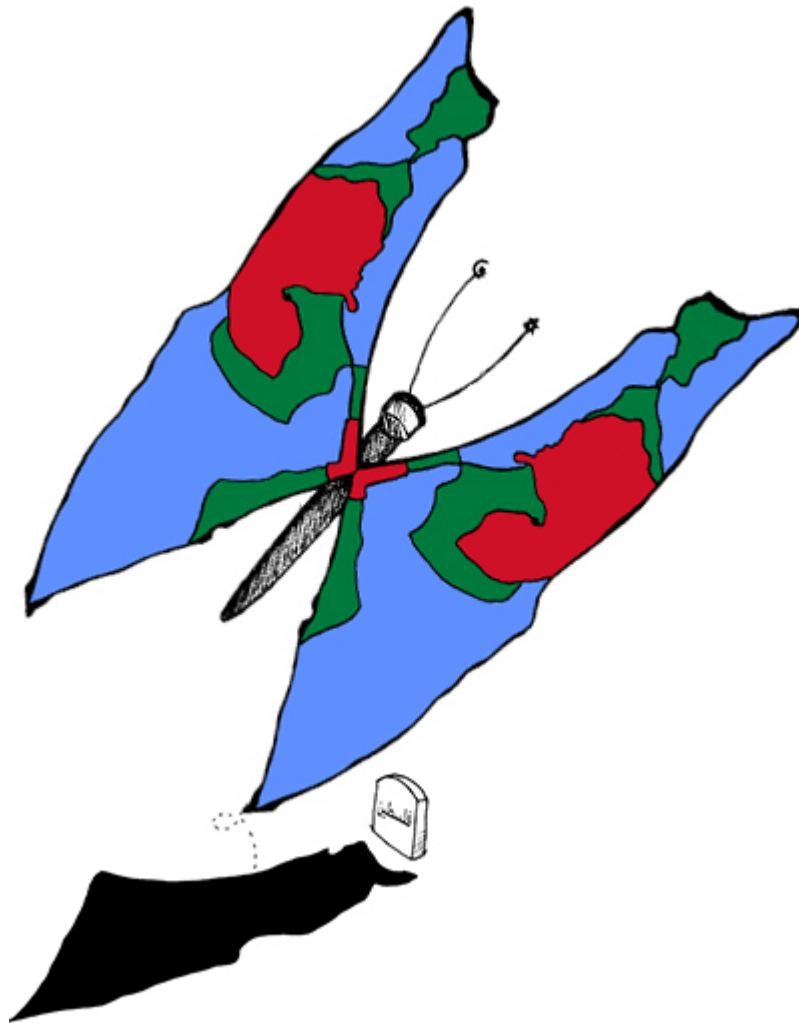
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Why Does Annexation Look Like a Problem and Not an Opportunity?

by

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For more than forty years experts and politicians have warned of Israel's creeping de facto annexation of the West Bank. In 1982 Meron Benvenisti and Thomas Friedman declared it was "five minutes to midnight"—just a few ticks of the clock before withdrawal would become impossible. The savviest Israeli journalists—Yehuda Litani and Dani Rubinstein—agreed.



That was thirty-eight years ago. Settlers and their Peace Now opponents identified 100,000 Israelis living in the West Bank, beyond East Jerusalem, as the “point of no return.” That was 350,000 settlers ago. Just as those forecasts anticipated, the intervening decades have been littered with failed political campaigns, grassroots movements, diplomatic initiatives, and track-two negotiation projects, each billed as the last chance for a peace agreement based on a Palestinian state alongside Israel. Whatever the chances were for success—in decades following the 1967 war—they disappeared amidst the blunders of Oslo, the blood of Intifada II, and the red roofs of the settlement juggernaut.

