

# **The Israel embedding problem: a survey of known solution proposals and a “new” solution proposal: USPIL**

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Many recent news items and commentaries speak of the two-state solution and the single state solution. These solutions are meant to solve problems involving both the State Israel and Arab Palestinian people living outside Israel.

But how to describe the problem to which these proposals may serve as a solution. The question is far from self-evident. A first candidate is the problem posed by the defective status of many Palestinians around Israel who or whose parents or grandparents have been without a proper nationality since 1948. A second candidate for the problem to be solved is the permanent tension at the borders of Israel where there is always some risk of attacks from outside to Israel.

As an alternative, we propose to speak of the *Israel embedding problem (IEP)* which is – from our point of view – the most comprehensive way to describe the problem to be solved and to which all other possible problems relate. Naming the problem that way first of all takes Israel to be a fact of life, the context and modalities of which may be discussed, but the existence of which is not in any doubt. For certain Palestinian factions we expect that IEP fails to express their view of the problem just because the existence as well as the persistence of the State Israel is clearly (and intentionally) implicit. IEP as a problem statement also puts Israel at the core of the problem: a solution must at least on the long run be acceptable for Israel. We assume that Israel is to be understood as a Jewish and democratic state, thereby acknowledging the conceptual problems coming with that specification. Thus Israel (as understood in IEP) entails more substance and focus than the mere existence of a state named Israel in the Middle-East that can be seen as a plausible descendant of today’s Israel. At the same time, however, the implicit message of the problem statement IEP is that Israel is faced with a problem. For Israel it may be essential that the solution which will be found will work for its present (and future if any) neighbors as well. In that sense IEP conceptualizes the “problem”, however understood, not only as an Israeli problem but also as a problem of the neighbors of Israel.

We intend to avoid writing in terms of political advice to either side of the conflict. Zack Beauchamp in [Beauchamp 2023] gave such advice on October 20, stating:

“.... make the right choice where America made the wrong one. Israel should launch a targeted counterterrorism operation aimed at Hamas leadership and the fighters directly involved in the October 7 attack, one that focuses on minimizing both civilian casualties and the scope of ground operations in Gaza.”

Now 20 months later said advice has not been followed and one may ask: could the advice have been workable in practice? As authors with an external and to some extent neutral perspective we are striving to investigate options rather than advice. We want to investigate whether there are options that at least in principle could serve as a solution even if they are not at reach at the moment. This investigation is motivated by doubt whether the alternatives that are now on the table may work, noticing in addition that other options seem not to be seriously considered and scrutinized.

So, we view the naming of the problem as IEP as an option which might work for all sides. Not only is Israel's existence implicit, its rationale for dealing with the problem is implicit in the statement of IEP just as well. We need to specify IEP in more detail. Here is a decomposition of IEP into subproblems which serves as a specification of the problem in more detail. (1) First of all, IEP is about borders; are the current borders definitive? Then (2) it is about the various groups of Palestinian refugees outside but near the borders of Israel, the fundamental legacy of the Nakba: will there be a new Palestinian state as a neighbor of Israel? (3) How can Israel be protected in the long run against the hostile ambitions of Hamas, Hezbollah and other radical Islamic groups? Some parts of these groups, in particular of Hezbollah are not located as direct neighbors of Israel, but still they are enemies of the State of Israel who need to be taken into account. (4) What is the future of the Westbank, including the many settlers who have acquired property more often than not in a problematic manner? (5) How can Israel be protected in the long run against threats from Iran? (6) How can Israel maintain within its borders a Jewish majority, an ambition which it seems to maintain? (We assume that such demands require cooperation with Israel's neighbors, if achievable at all.) (7) Hamas and Hezbollah show an incredibly anti-Jewish and anti-Israel attitude, how can Israel prevent such strong sentiments becoming widely accepted just around the corner? (8) We view the so-called demographic time-bomb also as a part of the problem because that phenomenon, were it to materialize, will render the idea of a Jewish and democratic state unfeasible in the long run.

