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Aspects of Swiss Federalism in Aid of the Israeli-Palestinian Conflict

by

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Abstract

Israel is a small nation, it features natural areas that are poor in resources, has a mixed population with different languages and religions, boasts a strong army and holds a crucial geographical position: attributes shared with Switzerland. Both nations have a lot in common. Can Switzerland help the Israeli-Palestinian Conflict? Considering also recent developments in the geopolitics of Middle East, the article analyzes different elements of the Swiss federal system that might contribute to social cohesion in the Land. For example, the organization of the political government, divided in the executive (seven members from different areas of the territory, without a President or a Premier) and legislative power (with two chambers). or the federal economic system with a fiscal equalization between poor and rich zones, cooperating with Palestine and distributing resources under the control of a unique federal capital, Jerusalem. Finally, the importance of military service as a system for the integration of multiple parts of society is analysed.

Key-words

Federalism, Switzerland, Israel-Palestinian Conflict



1. Introduction

‘The history of federalism shows that it takes two to federate. That is to say, if the federation is to have any chance of success, both parties must be willing to accept the ties between them in the proper federal spirit and have a strong desire to live up to their provisions. This does not seem to be a realistic possibility under present conditions’ (Elazar 1989). These words were written by Daniel J. Elazar (1934-1999) in 1989, following the rejection of a bi-national state in Palestine first by the British Government in 1946 and then by the United Nations in 1947 (Siniver 2015: 86-91; Marzano 2018: 114-116). They were written before the Intifadas, the Oslo Accords, the Camp David Accords and the wars with Lebanon. Almost 30 years later, the situation has not progressed far beyond that description. And the same set of key obstacles seem insurmountable, unresolvable, almost obsolete: ‘symbolic and emotional demands; timing; the problem of a federal political culture; the will to act; demographic concerns; fear and mistrust between Jordan and the Palestinians; and the problem of drawing borders’ (Elazar 1989). It seems like a deadlock, offering no way out. Yet certain events in the recent history of the Middle East could bring about a change in the situation: ‘good timing’ of sorts. First of all, the Pan-Arabism project and the rise of Arab nationalism are losing their hold on the population: many years have passed since the Six-Day War, and frustration is growing among the population in the West Bank. Also, international politics is changing: United States President Donald Trump’s decision to move the US Embassy to Jerusalem (Tibon and Landau 2018) and end financial support for the Palestinian people (Mindock 2018) could be regarded as ‘stimulating’ the conflict, while Switzerland and the Netherlands have suspend payments to UNRWA (Al Jazeera 2019). The Trump administration also recently announced that Israeli settlements in the Palestinian territories are not in breach of international law (Jakes and Halbfinger 2018). The State of Israel, meanwhile, has demonstrated its commitment to improving its economic, social and security systems with a view to resolving the conflict with its neighbours (Jordan Pipeline for Israeli Gas Set for Completion by End of 2019 (Tayseer and Benmeleh 2018)). Things, then, are changing. In light of these and others developments, it is no surprise that talk has once again turned to the possibility of a federal model for Israel and Palestine. In an interview with an Italian journalist, Israel’s President Reuven Rivlin put forward the concept of a



confederation of Arab cities in the West Bank based on different tribes (Molinari 2016), while Professor Mordechai Kedar proposed that a confederation of eight states in the West Bank could represent an acceptable solution (Kedar 2012). President Trump has proposed a confederal system for Jordan and Palestine (Abu Toameh 2018), while recent laws have legalized Jewish settlements and made the division of Jerusalem impossible (Sheindlin 2018). Do these elements create fertile ground for federalism? ‘The federal government will oversee matters of security, foreign relations and macro-economic policy. The proposal does not prevent two states being created in the future, but addresses the real needs of the people who live in the land today’, explain Emanuel Shahaf and Arieh Hess, co-chairs of the Federation Movement in Israel (Hess and Shahaf 2017).