So if the two-state solution is not only dead, but buried, why is it still evoked by Netanyahu, who trumpets his partnership with Trump and Kushner as a way to defeat it; by settlers, who say they fear the Trump plan will produce a Palestinian state; by liberal Zionist holdouts in Tel-Aviv and New York, who imagine its resurrection, if only the verbal decoration of Israeli rule is not adjusted via “annexation;” by Abu Mazen and Saeb Erekat, who warn the Palestinian Authority will collapse once the coroner’s certificate of the two-state solution’s death is delivered; and by most European and American leaders, who denounce threats of annexation as endangering prospects for a peace settlement which they have no idea how to bring about? What prompts all these absurd ideas that a negotiated two-state solution is still attainable?

Woody Allen answers this question at the end of his film, *Annie Hall*. His character tells a joke.

This guy goes to a psychiatrist and says, ‘Doc, uh, my brother’s crazy. He thinks he’s a chicken.’ And, uh, the doctor says, ‘Well, why don’t you turn him in?’ And the guy says, ‘I would, but I need the eggs.’ Well, I guess that’s pretty much how I feel about relationships. You know, they’re totally irrational and crazy and absurd and ...but, uh, I guess we keep goin’ through it because, uh, most of us need the eggs.

The brother is not a chicken, and the two-state solution is not a real path toward a better future, but the pretense of its possibility, for those who need the eggs, is still extraordinarily convenient. For silent apartheidists such as Benny Gantz and Benjamin Netanyahu the two-state solution is a false flag under which the brutality of occupation can be extended indefinitely. For the far right, it is a bogeyman, useful for demanding ever more aggressive measures to prevent it shrinking the living space of Palestinians while expanding it for Jews. For liberal Zionists and the peace process industry of foundations, pundits, consultants, diplomats, and NGOs it is a fundraising slogan to “keep hope alive.” For the Palestinian Authority it is a rationale for existence more palatable than the function it actually performs as Israel’s Arab Department for Judea and Samaria. For the EU, the Israel lobby in the United States, and a majority of American politicians, it is a safe harbor. Advanced as a morally comfortable “sensible” position that recognizes both Palestinian rights and Israeli requirements, it shields them from accusations of either anti-Semitism or anti-Palestinianism.

As a negotiated solution, two states for two peoples is no more. Still, as a fiction it does some very heavy lifting. It is precisely this combination of impossibility and pretense that explains why so much wasted concern and faux-excitement surrounded Netanyahu’s ten-month burlesque show about whether and how he might change the language Israel officially uses to describe its rule of some zones within the lands it has effectively ruled for more than half a century. For what Netanyahu-style “annexation” came down to is nothing more than replacing one description of the legal status of some West Bank settlers, currently treated under Israeli law “as if they are living in Israel,” with that used to describe Israelis living in expanded East Jerusalem, where they are said to live in an area to which “Israeli law, jurisdiction, and administration” have been extended. Just as in East Jerusalem (added in 1967 to the municipality of West Jerusalem but not to the State of Israel itself), so in whatever portions of the West Bank are targeted, neither the terminology nor the full implications of formal annexation or a declaration of sovereignty will be involved. Indeed, what is most puzzling about the entire brouhaha over “Will he or won’t he annex?” is that so many observers, analysts, and protagonists, who have watched and studied this problem so carefully for so long, could be so overwrought about such a meaningless question?

The reason for their confusion is that they are caught in a frame of reference, a paradigm, that is fundamentally inappropriate for current realities. Viewed through that lens, much of what should be obvious is impossible to see, while much of what is seen is illusory. Saddled with exhausted categories, two-state diehards cannot understand what the Israeli-Palestinian conflict has become after 53 years of de facto annexation. This is the argument of my book, *Paradigm Lost: From Two-State Solution to One-State Reality*, which uses what we know about how paradigms change to facilitate clearer thinking on this issue and re-establish hope for the future.

I note that both political and scientific projects depend on shared problem definitions, assumptions, and deep theories that together focus the attention of members of the communities formed around these projects, enabling precise communication, systematic inquiry, coordinated action, and the accumulation of knowledge. Both scientific and political projects operate within paradigms of unquestioned and unquestionable beliefs so that priorities, agendas, debates, methods of work, and coordination of effort are not disrupted by evidence and arguments that threaten the foundations of the community. To be successful, every project, whether scientific or political, must distort part of reality in order to focus effectively on and explain or manipulate other parts. That means treating questions posed in ways that contradict basic assumptions as nonsensical, irrelevant, or a waste of time, while an agenda of authorized questions to be answered and tasks to be accomplished guides debate and the work necessary to improve the effectiveness of both analysis and action.