Speaking of IEP precludes few options, perhaps none. A solution of IEP may involve that Israel becomes part of some larger federation, it also includes single state solutions and two-state solutions, as well as the three-state solution (transferring the Westbank to Jordan and Gaza to Egypt). Writing a survey of options for solving IEP might be useful, if only to see if a reasonably exhaustive listing of options can be obtained. IEP is also consistent with splitting Israel up into one or more states (for instance a religious state and a secular state). Some movements in Israel advocate the idea that a significant fraction of Palestinians in Gaza and Westbank might find new homes in other parts of the world. Even such solutions are not excluded as options for IEP though it is hard to imagine that any satisfactory progress can be achieved along such lines.

Several other names of "the problem" can and have been coined: e.g. Palestinian problem and Israel problem. Another important consequence of framing the problem as the IEP is that the notion of Israel's right to existence is not on the table anymore; each answer to the problem has to acknowledge this right. Our proposal may be criticized for lack of symmetry between (Jewish) Israeli and (Arab) Palestinian positions. A future with full Palestinian autonomy is not necessarily implied when speaking of solving the IEP, whereas sustained autonomy for Israel is taken as an implicit assumption. We believe that as a matter of historical fact there is no such symmetry and that imposing symmetry on the debate will render it harder to find convincing arguments. We expect that by formulating "the problem" in an adequate form there will emerge conditions for its best or workable solutions. For instance, what is often referred to as the two-state solution is not obviously a solution to the IEP. When speaking of the two-state solution one often ignores any mention of which problem is to be solved. Clearly the two-state solution will at least in part solve the problem of Stateless Palestinians near Israel's borders. That problem, however, is not the same problem as the IEP. We will now provide a probably incomplete survey of possible solutions of the IEP.

### **The one-state solution (1SS), an option beset by complications.**

One-state solutions are based on the idea that Westbank, Israel, and Gaza will be combined into a single nation which then may have a number of districts or cantons each with their own specific composition of ethnic groups, religious factions, and political majorities and minorities, so that different communities may feel at home in the same state. Various groups within Israel

advocate forms of a one-state solution. Nevertheless, we see a variety of problems for these ideas:

1. Let the new state be named Israel-Palestine (IP for short). As long as IP has a clear Jewish majority IP is unattractive for many, among which most Palestinians, with an Islamic orientation. As soon as IP will have a Palestinian (or Islamic oriented) majority it will be unattractive for the Jewish part of the population. For Israel to be a Jewish and democratic state (as it claims to be) preserving a Jewish majority seems to be essential, although democratic means to guarantee such preservation are rather difficult to imagine.
2. It is difficult to imagine anything else than a monumental internal power struggle between the group of citizens with Jewish orientation and those with an Islamic orientation.
3. The legality of Israeli settlements on the Westbank must be dealt with in advance of IP coming about. It is hard to see a compromise that works for both sides.
4. It is often assumed that IP (as a one-state solution) must allow all Palestinian refugees to return. This Arab Palestinian demand seems to be unacceptable and unworkable for Israel. For Israel the more plausible future of many refugees is that they will obtain the nationality corresponding with the localities where they live or will live.
5. If a significant number of Palestinian refugees still lives in Lebanon after the constitution of IP all complications that come with the existence, presence and potential growth of Hezbollah and its armed forces will remain in place, now threatening the stability of the political consensus inside IP. (Saber)

### **The two-state solution (2SS) may solve The Palestinian problem, it may fail to solve the IEP**

In Wikipedia we find “The two-state solution to the Israeli–Palestinian conflict envisions an independent State of Palestine alongside the State of Israel, in the region west of the Jordan River”. This description clearly points at the Israeli-Palestinian conflict as the problem in need of a solution.