Our intention, then, is not to propose a fully federal system for Israel, and nor do we presume to offer a solution that might resolve the conflict. Our aim, instead, is to present different elements of the Swiss federal system that might contribute to social cohesion, with a focus on political, economic and social aspects. We have chosen to concentrate on Swiss, rather than American, federalism because Israel is a small nation, with a population of just under 9 million. It features natural areas that are poor in resources, has a mixed population with different languages and religions, and boasts a strong army: attributes shared with Switzerland. With its Constitution written over two years (1846-1848) following an awful, bloody civil war and rural riots caused by poverty (Maissen 2015: 214-226), Switzerland established a federal system based on a desire to cooperate, because the alternative – returning lands to France, Germany and Italy – was considered worse (De Rougement 1969: 13-14). The Swiss example would seem to confirm that ‘federalism is born first of all from necessity’ (Mueller and Giudici 2017: 9), but can it be of benefit to Israel? And if not, what is the alternative?

2. Federalism

Various aspects of federalism can help resolve stalemate situations in which neither side wishes to relinquish any of its sovereignty, considering it to be equally valid and vital. The solution sought in such cases should not reduce the terms for a single party (often the poorest one) or lead to subordination; rather, it should create conditions that incorporate and satisfy the needs of all (De Rougement 1969: 13-14; Duchacek 1988: 11).¹ In fact, both Arabs and



Jews have a right to remain in Israel/Palestine. Ahad Ha'am (1856-1927), whose ideas inspired the *Brit Shalom* Association, founded in Jerusalem in 1925, believed that Jews had a 'national right' to remain in the land, while Arabs had the 'right of residence' (Marzano 2018: 101-103). This led to efforts to compromise and establish a bi-national state of Palestine, a project later taken up by Judah Leon Magnes (1887-1948) who developed a 'federal states of Palestine' plan to be proposed to the UN in 1947, before the decision was made to divide into two states (Magnes 2010). Given the impossibility of reconciling the rights of the two peoples, attempts were made on various occasions to propose federalism, or a modified version thereof. The concept of federalism seeks to bring together various aspects of the societies that find themselves sharing the same territory, demonstrating the advantages of collaboration and compromise. Israeli society is a multicultural entity made up of people from different parts of the world, which can benefit from a political system of this kind (De Rougement 1969: XVIII; Linder 2010; Basta and Fleiner 1996). According to Stéphane Dion, Canadian Ambassador and Special Envoy to the European Union, 'il est d'ailleurs conforme à l'esprit du fédéralisme que d'encourager les identités plurielles' (Dion 2017).

2.1. Political Government in Switzerland

The first element of Swiss federalism that might be of benefit to this area of the Middle East is the organization of the government, divided into executive and legislative powers.

Executive power in Switzerland is held by seven members representing seven departments (Foreign Affairs; Home Affairs; Justice and Police; Defence, Civil Protection and Sport; Finance; Economic Affairs, Education and Research; Environment, Transport, Energy and Education) and a Chancellor. All seven members meet to decide upon significant issues for each ministry, and make decisions by mutual agreement. No one can pass resolution without the consent of the entire government. Decisions cannot be made unilaterally. They receive a four-year mandate that can be renewed, voted upon by the two federal chambers. The elected President of the Confederation remains in office for just one year (on a rotation basis) and only represents the Government externally (he or she does not hold power over the other members). The executive in Switzerland is collegial and representative of society, with members from the various cantons, cultural zones, and major political parties. Its remit is to find solutions through collaboration and mediation (Koller and Thuere 2012: 34), and by consulting Parliament and the business world. A similar



executive system could operate in Israel, with seven members representing the various groups within the society (drawn, for example, from the Arabic, Russian, Ashkenazi Jewish, Sephardic Jewish, and Latin Catholic communities).

Legislative power in the Confederation is divided across two chambers: the National Council and the Council of States. The first represents the Swiss population and consists of 200 deputies (one per 37,500 inhabitants). The number of deputies for each canton is proportional to the size of its population (Zurich has the most members at 35, while Appenzell has just one). The second chamber, meanwhile, operates according to an egalitarian system: each canton has two members, regardless of its size (with the exception of semi-cantons, which have only one¹¹), and therefore has a total of 46 deputies. This important chamber redresses the potential for imbalance between bigger and smaller cantons in the decision-making process. Finally, the two federal chambers are elected by the Swiss people (Mueller and Giudici 2017: 46-48).