The two-state solution paradigm has a long, distinguished, and productive history. It helped put the struggle for peace, justice and equality of rights for Jews and Palestinians at the center of international diplomacy and slowed processes of de facto annexation enough to have created real, albeit temporary, opportunities in the 1980s and 1990s, to realize an agreement conforming to its vision. But no project, however sophisticated, can ever build in an automatic sensor for its adherents so that they can quickly know when its assumptions are overwhelmed by anomalies, inaccurate forecasts, and unanticipated events and must be abandoned and replaced, rather than heroically defended.

Until they break free from the Procrustean bed of two-state solution thinking, the paradigm’s faithful are forced to defend policies (such as the resumption of US brokered negotiations; or the removal of masses of Jews from the West Bank) whose success they no longer expect while worrying about irrelevant developments (settlement

construction or pseudo annexation) which are at best of no consequence and at worst a distraction from dangerous threats and latent opportunities. The result is demoralization, confusion, anguish, and boredom.

In his fecund extension of Thomas Kuhn's seminar work on paradigms and scientific revolutions, Imre Lakatos renamed paradigms as "research programs" and showed how they contain both negative and positive "heuristics"—guides for what not to think about and for what *to* think about.^[1] The negative heuristic of the community is comprised of beliefs that must be treated as presumptively true, and therefore not subject to challenge. It orients the community toward the world it seeks to understand and change, enabling adherents to solve discrete puzzles, pursue limited goals, and devise strategies for accomplishing key objectives. These, Lakatos refers to as a research program's "positive heuristic."

By applying these neo-positivist ideas about paradigms we can learn a great deal about the difficulties and disorientation two-staters are experiencing, and about the crucial, and exciting results of experimenting with thinking previously considered "out of bounds" or contrary to long-standing and fundamental beliefs.

Growing out of broader commitments to a territorial compromise that developed after the 1967 war, the "two-state solution paradigm" gained traction in the 1980s and, scored a series of impressive analytic, predictive, political, and diplomatic successes. Indeed, for twenty years following the outbreak of the first Intifada, it reigned as nearly hegemonic among observers of the Israeli-Palestinian conflict, and among policy-makers, diplomats, and activists working toward its resolution. Its negative heuristic contains two ontological commitments that establish the nature of political reality between the Jordan River and the Mediterranean Sea. The first is that the land between the Jordan River and the Mediterranean Sea is inhabited by two national groups—Jews and Palestinians. The second is that it is comprised of two zones: 1) the State of Israel (within the green line established in 1949) and 2) territories that are not part of the State of Israel. It is the combination of these two apprehensions of reality that anchor the expectation (or theory) that the only attainable and acceptable outcome of the conflict between Palestinians and Jews, is establishment, alongside Israel as a majority Jewish state, of a majority Palestinian state.

Nothing that has happened in the half-century since the 1967 war has affected the first principle. There were, and there still are, two and only two national communities between the river and the sea. On the other hand, a great deal has happened to erase the distinction between territories inhabited by Palestinians and ruled by Israel for 72 years and territories inhabited by Palestinians and ruled by Israel for 53 years. Indeed, so much has changed that treating the West Bank and Gaza Strip as if they are separate from the State of Israel is now more disorienting, and more disruptive of clear thinking and effective political strategizing, than treating the land between the river and the sea as ruled by one state—the state named Israel. The collapse of the two-state solution paradigm is apparent in how wooden its arguments have become, how hollow are the formulas it uses to assess the political situation, and how unimportant and unrewarding are the topics it recommends for attention, research, and debate.