2SS brings advantages as well as disadvantages. As an advantage we notice that even if one agrees that the (or a form of the) two-state solution will somehow solve the Israeli-Palestinian conflict there are grounds to believe that the IEP will resist a solution of that kind. We see the following

objections against the two-state solution (2SS) as a solution for the IEP.

1. Israel will not be able to accommodate a large (say 2 million or more persons) influx of Palestinian refugees, a condition which is likely to be imposed from the Palestinian side on a 2SS.
2. A Palestinian state with independent armed forces may develop into a highly problematic security risk for Israel. It is difficult to see how it can be prevented with certainty that a Palestinian state will develop in that direction.
3. The threat coming from Hezbollah in Lebanon is not dealt with conclusively with the introduction of a 2SS. The Hezbollah threat, however, is just as relevant for Israel as any threat from the side of Hamas.

4. If a war would come about between Israel and Hezbollah (or even Lebanon) Israel cannot take the risk that a new Palestinian state sides with Hezbollah.
5. Israel intends to be a Jewish and democratic state. That notion is far from self-evident and is far from uncontested. It is plausible that a Palestinian state would have a special relation with Islamic religions and would also look for ways to protect this special relation against the volatility of future events. A 2SS needs to take into account the specific objectives of both states. In fact, both states need to support and protect the other state's political architecture, in order to prevent predictable future conflicts. It is unlikely that without strong mutual ties between both states such demands can be properly taken into account.
6. It is implausible that by combining the Westbank and Gaza a new state can be formed which is economically viable.
7. It is unlikely that Israel can and will withdraw many of the settlements on the Westbank.

In our view the complications mentioned above render a 2SS ill-suited as a solution of the IEP. We conclude that the search space for solutions to the IEP must be extended, perhaps with options that have not been discussed in the existing literature to date. Several of the listed arguments appear in [Saber2024].

We have on purpose not included any arguments deriving from expected lack of support by the Israeli population as such arguments are not robust against political change which may take place anytime. In [Amos and Evental 2024] one finds detailed arguments on why Israel must deal with the various threats at its borders in sufficiently proactive ways.

### **Federal 2 state solutions (F2SS)**

A modification of the 2SS idea is that both states Israel and Palestine (as coming about from a 2SS) are bound by a federation, and that the federation has combined armed forces and combined foreign policies. Several Israeli groups are proposing implementations of a F2SS which they see as the only plausible way forward.

In any case a F2SS will solve some of the deficiencies of a 2SS (viewed as a solution of the IEP), for instance will demographic developments be less likely to create instability and there will be only a single military force. We see as a major defect of a F2SS that the situation of Palestinian refugees in Lebanon, who still lack a proper nationality remains unresolved. A F2SS/L solution combines a F2SS solution with some potentially definitive arrangement in Lebanon (for instance adopting Lebanese citizenship by all Palestinians). An F2SS/L solution may work, though it leaves the Palestinian communities fragmented and weakened for that reason, which in the long run may lead to problems.

### **F2SS/J solutions**

With a F2SS/J solution we indicate a federal multi-state solution where besides Palestine and Israel also Jerusalem has the status of a state. F2SS/J solutions may help to overcome the sensitivities which come with splitting Jerusalem or assigning Jerusalem either to Israel or to Palestine.

### **The three-state solution (3SS)**

The three-state solution involves a transfer of the Westbank to Jordany, and of the Gaza to Egypt, thereby involving three states (Jordany, Egypt and Israel) in the process. A 3SS solves several of the difficulties of a 2SS but it fails to offer a Palestinian national identity of any kind, unless of course one views Jordany as an already existing Palestinian state, which adopts a more

significant role in a 3SS. Another problem with a 3SS is that the stability of both Egypt and Jordany might become problematic, when incorporating larger Palestinian groups with their own political agendas.

#### **Four-state solutions (4SS)**

Four state solutions also include the element that Palestinians living in Lebanon become Lebanese citizens, and the incorporation of Hezbollah armed forces in the regular Lebanese army. A 4SS improves on any of the 3SS's by dealing with some of the problems in Lebanon and by, in principle, normalizing the existence of Hezbollah forces into a regular army. A 4SS involves restructuring of Lebanon, rather than its incorporation in some way.

