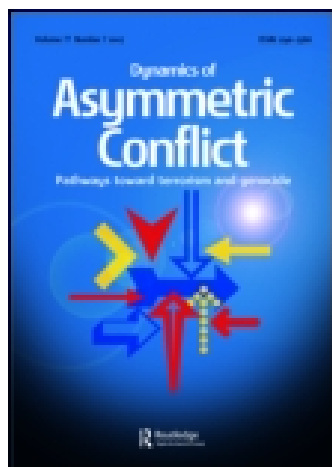


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## Dynamics of Asymmetric Conflict: Pathways toward terrorism and genocide

Publication details, including instructions for authors and  
subscription information:

<http://www.tandfonline.com/loi/rdac20>

## Searching for Mandela: Finding a way beyond the Israeli-Palestinian impasse

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Published online: 17 Oct 2014.

To cite this article: Byron Bland (2014) Searching for Mandela: Finding a way beyond the Israeli-Palestinian impasse, *Dynamics of Asymmetric Conflict: Pathways toward terrorism and genocide*, 7:2-3, 183-197, DOI: [10.1080/17467586.2014.968795](https://doi.org/10.1080/17467586.2014.968795)

To link to this article: <http://dx.doi.org/10.1080/17467586.2014.968795>

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## Searching for Mandela: Finding a way beyond the Israeli–Palestinian impasse

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*(Received 17 August 2014; accepted 20 September 2014)*

The collapse of the Kerry talks and the devastating cycle of attacks and reprisals that ensued marked the end of an era, the passing of a time when a negotiated peace seemed a realistic possibility. In considering the way forward in the Palestinian–Israeli conflict, this essay examines the relational changes that brought about the settlement ending apartheid in South Africa, with a focus on three key players: Nelson Mandela, F. W. de Klerk, and Roelf Meyer. It then briefly describes the relation-building framework developed by the Stanford Center on International Conflict and Negotiation and explains how it provides an alternative to solutions-based and rights-based approaches to resolving the Israeli–Palestinian conflict. Drawing inspiration from Martin Luther King, Jr., it concludes with reflections on the importance of non-violence in altering the discourse between Israelis and Palestinians.

**Keywords:** Nelson Mandela; F. W. de Klerk; Roelf Meyer; Martin Luther King; relationship-building; barriers analysis; peacebuilding; Israeli–Palestinian conflict; solution-based negotiation; rights-based negotiation

The collapse of the Kerry Talks and the recent outbreak of violence in Gaza was more than just another setback in a very long history of failed attempts to reach a peace settlement. In a significant way, it marked the end of the hopeful era that began in the early 1990s when the outlines of a possible “two-state” solution began to emerge. The settlement, it was widely acknowledged, would include the creation of a Palestinian state based on 1967 borders (with modest and mutually agreeable exchanges of land and the removal of settlements beyond those borders), Jerusalem as a shared capital, and a right of return of Palestinian refugees only to the newly formed Palestinian state, with compensation for lost properties. (For an account of SCICN’s role in facilitating an early “public peace process” in which prominent Israelis and Palestinians met together to draft such an agreement, see Foundation for Global Community, 1991).

The task that defined this era of negotiation was the creation of a process that would allow the parties to reach such a settlement. That process, as well as the final terms envisioned, was bound to face opposition from both bodies politic, but the mutual concessions called for were clearly those required for any chance of mutual acceptance. Nevertheless, these efforts – from Madrid to the present – failed to bridge the gaps between the two parties. The reasons for failure are legion: unimaginative and risk-adverse leadership on both sides, lack of trust that the other side was willing to abide by the letter and spirit of an agreement and to forsake future irredentist claims, the dramatic expansion of Israeli settlements in the West Bank (Zertal & Eldar 2007) and the growing political

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influence of the settlers, and also the rising power and influence of Israeli right-wing politicians and Islamic militant groups. The growing weight of these factors has made the prospects of agreement ever dimmer (David, Nagar, & Maoz, 2014).

Increasingly, however, another and, in some ways, deeper problem becomes ever more evident: neither side thinks that the terms of agreement now insisted upon by the other side would bring peace (Lustick, 2013). Concerning the Israeli idea of peace, Nabil Shaath, a senior Palestinian official who played a leading role in past negotiations, recently wrote that Palestinians “will be left with scraps of land that can never amount to a viable, independent or sovereign state” (Shaath, 2014). Concerning the Palestinian idea of peace, Israeli reaction to the Palestinian idea of peace has been dismissive, if not contemptuous. Many from the Israeli right now reject the two-state option. Recently, newly elected Israeli President Reuven Rivlin stated, “I would prefer for the Palestinians to be citizens of this country rather than divide the land” (Dana, August 7, 2014). However, when one-state advocates, like President Rivlin and Likud leader Danny Dayan, talk about the specific features of this state, Palestinians do not appear as equal citizens, or even citizens at all. Dayan, who campaigned for (and won) the Chair of the Likud Central Committee by vowing to stop Netanyahu from creating a Palestinian state, recently stated:

Long-term, I am not talking about annexing the Palestinians. My goal is to annex – or “apply sovereignty”, as I prefer to call it – to the land in Judea and Samaria with the minimum amount of Palestinians. So, if I am doing the map, yes, I want the majority of the land with the minimum amount of Palestinians. (McGreal, May 14, 2014)

While Dayan’s remarks may seem extreme, it is important to remember that he was deputy defense minister at the time he made this statement and that the defense department formulates and administers policy over the occupied territories.