Two-staters, for example, often defend their project by claiming that it is impossible for one state to rule the entire area between the Jordan and the Mediterranean. Since there is no alternative, so goes the argument, two-states *must* be the solution. Of course, neither God nor history guarantees that every problem has a "solution." But the claim that the only stable outcome possible is two states is a key tenet of the paradigm's negative heuristic—its unchallengeable "hard core" in Lakatosian terms. As such it is a claim that cannot be contradicted or even seriously evaluated by two-staters, even though it is palpably false. There is, after all, a state, Israel, whose Central Bureau of Statistics counts citizens living on either side of the green line as living within it. For all regions between the river and the sea, this is the state which collects taxes, delivers mail, regulates water and electricity supplies, maintains surveillance, authorizes entry and exit, and determines the security of the lives and property of its residents, whether they have the privileges associated with "citizenship" or not. Of course, what kind of a state Israel is, whether it is democratic, non-democratic, or partially democratic, is an open question, but the claim that rule by one state between the river and the sea is impossible is flatly contradicted by the brute fact that it already exists.

The assumptions that there are two peoples in the land *and* that the land is divided into Israeli and non-Israeli areas lead two-staters to expect that establishing a Palestinian state alongside Israel will require each side, seen

as a coherent national unit, to compromise. That, in turn, implies that the two peoples can and will negotiate with one another to find a territorial compromise that at least minimally satisfies their national aspirations. Accordingly, it is expected that both Jews and Palestinians will have to moderate national ambitions, including their territorial objectives, in order to bring their demands in line with something to which the other can agree. Within this paradigm, the route to achieving that end is always the same—negotiations. Whether comprehensive, step-by-step, preceded by confidence-building measures or track-two diplomacy, conducted directly, via proxies, or under the auspices of great powers or the United Nations, the process of moving from no-peace to peace, or from “occupation” to “two-states” is depicted as a process of negotiation.

This dimension of the paradigm’s positive heuristic has encouraged analysts and policy-makers to treat as crucial questions about how to enhance prospects for negotiations, how to launch and conduct them properly, and how to tweak institutional designs to facilitate their success. The result is a proliferation of intricate studies and policy papers concerning transitional arrangements, how Jerusalem can be both shared, and divided; whether to call the entities independent states or a confederation, or both; where to draw boundaries; what tracts of land to swap; compensation schemes for settlers who return or refugees who don’t; shared condominium responsibilities in some domains; the stationing of international forces; special security arrangements, including degrees of demilitarization for different zones; rules for accessing holy places; responsibilities for management of aquifers; extraterritorial citizenship; designing tunnels, bridges, and railways to achieve “transportational continuity” for Palestinians in lieu of “territorial contiguity, etc.

In Thomas Kuhn’s language, answering these questions is the normal science of the two-state solution paradigm; in Lakatosian terms, it is that research program’s positive heuristic. If promising negotiations were in progress, or had any chance of being launched, this agenda of research and work would indeed be important. But that is not the world Jews and Palestinians inhabit. Except when lame duck Israeli Prime Ministers (Barak at Taba in January 2000; and Olmert in 2008) have made desperate and non-credible offers before their removal from office, nothing has been put on the table by the Israeli government that comes close to a starting point for meaningful talks. Nor, despite active encouragement from the entire international community, has any Israeli government been willing to accept Palestinian representatives as bargain makers rather than order takers. In the real world as it has unfolded the questions two-staters pose are simply irrelevant. With the cultural and political transformation of Israel and the utter failure of repeated peace initiatives to gain any traction whatsoever (e.g. those associated with George Mitchell, John Kerry, and Jared Kushner), even avid two-staters find it difficult to suppress the sensation that their efforts are equivalent to theorizing better arrangements for deck chairs on the *Titanic after the ship has sunk*.^[2]

An unproductive positive heuristic is not only marked by the irrelevance of the questions it asks, but to the displacement of attention it occasions better questions that could be asked. In this case the motivations that count are those attached to the real purposes of the US government, the Palestinian Authority, and the Israeli government, each of which finds in the pretense of possible negotiations a convenient vehicle for accomplishing other objectives. Attached to these motivations are the political processes that really matter—not diplomacy, or Israeli-Palestinian relations—but those pertaining to struggles among Israelis and among Palestinians. The fact is that the only truly impactful negotiations about Jewish-Palestinian relations have been those occurring among Israeli parties, movements, politicians, and policy-makers. From the perspective of the two-state solution paradigm, whose focal point is bargaining between Israel and the Palestinians, complemented by the facilitative role of Washington, this makes no sense. But it makes perfect sense if it is accepted that one (Israeli) state already governs the entire area between the river and the sea.