#### **Federal extended 3-state solutions (FE4SS), in particular an 8-state solution**

With USPIL (United States of Palestine, Israel and Lebanon) we will refer to a federal three-state solution made up by: Palestine (which will include parts of today's Lebanon), Israel, and (all of the remaining parts of) Lebanon. A FE3SS solution may take the form of a FE3SS/J solution if Jerusalem is turned into a state by itself. F3SS/J solutions may be further refined by splitting Israel, Palestine, or Lebanon into parts which will become members of the USPIL combination. We will speak of a 5U/F3SS/J solution if the federation has 5 member states etc. We have contemplated an 8U/F3SS/J solution in more detail. An 8U/F3SS/J solution will allow for the following:

- • Accomodating a fundamental focus on pillarization on religious grounds, where pillars include a range of religions and world-views and factions thereof. When decomposing Israel into 3 parts we envisage: (i) a secular part with a majority of Jews, (ii) a secular (though Judaic) part with a Jewish identity, (iii) a (Judaic as well) part allowing for a Jewish religious state.
- • Two Palestinian/Islamic parts (e.g. Shia and Sunni),
- • A religious Christian part of Lebanon, as well as a secular part of Lebanon,
- • A city state of Jerusalem.

The suggestion for decomposition of Israel into 3 parts follows (our reading of) the analysis in [Yagdar 2020] where a multiplicity of tensions within the self-image of the Israeli polity is displayed. Whereas Theodor Herzl's original idea focused on a secular state for Jews (with an implicit requirement of a majority of Jews), at the same time Asher Ginzburg (writing as Ahad Ha'am) proposed in 1902 as a priority that a (secular though evolved from a religious tradition) Jewish identity might and should be preserved and grown as a necessary preparation for a new state. This discrepancy is present without a drive towards a Jewish religious state, which is an option as well that cannot be discarded. Because these disparate objectives cannot plausibly be integrated in a single statehood, allowing each of these options to thrive in different parts of USPIL may be considered an option with attention. We refer to [Yagdar 2023] for more information regarding these dilemmas. We notice that the notion of a secular state arose in a context where different Christian factions were competing for political influence and different models for the independence of state and religion came about. We are not sure that the concept of secularity carries over in a plausible manner to either a state with an (intended) majority of Jews or to a state with an intended Jewish (also referred to as Judaic, though non-religious) polity. Perhaps a European notion of secularity fails to address the complexities of both options. Understanding Judaism as a confession made civil rights accessible for Jews in Europe, while at the same time adopting that very understanding implicitly reduced Judaism to

a tradition which cannot justify the claims of the state of Israel based on a self-perception of chosen people which is hardly consistent with the notion of a confession.

[Yagdar 2023] describes the ideas of Leon Roth (1896-1963), who as we understand would hardly accept the right of existence of a Jewish state, and who (when still alive) would be highly critical of the violent actions of Israel in Gaza after 7-10-2023. These violent actions seem to be best explained as the outcome of a strong and irresistible urge for self-defense by a nation-state under self-perceived existential threat and find no further additional justification based on considerations concerning the philosophical and ideological background of the State Israel.

### **Federal four-state solutions (F4SS) include all of Jordany as a member of the union**

The advantage of a F4SS solution is that a much stronger union is created which will also create better opportunities for Jordany.