Discerning Israeli and Palestinian commentators and intellectuals are beginning to face this dilemma head on, with increasing recognition that the central issues in the conflict have more to do with the unresolved issues created by the foundation of the Jewish state in 1948 than the exacerbating problems created by the Israel victory and subsequent developments of 1967 (see: Abunimah, 2014; Barghouti, 2011; Benvenisti, 2010; Qumsiyeh, 2011; Shavit, 2014; Shenhav, 2013; Susser, 2011). These far-sighted Israelis and Palestinians question whether the central issue is drawing political boundaries on a map. Instead, they highlight the fact that boundaries, by themselves, may not solve the problem of two different political communities with deeply conflicting goals and aspirations living with one another in peace.

In this essay, I look to history for a useful precedent whereby a peaceful end to a conflict was achieved despite the seemingly incompatible goals, and deep distrust between the two sides in a struggle. South Africa provides that precedent, and three key actors – Nelson Mandela, F. W. de Klerk, and Roelf Meyer – play prominent roles. Their actions culminated in the settlement that ended apartheid without the bloodshed that most thought inevitable. I, then, relate this account to the “four-question framework” developed by SCICN and develop a relational-based alternative to solutions-based and rights-based approaches to resolving the Israeli–Palestinian conflict. I end with some reflection on the important role that non-violence can play drawing inspiration from Martin Luther King, Jr.

### **Finding Mandela**

In the summer of 2007, *Encina Commons*, the newsletter of Freeman Spogli Institute on International Studies at Stanford University, published a short article that I had written entitled *Finding Mandela* (Bland, 2007). In it, I argued that the Afrikaners initially hoped

they had found in Mandela the African who would make the concession they desperately wanted. Mandela was not that man. What he was, or at least what he became, was something more important. I wrote:

Slowly, [de Klerk] came to see Mandela instead as the African who could give Afrikaners a future they could live with. . . . Mandela let no opportunity pass to talk about the place of white South Africans in the new South Africa. He emphasized time and again that majority rule did not mean the domination of the white minority by a black majority. . . . In virtually every statement, Mandela presented a vision of the future in which white South Africans would be appreciated and respected. Those who heard him felt that they, their family, and their community could have a satisfying and secure life in what he was describing. Rather than offering concessions that would prop up the old, Mandela was offering a future to many who had begun to doubt that they had one.

I concluded this brief essay with the following observations:

The figure of Mandela presents leaders today with a twin challenge. First, how do we find the person on the other side to whom we can make the concessions that we feel we cannot afford to make? Second and much more important, how can we become the persons to whom the other side can make the concessions they say they cannot make? Both are important, but the second is critical in a time when each, standing back, looks to the other to perform the difficult actions needed to move the peace process forward.

Progress toward peace between the Israelis and Palestinians is not stalled because no one can envision the final settlement. Every thoughtful observer knows that some rough approximation of the Clinton formula is the only deal possible. . . . The real question is who will lead us there.

These excerpts offer a good point of departure for an exploration of possible ways to move forward in the quest for an agreement that both sides in the Israeli–Palestinian conflict could live with. Although leadership is sorely lacking in the current Israeli–Palestinian context, this void may not be the sole or foremost deficit. Moreover, whether the deal is still a “rough approximation of the Clinton formula,” as I suggested above, is now highly questionable. Nevertheless, while caution is in order in attempting to draw parallels between these two different contexts, I believe that the relational dynamics I highlighted in *Finding Mandela* have clear relevance for the current impasse and the barriers to progress that must be overcome. (For a general discussion of barriers to conflict resolution, see: Arrow, Mnookin, Ross, Tversky, & Wilson, 1995).

### The South African miracle

It is possible to give an account of the South African “miracle” from the perspective of mutually hurting stalemates and interest-based negotiations. In “Negotiating the South African Conflict,” I. William Zartman (1995) wrote “What happened in South Africa was the epitome of a negotiating process that created a negotiating outcome” (p. 167). What moved the process forward past breakdowns and stalemates was the mutual understanding that failure was too costly – “the fear and presence of the conflict kept the negotiations on track” (Zartman, 1995, p. 167). At every stage, both sides recognized its long-term interest in striking a deal – “a new regime would be preferable for each side to the old with its (terrible) consequences” (Zartman, 1995, p. 168).

Zartman’s “Getting to Yes” (Fisher & Ury, 1981) account is not inaccurate, but it is incomplete insofar as it fails to acknowledge the critical role that relationships played. He admits that “some kind of turning point in perceptions is needed to turn a soft stalemate into a search for alternative” (Zartman, 1995, p. 18), but stops short of describing that “turning point” – the catalyst that made the process of change possible.