A focus on negotiations to implement a two-state model of a “solution” also implies that questions of importance will be posed and could be resolved in a time frame of months or years, i.e. within the scope of decision relevant to incumbents or to those expected to replace incumbents in the near future. But the forces shaping political outcomes in the one-state reality will operate over decades and generations. These involve political transformations within Israel and among the Palestinians, as well as reengagement with the conflict by the international community based on democratic rights and equality rather than on territorial compromise. Within this time frame, and with regard to these crucial processes, a heuristic demanding attention to the short-term will prevent precisely the kind of thinking that is most interesting and potentially productive.

For example, among the lines of analysis the two-state solution paradigm discourages, is the long-term potential for and implications of fragmentation within the ranks of Jews and Palestinians. Potential realignments will be based on multiple dimensions of group identity, crosscutting cleavages on issues that cut across communal boundaries, and campaigns by ambitious politicians to advance their interests by mobilizing new coalitions and new sources of support. These are the dynamics David Ben-Gurion had in mind when he warned that because of divisions among Jews, “there can be no stable and legitimate Jewish state so long as there is a Jewish majority of only sixty percent.”^[3] Ben-Gurion was shrewd enough to know that in the cauldron of democratic politics Jews and Arabs would eventually become political bedfellows, with inevitably transformative consequences. We see the first signs of this kind of change in the high-profile role the Arab-dominated Joint List already plays in Israeli politics. We see it as well in the movement of progressives and moderates in Israel away from the demographic argument (which treats the idea of more Arab voters as a threat) and toward a view of Arab voters and increased Arab political participation as crucial for challenging the dominance of right-wing ultranationalists.

The future of Israel-Palestine cannot be known with clarity, but thinking within the one-state reality paradigm brings the picture into much sharper focus, alleviates confusion, and sets out an exciting agenda for analysis and political action. Instead of worrying about Netanyahu’s tactics or how settlement of E1 (an area between East Jerusalem and Maale Adumim) could dash all hopes for a two-state solution, campaigns to mobilize East Jerusalem Arabs to vote in municipal elections could transform the governance of that city for all its inhabitants. The true unification of the city can be celebrated under a commitment that someday the entire city of Jerusalem-el-Quds will be open to and available to all Jews and all Arabs, from the river to the sea. By recognizing that annexation has already occurred, Jews and Arabs can join under the banner of equal rights for all within the state that governs them as the real route to ending occupation. Understanding Israel as a large but only partially democratic state, leads to new, instructive, comparisons. Its democratization, and the end of oppression over Palestinians, is much more likely to resemble cases of increasing inclusiveness in limited democracies, than it will the sudden and dramatic onset of independence and peace associated with decolonization. Instead of looking to De Gaulle, the Evian negotiations, and Algerian independence from France, to learn how Israeli rule over the West Bank and Gaza will end, as I and others did in the 1980s and 1990s,^[4] we instead should think about how countries came to extend citizenship and the franchise to large, despised, stigmatized, subordinated, and previously excluded portions of their populations.

What is striking about that process is not only how much time it takes, but the factors that make it happen. Democratization of this sort is seldom the product of bargains between dominant and subordinate groups, or of a sudden change of heart by the dominant group. Typically, it evolves as a result of unanticipated, unintended, but irresistible, second and third order effects of policies and projects designed for other purposes, and as the unanticipated but irresistible consequence of international, cultural, and socioeconomic forces, and of sharp partisan political competition for new pools of potential voters.