The Swiss system is the only of its kind in the world, and might usefully be applied in Israel to resolve the significant problem of demography in a democratic state. If the Jewish population were no longer the majority, justifying a Jewish ‘democratic’ state could be problematic (Segre 2006; Della Pergola 2007). If the two federal chambers hold equal decision-making power, however, then demography plays a secondary role (limited to the second chamber). Decisions cannot be made without consulting the other chamber (based on the egalitarian system). If Israel were divided according to its existing districts (based on Israel CBS and Palestine PCBS figures published in 2018), and membership of the ‘National Chamber’ assigned in accordance with the Swiss model (one member per approximately 40,000 inhabitants), the composition of the ‘Israeli Federal Parliament’ would be as follows:

District	Population	No. of Members, National Council	No. of Members, Council of States
Jerusalem D.	1.108.900	27	2
Northern D.	1.425.700	35	2



Haifa D.	1.013.900	25	2
Central D.	2.157.500	53	2
Tel Aviv D.	1.406.400	35	2
Southern D.	1.272.100	31	2
West Bank D.	2.881.957 ^{III}	72	2
Gaza D.	1.899.291	47	2
Tot. No.	13.165.748	325	16

Percentage of members from 'Palestinian Districts'	36,6	33,3
Percentage of members from 'Israeli Districts'	63,4	66,6

Based on the above calculations, the National Council would have 325 members (36 percent from Palestinian territories and 63 percent from Israeli Districts), while the Council of States would have 16 members. This would address demographic misgivings regarding the growth of the Arab population, as the two chambers would retain equal status. Even if the latter grew faster than its Jewish counterpart, leading to an increase in the National Council, membership of the Council of States is fixed to two representatives for each district, ensuring that the balance would remain^{IV}.

This would also redress rural areas' concerns regarding lack of political representation (an issue raised in relation to Eilat and the Negev region, for example, Mahler 2016: 123) enabling their issues to be discussed in the federal chambers.

2.2. Judicial Power

Let us now consider the third branch of power in a democracy. Judicial power is important because of its independence from policy-making and because it guarantees equality for all citizens. In a federal system, it serves an additional valuable function: based on a decentralised model, the various branches of the Swiss Federal Courts are located in different cantons, to ensure the involvement of the whole nation. In Switzerland, the Federal Court is the Supreme Judicial Authority for civil, criminal, administrative and constitutional



matters; it has administrative autonomy and is subject only to the law (as stated in art. 188 of the Federal Constitution). Its seven courts are located across three cities, corresponding to Switzerland's three linguistic cultural zones: two public law and two civil law courts are located in Lausanne (a French-speaking city), two social security courts are based in Lucerne (in the central, German-speaking region), while the criminal court is located in Bellinzona (in the Italian-speaking area). St. Gallen has a patent court and federal administrative court^V. The Federal Supreme Court 'oversees' the uniform application of federal law in the various cantonal courts; federal judges do not review the facts (unless a serious error has been made), but merely examine whether cantonal judges have acted in accordance with the constitution and the law. The Federal Supreme Court is the court of last instance. As of 1 January 2009, the Confederation requires cantons to resolve local matters through the cantonal courts. Each canton therefore has its own court, with the same remit as the Federal Court but on a local level. The Constitution of the Canton of Ticino, for example, includes the following passage: 'They decide independently and are bound by law; they cannot apply cantonal rules that are contrary to federal law of the cantonal constitution'^{VI}.

A similar arrangement could be introduced in Israel, improving the general decentralisation of the major courts. The current system provides for a Supreme Court and courts in each district. The Supreme Court 'shall hear appeals against judgments and other decisions of the District Courts' and

shall be competent to [...] order State and local authorities and the officials and bodies thereof [...] to do or refrain from doing any act in the lawful exercise of their functions, [...] to order courts and bodies to hear, refrain from hearing a particular matter or to void a proceeding improperly taken; to order religious courts to hear a particular matter within their jurisdiction or to refrain a particular matter not within their jurisdiction, [...] the court may quash a proceeding taken or a decision given by the religious court without authority^{VII}.