That catalyst was Nelson Mandela. The extraordinary stature he enjoyed after his release from prison and the way he used that stature is a lesson in the critical importance of leadership (see Meredith, 2010, p. 493). In *Conversations with Myself*, Mandela (2010) describes in halting prose the insight that became his political strategy for change:

In the period we are all going into we have to consider moving away from our past – must change our approach. In such a situation all people become concerned about the future. What’s going to happen to me, wife and chldn [children] (Kindle Locations 4102–4105).

Mandela understood intuitively that journey to a post-apartheid South Africa required more than negotiations about interests and concessions. It had to embrace and embody the hopes and fears of both white and black South Africans. Mandela’s role is strikingly illustrated in the transformations he sparked in two key Afrikaner figures – F. W. de Klerk, the President of South Africa, and Roelf Meyer, the chief negotiator for the National Party. Both played dominant roles in bringing about the changes that occurred in South Africa. Both acknowledged the role Mandela played in achieving that transformation (de Klerk, 1999, p. 162; Meyer, 2003, p. 5).

### **De Klerk: what if they got what they really wanted?**

For de Klerk, the critical moment came late on the night of 17 November 1993, when he met Mandela for a final time to resolve their critical remaining differences concerning the draft constitution that was to be presented the next morning. Earlier that evening, Mandela revealed to guests at a private dinner his worst nightmare:

I wake up one night and de Klerk isn’t there. Whether I like him or not is irrelevant. I need him. (Waldmeir, 1997, p. 231)

His comment was borne out in the meeting later that night, where the only other people present were their chief negotiators – Cyril Ramaphosa and Roelf Meyer. It was there that de Klerk accepted the principle of majority rule, and South Africa changed forever.

De Klerk maintained that his views concerning apartheid began to shift early in his career, in the staunchly conservative district of The Transvaal, where he first entered politics. De Klerk gained a reputation for taking a centrist line, while remaining firmly within the bounds of traditional apartheid, in the debates raging throughout Afrikaner society between the *verlig* (liberalizers) and *verkramp* (hardliners). Looking back on that period, de Klerk wrote:

In my perception, our determination to retain the right of white South Africans to rule themselves was not simply a matter of chauvinism. I believed that it was also essential for the maintenance of our physical security and basic freedoms. I was convinced that this was in the interests, not only of white South Africans, but also of moderate and peace-loving black South Africans. (de Klerk, 1999, p. 38)

A turning point for de Klerk came in the mid 1980s, late in the Botha administration, during the “ungovernability campaign” launched by the United Democratic front. Millions of black South Africans stopped paying rent on government housing, boycotted white businesses, ceased going to school, and initiated work stoppages.

Botha was unyielding in maintaining his hardline apartheid stance, but de Klerk looked forward. He realized that progress out of the crisis depended upon addressing three aspects of Afrikaner sentiments.

1. our fear of black domination, coupled with our desire to retain a very high degree of self-determination for ourselves and for others on a group basis

2. our reluctance to accept that[,] even in a power-sharing constitution that we ourselves were advocating, the majority would necessarily have a greater voice than the various minorities in determination of the general affairs
3. our unwillingness to enter into negotiation with the ANC – which, as we very well knew, represented the majority of black South Africans (de Klerk, 1999, pp. 106–107)

He and his colleagues recognized that a “180 degree change in policy ... away from apartheid, separate development, and racial discrimination” would be required to end the crisis (1999, p. 109). While he was willing to consider the possibility of a new and dramatically different direction, he still felt that the protection of the white minority against black domination was an essential component in of any future agreement.

On the night of the fateful meeting between de Klerk and Mandela, six outstanding issues remained. The most important, by far, was how the cabinet of the Government of National Unity (GNU) would make decisions. The ANC wanted decisions by a simple majority while the National Party held out for a two-thirds majority, in effect giving them a minority veto. The language of the final agreement is softened with phrases that express the intention to seek consensus rather than an up-or-down vote. In the end, de Klerk gave way to Mandela’s insistence on a simple majority vote. Mandela best expressed the spirit of the concord that was reached: “Majority rule will apply – we just hope we will never have to use it” (Waldmeir, 1997, p. 232).

De Klerk maintained that, in agreeing to majority rule, he conceded nothing. He claimed that, from the start, he believed that the government should function on the basis of consensus and thought that insistence on a two-thirds majority was an impediment to a consensus-seeking spirit (de Klerk, 1999, pp. 289–290). He writes:

If the minority parties consistently thwart the will of the majority it might in the end cause intolerable strains on the whole constitutional edifice. On the other hand, if we were to adopt a non-confrontational, non-voting approach, all participants would probably be able to exercise real influence on decision-making. Mandela and I agreed that the GNU cabinet would take its decisions on the basis of a spirit of consensus underlying the concept of a government of national unity. (p. 290)

Whether he was engaging in self-deception is impossible to know. However, it was clear that he came to feel that minority protection did not require a minority veto.

In *Democratization in South Africa*, Timothy D. Sisk called this understanding between de Klerk and Mandela the “democratic pact”. He argued that South Africa progressed through a series of political agreements or pacts that served to limit the ANC and National Party’s capacity to harm one another or threaten each other’s vital interests (Sisk, 1995, p. 40). The critical point in Sisk’s analysis was that a pact is essentially negative in nature – more about what the parties will *not* do than what they will do.