### **Concluding remarks**

1. Framing the context of solutions among which the one-state solution and the two-state solution are often mentioned as the IEP may be helpful in spite of its apparent lack of symmetry. Then we believe that it will be helpful to extend the family of potential solutions with other options, because both mentioned options seem to be equally problematic.
2. An important feature of the public discourse in the US and in the EU comes about from

a steady stream of accusations concerning Israel as well as Hamas. We have studied accusations as a topic in the accusation theory as reported in [Bergstra and Düwell 2021]. The idea is that an accusation has an accuser, one or more accusees, a body (explaining what is asserted) and a scope. In line with accusation theory, more often than not the functionality, or even justification, of an accusation lies not so much in the validity of the body, but rather in the side effect on (perceptions and opinions) of agents in scope of the accusation. Accusations are then understood as means to an end in a battle in the world of public communication, and not so much as signposts of truths that must not be ignored. We expect that accusations involving, colonialism, apartheid, genocide, non-proportionality, violation of human rights, etc. will on the long run have only limited influence on the course of events.

3. As a comment on the first draft of this paper we were asked how to imagine that Israel shares fundamental responsibilities with former archenemies in a federative construction like USPIL. Now precisely that phenomenon has occurred within the EU combining France and Germany. One might claim that France and Germany were engaged in a longstanding battle for power and supremacy on the European continent and that mutual hatred was less of a dividing force for conflicts than is now the case in the context of Israel and its enemies in Hamas and Hezbollah. Nevertheless, sooner or later some form of compromise must evolve from the current tense situation. Suggestions about future security in the context of some form of power sharing with a Palestinian entity may be found in [Commanders for Israel's Security (CIS) 2016]. Updated plans on Gaza policy are available via the CLS website [<http://en.cis.org.il>].

4. We have made an attempt to survey solutions to the IEP. Our paper is not based on any idea of morality or ethics, and we do not assess potential solutions in moral terms. Neither do we offer any policy advice or do we make any predictions. Giving policy advice is not our role, while making predictions is too difficult. On the latter count we refer to recent work from August 2023 [Hitman and Iskovitch 2023] where after an informative and systematic analysis of a history of 16 years of conflict between Israel and Hamas in Gaza the concluding section states: "...Netanyahu, who was prime minister during some of the cases presented in this article,

is likely to preserve the status quo. There are several reasons for our assessment. First, a more intense military campaign in the Gaza Strip will be too costly in human life, money, and military equipment. Second, a victory would force Israel to consider whether to reimpose control over Gaza and take responsibility for more than two million Palestinians. If Israel does not seek this, then there would be no return for the costs. At most, campaigns to remove threats will yield temporary strategic victories. Third, a long clash increases the odds of hurting innocent Palestinians. This would generate more pressure on Israel to stop the fighting before it can achieve its strategic goals. The potential of losing support from the United States and the West would cause strategic damage instead of decisive victory. Under these conditions, Israel will from time to time be able to gain no more than tactical and operational achievements. This assertion is based on three observations: There is not likely to be a change in Hamas's approach to Israel; relations between the Palestinians and Israelis have stagnated; and Netanyahu has no long-term vision for stabilizing Gaza."

A few months later most of these claims are outdated. We believe that our survey of conceivable IEP solutions, as well as systematic work on the merits of such potential solutions is unlikely to become critically outdated in the near future. [Samaan2023] by describing facts or assessments of fact rather than predictions, is helpful for understanding Israel's military strategy, aiming for a decisive victory over Hamas, and making use of massive firepower for that reason, after 7-10-2023.

The report [Allison and Piliero 2023] provides very clear policy advice for Israel. Currently Israel is not following no. 2 of the 5 dos and 4 don'ts stated in said report, while for the other 8 it is not obvious or even implausible that these are being followed. The report seems to underestimate Israel's firm intention to do things differently this time, and to apply lessons learned in a less cautious manner than advocated by the authors of the report, a fact which could be inferred from the new "Decisive Victory" strategy as described in [Samaan 2024]. No. 5 of [Allison and Piliero 2023] reads "Do maintain eternal vigilance". It may be a weakness of this coherent and consistent list of dos and don'ts that it may be impossible in practice for Israel to comply with No. 5 in a sufficiently effective manner. In that case the whole idea of the report becomes less plausible and less workable.

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