Similar to the Swiss system, then, Israel's Supreme Court holds authority over and supervises the district, magistrate, labour and religious courts (Groppi et al. 2006: 234-74). A notable divergence from the Swiss system is the existence of religious courts, subdivided by religious faiths (rabbinical, Islamic, Druze and Christian). A legacy of the Ottoman 'millet' system, they deal with issues pertaining to individuals' personal status, such as marriage and family inheritance (De Bernardi 2011: 49; Quer 2011: 67-70)^{VIII}. This inherited system was



designed to protect private and personal aspects of the lives of subjects (who later became citizens), preventing interference with either religious minorities or the Jewish majority when the state of Israel was founded. In a progressively secularised society, religious courts are increasingly at odds with non-religious communities. Examples of this are civil marriages celebrated in Cyprus, or state-approved conversions not recognized by the courts: in 2014, 364,000 Israeli inhabitants from Russia were recognised as Jews by the State but not under the Halakha (Jewish law). Will the Supreme Court and the religious courts collaborate in future, for the good of society? Possibly so, as things already appear to be changing:

the court has recognized marriages of Israeli residents performed abroad as well as private ceremonies of individuals forbidden to marry; [...] also recognized the right to alternative burial, years before the Knesset set this right into law. [...] In the Kaplan case, the Supreme Court ruled that public television could operate on the Sabbath. [But...] there are also cases in which the Supreme Court hesitated to intervene, preferring to leave the decision in the hands of other bodies. One example is the issue of conversion [...] or the issue of drafting yeshiva students.

As regards Judicial Power, things are beginning to move, gradually, ‘in light [of] processes underway in Israeli society’ (Shetreet 2001).

3. Federal economic system

What can we say about the economy? Today, Israel is considered ‘an economic miracle’ due to the ‘resourceful use of substantial capital imports over the years coupled with the country’s success in rapidly and productively absorbing immigrants’. Over the last five years, average annual growth of 3% has been recorded. The unemployment rate of 4.2% is down compared to 2016 (4.8%), as is public debt, which is below 60% of GDP. The inflation rate remains very low (0.4%). Israel is also referred to as the “start-up nation”, thanks to the proportion of investments in research and development, equal to 4.3% of GDP. These figures make Israel the world leader in terms of start-ups per inhabitant. In 2017, exports increased by 3.5% (41.2 billion euros), and imports increased by 8% (55.3 billion euros) (Diplomazia Economica Italiana 2018).

Israel has a solid and dynamic economy, then, despite military conflicts and wars with its neighbours. What is the nature of its relationship with Palestine in this regard?



The Palestinian economy is overwhelmingly dependent on Israel. At the same time, the ongoing conflict with Israel has a huge economic cost on the Palestinian economy – in both the West Bank and Gaza. Since the First Intifada in 1987-1993, the Palestinian economy has experienced three decades of economic losses, with little change of recovery now in sight. An in-depth study in 2015 estimated lost Palestinian GDP growth over the two preceding decades at around half of the potential growth under non-conflict conditions. [...] Israel is the Palestinians' largest trade partner, although there has been a significant increase in Palestinian trade with other markets in recent years. Since the mid-1990s, Israel has been an almost exclusive destination for Palestinian exports, taking on average more than 90 per cent of total Palestinian exports of goods, including unregistered exports (Gal, Yitzhak and Rock, Bader 2018).

Meanwhile, much of the workforce employed in companies and factories in Israel comes from neighbouring territories. Recent studies indicate that the economic relationship between the neighbours is waning: collaboration is required in different fields^{IX}.

But what was the original economic project for Israel and Palestine?

Despite the partition plan, Resolution 181 of the UN General Assembly concerning the 'Future government of Palestine', adopted on 29 November 1948, demonstrated a will to establish economic collaboration for the good of both States:

The objectives of the Economic Union of Palestine shall be: (a) A customs union; (b) A joint currency system providing for a single foreign exchange rate; (c) Operation in the common interest on a non-discriminatory basis of railways; inter-State highways; postal, telephone and telegraphic services, and ports and airports involved in international trade and commerce; (d) Joint economic development, especially in respect of irrigation, land reclamation and soil conservation; (e) Access for both States and for the City of Jerusalem on a non-discriminatory basis to water and power facilities^X.

More than a mere collaboration between the two States, it was envisaged as an 'Economic Union', particularly as regards transport, public services such as communication, and natural resources. The latter is fundamental for uniform growth, without discrimination between richer and poorer districts: the Southern District, for example, where Negev is located, has few natural resources due to its climatic conditions (Della Pergola 2007: 120; Mahler 2016: 123), giving rise to a dramatic imbalance of population, resources and urban infrastructure. The UN, then, envisaged an 'Economic Union' in which districts would support one another, to avoid inequality in terms of economics and development. An example of such a system,



based on mutual cooperation for the general welfare of the country, can be found in Switzerland.