But, in fact, the deal that de Klerk struck with Mandela was ultimately about what the parties *would* do. Throughout his political career and especially during negotiations with the ANC, de Klerk had wrestled with the question of *what would happen to the Afrikaner if the ANC got what it wanted*. The agreement with Mandela became possible because de Klerk came to the conclusion that the Afrikaner would survive and flourish in a way that apartheid would not allow. In that future, a minority veto was superfluous.

De Klerk’s crucial question – in its generic form: what would happen to *us* if *they* get what *they* want? – involves a distinction between adversaries, whose interests differ from ours, and enemies. Carl Schmidt (1976) characterizes enemies as those who seek our destruction, if not individually then politically, collectively, and culturally. In dealing with enemies, one’s existential future rests in the balance. With enemies, no deal, no pact, no

lasting agreement is possible because the relationship is a struggle to determine not only who will prevail but who will survive. For de Klerk, and for Afrikaners, the first step out of the past and into a post-apartheid future was the belief that the ANC did not constitute such an enemy.

As indicated earlier, Mandela knew that, in situations of intense change, people worry about their future and what will happen to them and their children (Mandela, 2010, Kindle Locations 4103–4104). During the apartheid era, most Afrikaners enjoyed agreeable middle-class lives made possible by the relatively high income that even working-class jobs offered. They worried about how majority rule would change their lives. Would their jobs and property be secure? If they lived in a bungalow on a leafy street or in a nice apartment, owned an SUV, went to the beach during fine weather, lifted a pint from time to time with mates, and went to a rugby match on the weekend, could they keep all this if apartheid fell? De Klerk came to believe that the answer could be yes, that while the ANC sought a better future for black South Africans, it was not an enemy intent on destroying the Afrikaner way of life.

While the realization that the ANC did not have that malignant intent was critical, it was not sufficient to create the trust needed to progress into a new post-apartheid South Africa. A second question had to be answered. *Is the Afrikaner willing and able to articulate a shared future that the ANC would find bearable, if not attractive?*

Toward the end of his autobiography, *The Last Trek*, de Klerk (1999) states that, in hindsight, he wished he had pushed harder for “the inclusion of more effective power-sharing mechanisms in the final constitution” (p. 387). He peppers his reflections with allegations that Mandela and the ANC proved not to be the trustworthy partners he had hoped they would be. It should be noted, however, that de Klerk was not the Afrikaner who built mutual trust. That task fell to Roelf Meyer, his chief negotiator.

### **Roelf Meyer: the leap into a shared future**

Roelf Meyer was one of the rising stars in the National Party when de Klerk appointed him to engage his African National Congress counterpart, Cyril Ramaphosa. In a later memoir (Meyer, 2003), he identified the critical change that occurred over the course of numerous track-two encounters between Afrikaners and the ANC, as the negotiators “met in the same room, ate from the same buffet, and engaged in social conversation” (p. 14). Central to that change, was the realization that white South Africans could live perfectly bearable, if not thriving, lives under black leadership operating within black majority rule and without the group entitlements that Afrikaners had long thought to be imperative to their well-being. In fact, it became clear that such entitlements were impediments to the continuation of well-being. Meyer described that realization as a liberating moment and the beginning of “an adventure that could only have a positive conclusion” (2003, p. 19).

The critical moment for Meyer came in May of 1992, when, to break a deadlock, de Klerk offered Mandela a constitutional framework based on individual rather than groups rights. That offer represented a complete break with the past. Previously, the National Party’s plan had been “to stem further escalation of conflict and destruction of the country” by stringing out negotiations “for years to come (until) the ANC’s position would be weakened substantially” (Meyer, 2003, p. 13). All along, the goal had been “maximum retention of white rule” (Meyer, 2003 p. 19).

Although de Klerk had arguably made the offer without conviction, Meyer saw the opening and leaped into the breach. He embraced a new and different future, one that was not “driven by motivations such as power-retention, power-sharing or power-handover,

but by something much *more encompassing* and *overarching*, and *more inclusive* and *developmental* than any political stance taken thus far by the NP or the ANC” (2003, p. 19, emphases added).

The language that Meyer uses to describe this new project reflected the standard terminology of political negotiation. He spoke of establishing *common ground* as the foundation for constitutional principles (p. 20), and of transformational leadership that involved “trust”, “common belief”, “joint ownership of a common vision”, “readiness to abandon previous positions”, “win/win principles”, and “respect for differences in opinion” (pp. 22–23). However, this language did not capture the larger transformation that occurred. Meyer had begun to believe that, beyond agreeing not to violate the individual rights of Afrikaners, the ANC was envisioning a future in which Afrikaners as a group and as a community would continue to have satisfying and productive lives. Although he did not use these words, what Meyer was describing was a *vision of a shared future*.

The concept of a “vision of a shared future” has figured prominently in the writings and real-world efforts of Stanford Center on International Conflict and Negotiation (Bland, Powell, & Ross, 2005; Bland, Powell, & Ross, 2012a; Bland & Ross, forthcoming). Parties in the throes of deep divisive conflict must feel that, if the other side’s aspirations were achieved following a political agreement, they would find that future tolerable. They must also believe that the future they seek would be bearable for the other side. And, they must believe that the other side believes this as well. Only then will the two sides trust each other to honor commitments and work toward that shared future.