Consider, for example, the Act of Union in 1800 that, after centuries of British colonial rule, made Ireland and its large majority of Catholics part of the United Kingdom. This forcible annexation of Ireland was certainly not imposed by a British that imagined it was laying the groundwork for a multi-sectarian, British-Irish democracy. Nevertheless, after 80 years, that was the result. The fact that 40 years after that, thanks to generations of struggle for Home Rule and an Irish “intifada” from 1919-1921, a portion of Ireland seceded, only shows that politics never stops, and that an expanded and democratized Israel could yet give birth to a two-state outcome, one that could not be achieved without the forcible inclusion by the dominant state of a large and stigmatized population.

The United States is a flawed multi-racial democracy; but a multi-racial democracy of any kind was never the plan of its founders. Nor is it the result of negotiations between Blacks and Whites. When the Union army occupied the states of the Confederacy millions of formerly enslaved blacks became part of the American political arena, with delayed but massive political consequences. Neither President Lincoln nor virtually anyone else in the North imagined that the result of the war should be a national state led, eventually, by a black President. But the world changed. It always does. For generations, the Democratic Party enforced Jim Crow oppression, but with the great migration, two world wars, and sweeping changes in the role of the federal

government in national life, some Whites discovered interests in alliances with Blacks. In the process the Democratic Party itself was transformed so that now it cannot even hope to win national elections without a massive turnout of black voters.

In most industrial democracies, women were historically deprived of virtually all political rights. They gained suffrage, as Dawn Teele has shown, not because male and female representatives negotiated with one another about the terms of a transition to full citizenship for women, but because women struggled for rights and because male incumbents repeatedly feared defeat at the hands of male rivals unless they enfranchised women who would vote for them.^[5] But perhaps the most striking historical exemplar of this process is Israel itself. Following the 1948 war, and the 1952 Citizenship Law, Israel fully annexed the territories it had occupied lying beyond the United Nations Partition boundaries—the central and western Galilee, the northern Negev, West Jerusalem, and the Little Triangle. Part of this process was David Ben-Gurion’s decision in 1949 to authorize the vote for the Arabs who remained in these areas. He did so largely because he wanted their votes, votes he knew the Military Government established over them would deliver. That strictly partisan decision led, down a long and winding road of suffering and struggle, to an Israeli polity within which the Labor Party Ben-Gurion led practically vanished, eclipsed as an opposition force by the mostly Arab and Arab-led Joint List.

Within a one-state reality paradigm, those who struggle for equality, democracy, and non-exclusivist rights to national self-determination, can look forward to victory. It will take time, a great deal of time, and problems will remain. But the problems of increasing equality are preferable to those associated with a regime of unrecognized oppression and the moral disasters, violence, and destruction that it breeds. The problem, then, is not annexation, but its meaning. The opportunity concealed by a decrepit two-state solution paradigm is to change annexation’s meaning, from legalized oppression to democracy and equal rights under the law.

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Notes

[1] Thomas S. Kuhn, *The Structure of Scientific Revolutions* (Chicago: University of Chicago Press, 1962); and Imre Lakatos, “Falsification and the Methodology of Scientific Research Programmes,” in *Criticism and the Growth of Knowledge*, Imre Lakatos and Alan Musgrave, eds. (Cambridge: Cambridge University Press, 1970).

[2] For analyses of the pathology of the American sponsored “peace process” see Rashid Khalidi, *Brokers of Deceit: How the U.S. Has Undermined Peace in the Middle East* (Boston: Beacon Press, 2013); and Ian S. Lustick, “The Peace Process Carousel: The Israel Lobby and the Failure of American Diplomacy,” *The Middle East Journal*, Vol. 74, no. 2 (Summer 2020) pp. 177-201.

[3] Quoted by Tom Segev, *A State at Any Cost: The Life of David Ben-Gurion* (New York: Farrar, Straus and Giroux, 2019) p. 406.

[4] Ian S. Lustick, *Unsettled States, Disputed Lands: Britain and Ireland, France and Algeria, Israel and the West Bank-Gaza* (Ithaca: Cornell University Press, 1993).

[5] Dawn Langan Teele, *Forging the Franchise: The Political Origins of the Women’s Vote* (Princeton: Princeton University Press, 2018).



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