Switzerland has rich and poor cantons for three main reasons: 1) differences in tax collection capacity, as production activities, tax payers, real estate and natural resources are not evenly distributed across the territory); 2) differences in service production costs in the various areas, mainly attributable to the geographical and territorial characteristics of the cantons; 3) differences in socio-demographic composition, whereby populations with a greater proportion of minors compared to older citizens will receive less contributions. The official web site of the Confederation states that

[r]esource equalization is based on the resource potential of the cantons. It is made up of the taxable income and assets of natural persons and the taxable profits of companies. The potential levels are used to divide the cantons into financially strong and financially weak cantons. Financially weak cantons receive freely disposable financial resources from the financially strong cantons (horizontal resource equalization) and from the Confederation (vertical resource equalization). Tax competition is maintained in the process. Cost compensation concerns excessive costs associated with geographical/topographic and socio-demographic factors which, for structural reasons, result in higher costs for the provision of public goods and services. The Alpine cantons, for instance, incur greater winter road maintenance costs (Federal Department of Finance 2019).

Israel also has poorer districts (such as the Southern district including the Negev region, largely as a result of geographical/topographical factors) and richer districts (such as the metropolitan area of Tel Aviv). A vision of fiscal equalisation between districts in Israel and Palestine would see taxes becoming the primary resource, supported by the federal system as a secondary resource. It would establish a system of collaboration in the fields of economics and taxation that would benefit both parties in the region, in keeping with the initial plan contained in Resolution 181 of 1947. The distribution of resources to aid uniform growth, as happens in Switzerland, would fall under the control of a specific economic commission in the federal capital: Jerusalem.



4. Federal capital: Jerusalem

In light of recent decisions by certain major governments and international organisations, discussing Jerusalem as capital may seem counterproductive and provocative. When US Vice President Mike Pence confirmed that the US Embassy would be moved to the Knesset in Jerusalem, Prime Minister of Israel Benjamin Netanyahu told him they were on the right side of history, while Arab deputies displayed a banner stating ‘Jerusalem is the Capital of Palestine’ (Davidovich 2018).

The problem, in fact, lies not in recognising Jerusalem as the capital, but rather in identifying its ‘owner’. The symbolic importance of this land is beyond dispute: both Israel and Palestine want Jerusalem as capital, primarily for religious reasons. Regarded by the former as the capital of the Kingdom of David since 1000 BC, its significance to the latter derives from its status as Islam’s third most sacred site, while Christians consider it a holy place in the life of Jesus. UN Resolution 181 recognised its multifaceted importance, giving it international status:

The City of Jerusalem shall be established as a *corpus separatum* under a special international regime and shall be administered by the United Nations. The Trusteeship Council shall be designated to discharge the responsibilities of the Administering Authority on behalf of the United Nations.

Continually seeking to balance the interests of Arab Christians and Muslims on one side, and religious and secular Jews on the other, makes resolving the issue of its *status* difficult. The UN proposes that Jerusalem could be a separate, independent body with its own police force. Della Pergola, meanwhile, suggests Jerusalem can aspire to be: the capital of a predominantly Jewish State and a capital of the Jewish world; a great multicultural and multi-religious metropolis, of importance to the three monotheistic religions; the capital of a predominantly Arab Palestinian State (Della Pergola 2007: 204-208). Which of these alternatives is the most attractive? Which possibility might lead to less wars and greater collaboration for the common good of its inhabitants, while avoiding mass migration?

In keeping with the position adopted in this paper, we would support the second solution: Jerusalem as the capital of a federal district system in Israel. Both peoples lay claim to the city, and neither wants to relinquish it. If Jerusalem were to become the capital of



both, with a government and various ministries, it would belong to both. In our opinion, both would benefit in different ways. For Palestine, it would mean peace for the settlements and security in the area, while for Israel it would increase the importance of its second political core (after Tel Aviv). Jerusalem, in fact, is also of strategic and economic significance for Israel and Palestine's development: 'Jerusalem is a unique city, and part of its uniqueness come from its several and varied neighbourhoods. Although the whole may be greater than the sum of its parts, it is clear than the loss of some would diminish the character of the whole' (Mahler: 322-23).