Meyer’s account of the negotiation processes in South Africa is essentially the story of how a commitment to a shared future made possible the back and forth dialogue that hammered out the language of mutual give and take that ultimately produced a new constitution – a constitution that offered a shared vision of the future that the two sides sought to achieve.

### **Nelson Mandela: giving shape to peaceful relationship**

On 14 December 2003, Mandela stood before a large crowd that had gathered in Nobel Square, Cape Town, South Africa. His audience hung on every word as he told them: “We were expected to destroy one another and ourselves collectively in the worst racial conflagration. Instead, we as a people chose the path of negotiation, compromise and peaceful settlement. Instead of hatred and revenge we chose reconciliation and nation – building” (Mandela, 2012, Kindle Location 563–536).

Throughout his dramatic rise from prisoner on Robben Island to President of South Africa, Mandela had offered white Afrikaners a vision of peace with black South Africans. He assured them that “[w]e do not want to drive you into the sea” (Mandela, 1995, p. 539). He maintained that “no problem is so deep that it cannot be overcome, given the will of all parties, through discussion and negotiation rather than force and violence” (Mandela, 2012, p. 56). His vision about how to lead South Africa out of apartheid arose from his beliefs about reconciliation. He viewed reconciliation as a spiritual process that required “more than just a legal framework” (p. 65). “Reconciliation,” he wrote, “was not an afterthought or an add-on of our struggle and our eventual triumph. It was always imbedded in our struggle. Reconciliation was a means of struggle as much as it was the end goal of our struggle” (p. 65).

In *The Human Condition*, Hannah Arendt argued that human community was possible because of the capacity to *forgive* and to *promise*. (Arendt, 1958, pp. 236–247). She called



forgiveness the one free act a human being could make because it puts an end to cycles of retribution and revenge. All else is reaction that simply perpetuates payback. However, her real contribution to understanding reconciliation was her insight into promise. Promise made possible the only form of political relationship that was not based on coercion.

Like Bishop Tutu, who made much of forgiveness as the way forward in South Africa (Tutu, 1999), Mandela was willing to put aside the past. Nevertheless, his most important contribution was the promise he made to white South Africans that they would have a home in the country of their birth.

Unlike white people anywhere else in Africa, whites in South Africa belong here – this is their home. We want them to live here with us and to share power with us. (Meredith, 2010, p. 355)

The result of such assurances, which were a consistent theme in Mandela's speeches, was that even if the "white community would not vote for him . . . they would accept a government under his presidency" (Meredith, 2010, p. 493). The white community did not hold Mandela in the esteem he enjoyed in much of the rest of the world. They could not completely escape their history of distrust and suspicion regarding Mandela and the ANC. However, when they recognized that change was necessary and unavoidable, and the future promised them seemed bearable, they were willing to stand aside and let that future come to pass. (For more on what it means to "stand aside," see: Bland, 2012b.)

When Mandela first initiated contact with the apartheid government, peace was not possible because the state of relationships would not allow it. Mandela realized that he needed to change those relationships. As he famously said: "To make peace with an enemy one must work with that enemy, and that enemy becomes one's partner" (Mandela, 1995, p. 612). No other statement captures better the essence of Mandela's undertaking or conveys better the sense in which he was not "found." The view of Mandela as the man who could lead South Africa through a peaceful transformation was created through careful, consistent, and principled effort.

### **Crafting new diplomatic landscape: SCICN's "four-question framework"**

The standard account of the peace process has the parties entering negotiations that produce a settlement that brings former adversaries into a relationship that makes peace sustainable and future cooperation possible. The history of Mandela and South Africa essentially reversed that process. Mandela led the Afrikaner National Party and the ANC in giving shape to the peaceful relationships that created enough trust to make possible the agreements that ended apartheid.

However, what does "giving shape to peaceful relationships" actually mean? The narrative account offered thus far in this article identifies some key features. My colleagues and I at the Stanford Center on International Conflict and Negotiation (SCICN) have developed a four-question framework, summarized below, that we believe further captures these elements.

- *The question of a shared future:* are the parties able and willing to articulate a future for the other side that it would find bearable?
- *The question of trustworthiness:* can the two sides trust each other to honor commitments and to take (all of) the intermediate steps necessary toward that shared future?
- *The question of loss acceptance:* can the parties accept the losses that a settlement will inevitably impose on them; are they truly ready to make the necessary compromises, including ones that they vowed they never would make?

- *The question of just entitlements*: are the parties willing to accept an agreement that does not fully meet what they perceive to be the requirements of justice and to work together to alleviate or rectify the most serious injustices that will remain in the aftermath of agreement?

This four-question framework offers an alternative to the previous solutions-based approach that has so long failed to bear fruit and to the rights-based approach that many Palestinians and a few Israelis now advocate. The relational-based approach begins with the contention that peace is better characterized as a type of relationship rather than the outcome of a negotiation process (a solution-based approach) or the performance of a human rights regime (a rights-based approach). The first question in this framework focuses on the need for a mutually tolerable shared future. Peace is not possible unless both sides believe that, if the aspirations of the other side were fully realized in any settlement of the conflict, there would be a bearable place for them. Mutual recognition that the other side is not going to disappear and is not going to acquiesce to a future that it finds intolerable is the starting point for any effective peace-building process.

Rather than a vision of a *shared future*, a solutions-based approach seeks a *shared vision* of the future – that is, a reasonably detailed agreement specifying what each side will gain and what each side must cede. Nevertheless, if either side believes that the other side seeks a future in which they would live intolerable lives, solution-based negotiations are bound to fail outright. Any agreements reached will be short-lived. By contrast, the pursuit of a vision of a *shared future* involves a commitment to a future that both sides find tolerable – not the future they most want or the one to which they feel entitled, and certainly not a future free of continuing disagreements in the pursuit of differing goals and priorities, but a future that is nevertheless worth achieving and maintaining.

For a rights-based approach to lead to a peaceful settlement, each side must accept the legitimacy of the other side's claim to its rights. They must be willing to see these claims adjudicated by some trusted authority and to accept the consequences that result when these rights are exercised. However, there are very good historical reasons to think that rights are granted and respected only to the degree that (1) peaceful relationships already exist, and that (2) both parties are willing to pursue what they deem to be their rights exclusively through peaceful (if not necessarily amicable) means. Moreover, the rights of an adversary are the first to go when that adversary is seen as an enemy. A regime of human rights, however laudable a goal, depends upon the assumption of a shared future in which these rights will be exercised (Bland et al., 2012).

The second question pertains to trust. Trust, or rather its lack, is widely recognized as a problematic feature of the Israeli–Palestinian conflict. Within solutions-based or rights-based approaches, trust tends to be the outgrowth of seeing the other side acquiesce to a set of core demands, and distrust tends to be the outgrowth of seeing the other side reject these demands.<sup>1</sup> By contrast, a relational-based approach locates trust in the perceptions of encapsulated interests (Hardin, 2002, pp. 1–27). Encapsulated interests are interests that are deeply embedded in other interests so that they mutually enhance each other – not only today, but for the foreseeable future. A mutual commitment to the vision of a shared future (and a willingness to articulate it publically) provides this context for trust.

The third question involves acceptance of the losses necessary to create a tolerable shared future. Like parties in conflict everywhere, Palestinians and Israelis tend to believe that a solutions-based approach requires them to give much that is important and to receive nothing other than that to which they are already fully entitled. At the same time, they also

believe that the other side receives virtually everything that is important and is obliged to give up nothing – or, at least, nothing to which they were ever entitled – in return.

Instead of trying to conceal or distract attention, SCICN's relational approach would make losses transparent. In other words, it would have each side freely acknowledge, and thus allow the other side to recognize, the painfulness of the losses they are willing to make in order to create a peaceful, mutually bearable future. Acknowledgment of the painfulness of each other's losses can then motivate the parties to turn their attention to ways in which these losses can be made less painful for those most adversely affected.

The fourth question involves the thorny problem of just entitlements. All moral actors embrace the reduction of injustice as a goal. Nevertheless, insisting on justice according to one's own understanding of what it entails can be a barrier to the creation of trust and a shared future. Instead of asking the parties to pursue a solution that both sides deem just – a quest that is most likely doomed by the inevitable differences in the experiences and understandings that the parties bring to the table – the relational approach suggests that parties put aside that quest and work together to alleviate or rectify the most serious injustices that the settlement imposes on the parties (see Skhlar, 1990, pp. 15–28).

The reason for setting the bar at this lower level is obvious. Even if the two sides agree in the abstract about the need for a just solution, they are unlikely to agree on what rights constitute just entitlements for the two sides. Moreover, they are even less likely to agree on how those rights should be exercised and how priority should be assigned when rights conflict. Disagreements of this nature lead both the Israeli and Palestinians to view the other as the embodiment of injustice. Focusing discussion on the full requirements of justice will not reduce the ill-will, pessimism, and stubbornness that currently infest the Israeli–Palestinian relationship. It is, instead, a recipe for their perpetuation.

### **The relational approach and the problem of asymmetric power**

The problem of power was best summarized long ago when [Thucydides](#) wrote that “the strong do as they can and the weak suffer what they must” (2004, Kindle Location 5069). In other words, the more powerful make concessions only at the point at which their power begins to falter. Israel, because it is the more powerful party and because it finds the status quo more tolerable than the Palestinians, has balked at making meaningful concessions as a prelude to a final agreement. With considerable justification, the Palestinians claim that they have already had losses forced on them and have few, if any, further concessions that they can offer ([Shaath, 2014](#)). Deadlocks of this nature are commonplace and have brought solutions-based approaches to a grinding halt.

[Thucydides](#) also thought that justice was a topic that equals, and not the weak and strong, considered (2004, p. 402). Because Israeli and Palestinians do not exercise equal power, it is not surprising that they differ on their assessment of the justice/injustice of the occupation. What many Israelis justify as prevention of terrorist activities coupled with preservation of the Palestinian “fabric of life” and law enforcement, Palestinians experience as brutality, humiliation, needless disruption, and deprivation ([Breaking the Silence, 2012](#)).