Otherwise, the situation will remain unchanged: the government of Israel will recognise Jerusalem as its 'complete and united' capital in accordance with the 'Basic Law: Jerusalem, Capital of Israel' passed in 1980, and the Palestine Liberation Organization will consider Jerusalem to be the capital of the Palestinian state, as declared in Palestine Declaration of Independence in 1988.

In this context, it is interesting to note that the decision to establish Bern as the capital of Switzerland also derives from a religious war, albeit without the symbolic significance surrounding Jerusalem, which is entirely unique. Lucerne was originally favoured as federal capital due to its geographical centrality and because its selection would have led to approval of the new nation by 'ancient Switzerland'. The canton was subsequently ruled out, however, as it had been a leader in the *Sonderbundkrieg* – a civil war between Catholic and liberal cantons that had ended the year before the birth of Confederation (1847) – and because the majority of its population did not support the new federal constitution, leaving Bern and Zurich as candidates. The latter was already a cosmopolitan power with excellent infrastructure, and making it stronger would have created significant disparities between cantons. Neither famous nor economically strong, Bern was chosen because it could grow and be presented as a capital for all citizens.^{XI} In another context, in another time, and involving different religions, Jerusalem should be the capital of all citizens in this part of the world, because each considers the city 'to be their own': a very important theoretical basis for the establishment a federal capital (Di Marco 2018). Jerusalem would serve as the '*corpus separatum*' that unites and controls the collaboration between Arab and Israeli districts.



5. Defence: Army

The State of Israel is often the focus of international news for many reasons: its military strategy, its patronage relationship with the US, its natural resources and the recent agreements with neighbouring Arab states, such as Egypt and Saudi Arabia. It holds a crucial geographical position in the Middle East; not only as the meeting place of multiple religions, but also for economic, political and financial reasons. It is fundamental to ‘protect’ this crucial position with an internal, stable society, despite its multiculturalism.

And building a multicultural united society requires other elements, including a large, strong army, another aspect that Israel shares with Switzerland.

In his proposal for the Jewish state, Herzl wrote: ‘The Jewish State is conceived as a neutral one. It will therefore require only a professional army, equipped, of course, with every requisite of modern warfare, to preserve order internally and externally’^{xii}. A strong, modern army is required for an extended family like Israeli society, based on tribal and ethnic-religious interests, for two main reasons: internal security and to improve social cohesion. This is still the case today in Switzerland: compulsory military service for young males over the age of 18 is an opportunity discover the various parts of the country. Soldiers from (Italian-speaking) Ticino are often sent to Swiss German regions, while soldiers from (French-speaking) Lausanne are sent to regions in Graubünden, and so on. Through military service, the Confederation seeks to create a union among soldiers from the various regions, promoting a sense of belonging to the nation^{xiii}.

Israel has a similar system. Regarding new immigrants to Israel, the IDF website states that

[r]ecruits with incomplete educational backgrounds are given opportunities to upgrade their level of education, and career officers are encouraged to study at the IDF’s expense during their service. The integration of new immigrant soldiers is facilitated through special Hebrew-language instruction and other programs. Active in nation-building enterprises since its inception, the IDF also provides remedial and supplementary education to civilian populations and contributes to the absorption of newcomers among the population at large^{xiv}.

The army facilitates integration because it introduces soldiers to different fields and areas of society. To understand the relevance of the army, it is worth noting that in 2017, Israel



spent 4.7 % of its GDP on the military (defence spending totalled 19.6 billion in 2017, a two billion dollar increase from the previous year) (Ahronheim 2018).

Discussions around defence and the army not only focus on spending – and whether it is necessary to spend so much – but also on compulsory service, aimed at defending the Biblical Jewish State (Mahler 2016: 269). Military service is mandatory for Jewish Israelis (both male and female), but not for non-Jewish Israelis (i.e. Arab Israelis, whether Muslim or Christian), for religious, ethnic and political reasons (they could not engage in combat with their fellow Arabs). This separation in society is less pronounced among younger generations, with a greater number of young Arab Israelis seeking to join the army in recent years (Corbin 2016); the vast majority of the non-Jewish population do not perform army service, however, as they feel discriminated against, and do not enjoy the same privileges and advantages in society (Speyer 2014). The Druze Muslim minority are an exception in this regard; they have served Israel in the army, in exchange for protection, since the establishment of the State, and continue to serve, despite the recent approval of the Nation-State Law by the Knesset in July 2018, which they also perceived as discriminatory. The situation of the Haredi community (particularly in Jerusalem) is more complicated: following the decision of the Supreme Court on 12 September 2017 to remove their total exemption from any military service, there were debates as to their role^{xv}. In fact, ‘the Ultra-Orthodox do not consider military service a vital need because they claim that Torah study protects the state of Israel no less than military service, and so there is no justification for leaving the *yeshiva* in order to serve in the army’ (Sapir and Statman 2019: 217). Yet there is no specific *Halakhic* ban on military service, preventing political leaders in particular from believing the reported motivations. The debate remains open (Sapir and Statman 2019: 213-224).