Asymmetries in power make the challenges presented by the four-question framework more difficult ([Curle, 1971](#)). For [Thucydides](#), power created possibilities to which the weak responded. At their core, solution-based approaches seek less destructive outcomes within a stage set by power realities whereas rights-based approaches seek to restrain power and thereby alter the stage on which negotiations play out. Both, however, accept the maxim of [Thucydides](#) that power creates the possibilities that negotiation explore.

The relational-based approach shifts the focus from the possibilities that pure power dynamics creates to the possibilities that peaceful relationships create. This shift is more than a move from realism to idealism. The relational approach maintains that peaceful outcomes serve the interests of both parties better than power outcomes. What idealism has always lacked was the means to create the collaborative relationships that it presupposed. The four-question framework provides that mechanism. It cannot eliminate either all the losses that must be suffered or all the injustices that must be endured. Nevertheless, it can make possible peaceful outcomes that the Israelis and Palestinian might feel are worth this price.

South Africa provides an example of what a relational-based approach can mean in practice, particularly with regard to just entitlements. Joe Slovo was a white, hard-line Marxist leader in the ANC. In September 1992, the government and the ANC reached the “Record of Understanding” that led the way to the interim constitution that ended apartheid. In this accord, the National Party had made several costly concessions that had far-reaching consequences. There was significant debate within the ANC about how to respond. Slovo made a critical contribution to this debate in a seminal paper entitled *Negotiations: What Room for Compromise?* (Slovo, 1992).

Slovo began his article with the insistence that ANC recognize that it was not dealing with “a defeated enemy” and, thus, was obliged to seek accommodation with the National Party through compromise. The outcome of the negotiations would fall short of the justice for which many in the ANC had fought. The objective, therefore, should be to put in place a political regime that could, over time, address the injustices that remained – one that would not corrupt the core ANC goal of a non-racial, democratic, post-apartheid government, but that would engage in the political give-and-take of successful deal-making. The post-apartheid peace would not be truly just. The social, economic, and educational inequality produced by apartheid could not be reversed overnight. The goal was a society in which the legacies of that cruel system could be rectified over time.

With respect to Israelis and Palestinians, many on both sides will not receive what they feel they are due by way of compensation for losses or redress for grievances. They will have to live with something less. However, living with less in this regard is hardly unique to settlements of political conflicts. In the daily routines of communal life and especially family matters, many Israelis and Palestinians embrace interactions that do not meet the standards of fairness and equality. They do so because the blessings and benefits of a peace make the relationship worthwhile. Families are not hostile national groups. Nevertheless, in both contexts, a “worthwhile peace” is an invaluable alternative to what asymmetric power dynamics otherwise dictate.

### **The way forward**

Solutions-based approaches to the Palestinian–Israeli conflict have stalled on the issues of borders, Jerusalem, and Palestinian refugees. Any further pursuit along this line would require much more than the half measures currently being offered. Far-sighted proposals are needed to move beyond the current deadlock. For an example of one that many Israelis will think extreme, Asher Susser proposes that Israel unilaterally give back the occupied territories to the Palestinians even without a peace settlement (2011). He argues that it is the only way that Israel can maintain Jewish national sovereignty. The price is steep but, given Israel’s disastrous settlement policy, unavoidable. The security concerns that will arise must be dealt with on an incremental and provisional basis.

With regard to rights-based approaches and their core demands – ending the occupation, full citizenship for Israeli Palestinians, and the right of return for Palestinian refugees – the barriers that would be faced are even more daunting. Israel has rejected ending the occupation without a peace settlement based on terms that overwhelmingly favor Israel, and has refused to discuss the Palestinian right of return except to the future Palestinian state. Given this context, radical proposals are needed to move a rights-based approach forward. Yehouda Shenhav (2013) suggests erasing the Green Line and the partitions it created, leaving the current Israeli settlements intact and building new ones to accommodate returning Palestinian refugees. Again, the dilemmas that would arise, which would be many that and also extremely difficult to manage, would have to be dealt with on an incremental and provisional basis.

Not only are the proposals of Susser and Shenhav *unacceptable* to the vast majority of Israelis, and not a few Palestinians, the current political climates of Israel and Palestine render them *impossible*. Nevertheless, it is instructive to consider how a relational-based approach might soften in important ways the risk-taking and concessions that Susser's stark solution-based approach asked of Israelis.

- The exact demarcation of borders would become less important because they would not be seen as a defense against the incursion of the other.
- Sharing Jerusalem and holy places might become more feasible because it would not provoke fears of either terrorism or humiliation.
- The return of Palestinian refugees would pose a less-threatening problem because compensation for lost property becomes a step toward a better life rather than further humiliation.

It is similarly instructive to consider the ways in which a relation-based approach would make the steps called for in Shenhav's proposal both more feasible and more acceptable to Palestinians whose grievances date not from the beginning of the West Bank occupation but from the events of 1948.

- The occupation ends because, in the relative certainty of a peaceful future, both sides would fully comply with terms of settlement and reap the benefits of peace.
- Israeli Arabs gain full rights as welcomed citizens in Israel, ready to contribute to its prosperity, because they are no longer feared or seen as suspect
- Palestinian refugees return to prosperous lives in either Israel or in Palestine because they are seen as good neighbors who wish to live in peace.

Many will think that these speculations are divorced from political realities, and perhaps naïve and moralistic. They are clearly vulnerable to the charge leveled by Ashur Susser that “academic, diplomatic, and more popular discourse” tends “to focus on what local players should be doing or could be coaxed or coached into doing, rather than on what it is that the local players really want or intend to do” (Susser, 2011, Kindle location 4507–4509). However, critics who champion cynical realism are open to the charge that their view of what is realistic is too narrow and primarily the product of the current state of hostilities and distrust between Israelis and Palestinians.

### **Discovering Martin Luther King: non-violence the beloved community**

Once the relational-based approach is embraced, the challenges ahead, however difficult to overcome, are relatively straight forward. What Israelis and Palestinians need to offer each other is a *home*, be it in one state or two. Mandela did this for South Africa by embodying

peaceful relationships for both Afrikaners and Africans. Sadly, there appear to be few, if any, Israeli and Palestinian Mandelas on the political horizon.

Mandela, along with de Klerk and Meyer, shifted the discourse between the ANC and Afrikaners from the language of war to the language of peace (Bland, 2003). Embedded in the larger transformation was a more nuanced movement from the language of resistance toward the language of accommodation. Today, the public discourse within Palestine centers on *sumud*, or *steadfastness* (Qumsiyeh, 2011, p. 11). *Sumud* evokes persistence, steel will and ultimate success in the face of difficult and adverse circumstances. It is an active rather than a passive form of defiance that is integrated into the routines of daily life.

For many, *sumud* is actualized in the methods of non-violent struggle offered by Gene Sharp (1973). Sharp's idea of non-violent struggle makes it a contest of political wills in which power, whether violent or non-violent, decides the outcome. Although power will always play a role, Martin Luther King, Jr. presents an alternative view in which the transforming influences of peaceful relationships – a “beloved community” – determines the outcome.

Space does not allow for an in-depth analysis of King's ideas on non-violence in relationship to the four-question framework. However, it is important to note first that throughout his struggle King, like Mandela, continued to stress his embrace of a shared future: “We are bound together in a single garment of destiny” (King, 1986, p. 588). Rather than seeking to defeat an enemy, King's strategy focuses on creating a peaceful relationship and a partnership with moderates on the other side of the conflict. The self-discipline demanded in a strict non-violence movement also wins respect, and suggests that the leaders of that movement are potential partners in keeping a future peace.

Few Israelis may be willing to join a non-violent movement of the sort that won both King and Mandela white supporters, but the larger Israeli society must show its willingness not to block the way forward (Bland, 2012b). At a minimum, they must communicate their own willingness to embrace a shared future that offers the Palestinians a measure of dignity and the opportunity to pursue personal and collective goals. In short, they must offer the Palestinians a place to feel at *home* in the land of their birth.

## Conclusion

In an interview with journalist Patti Waldmeir, Harry Oppenheimer, a Liberal member of the South African Parliament (1948 to 1957) who opposed apartheid during its heyday, stated:

They [the National Party] simply were faced with the awful choice between the *unacceptable* and the *impossible*. They opted without hesitation for the *impossible*. (My emphases; Waldmeir, 1997, p. 30)

Palestinians and Israelis face these same two choices today. The only question is whether they will also refuse the *unacceptable* and opt for the *impossible*.

This essay has been a search to identify the contours of a new diplomatic landscape for the Israeli–Palestinian conflict. It began by announcing the end of an era of negotiations. It argued that the way forward entailed giving shape to the peaceful relationships that would allow Israelis and Palestinians to reach agreement and to strike deals. It is perhaps useful also to recognize what this essay did not do. It did not recommend inventive ways to structure a deal between the parties. It did not advocate innovative ways to avoid difficult issues or obscure sacrifices by employing creative ambiguity. It did not encourage new negotiation strategies or new roles for the international community.

Solutions-based and rights-based approaches are each right about one thing. An acceptable outcome will be either one state or two states, but, in either case, it will require a profound respect for bi-nationality. Furthermore, whether taken separately or together, the relational barriers that stand in the way must be overcome. Overcoming them will require the spirit, if not the individual leadership of Mandela, and perhaps of King as well.

## Note

1. The Boycott, Divestment, Sanctions Movement (BDS) is the most prominent rights-based approach among Palestinians. Its three foundational goals are:
  1. “ending its occupation and colonization of all Arab lands [occupied in 1967] and dismantling the wall
  2. recognizing the fundamental rights of the Arab-Palestinian citizens of Israel to full equality
  3. respecting, protecting, and promoting the rights of Palestinian refugees to return to their homes and properties, as stipulated in UN Resolution 194” (Barghouti, 2011, p. 6).

BDS refuses cooperation with groups that do not endorse these demands (Barghouti, 2011, p. 221). It is interesting to note that these three demands are not rights in and of themselves, but are particular expressions of rights. BDS requires endorsement of a Palestinian rights agenda before the dialogue about rights even begins (Beinart, September 26, 2013).

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