Israel is a multicultural society, with different culture and faiths. Collaboration among the various sections of the population is fundamental to the stability of the state over time (Mahler 2016: 272; Grief 2008)^{xvi}. Arab Israelis’ reluctance to join the army out of fear of fighting against their brothers is understandable but, as noted at the beginning of this short paper, the Israeli policy is changing. In recent days, Netanyahu was engaged in seeking ‘non-aggression’ agreements with neighbouring countries (Gadzo 2019): if engaging in combat with their fellow Arabs was removed from the equation, could Arab Israelis serve in the army? It might represent a good turning point.



6. Problems and perspectives

The Middle East is changing in terms of international policy and laws, internal dynamics among nations (with the discovery of natural resources) and the balance of power in accordance with the relevant interests. Israel is at the centre of the Middle East: it understands partnerships with powers (previously the USSR, later the US) and knows that it is a strategic nation for maintaining international balance. Precisely because of its very specific nature, it requires internal stability that facilitates social cohesion.

In light of its size, multiculturalism and strategic importance, this paper aimed to present some essential aspects of the Swiss system that might be applied to resolving the Israeli-Palestinian conflict.

We first considered the organization of federal power, divided into three branches. We examined the executive branch, a seven-member collegial government whose decisions must be made collectively, without a president or prime minister. Different groups from across the country are represented, as elected by the federal chambers. The legislative branch, meanwhile, is subdivided into two federal chambers, one based on the proportional system, according to the size of the population, and the other featuring two representatives from each canton. In this way, a balance of power is achieved between big cantons, such as Zurich with more than one million inhabitants, and small cantons such as Ticino, with 330,000 inhabitants. This system may usefully be applied to Israel, by dividing the territory into different districts, which each elect their own deputies. Rural areas such as Eilat and Negev would also be represented in the federal government. As regard judicial power, finally, we considered the importance of locating courts across the territory, to create cohesion and collaboration among different districts. The biggest obstacle in this regard is the relationship between the state and the religious courts, but scholars suggest that some progress is being made in this area.

We proposed that Switzerland's economic system might also be applicable to Israel. The latter's economy is growing every year thanks in large part to technology, research and development. This growth would be even greater if spending on military conflicts was cut, particularly those involving neighboring states. Federal-style cooperation with Palestine, which depends on Israel for 90 percent of its exports, would be of benefit to the whole



region. It would also be of benefit to all districts, with distribution of all resources under the control of a single federal capital, Jerusalem.

In order to achieve social cohesion in a population with different cultures and mentalities, the capital must be for everyone, available to all and meet the needs of all. Otherwise, the state will remain fragmented, based on emerging political forces. A capital should serve as a central part of a federal state, granting freedom to the districts but defended by a strong and stable army. This is the final aspect proposed in this paper: Like Switzerland, Israel has a professional army that gives young people the chance to get to know each other, work together and trust each other, regardless of faith or culture. The army offers an opportunity to build a new generation of Israelis, recruited from across the territory, defending their land as a whole.

As mentioned in the introduction, we do not wish to propose a fully federal system for Israel, and nor do we presume to offer a solution to the conflict; we are aware that authoritative figures have been proposing federalism for the region throughout the history of the State of Israel. The final report of the UNSCOP presented on 31 August 1947 supported Independence for Palestine based on two different plans: partition and federation. 'Partition was the most practical and realistic as to afford both communities the change to pursue their national aspirations', thus seemingly offering the only hope of removing the issue from the arena of conflict (Siniver 2015: 86). But, following introduction of the partition with Resolution 181, wars broke out. What is the current situation? Ahad Ha'am wrote of a *national right* for Jews and a *right of residence* for Arabs. Precisely due to their coexistence and resistance to relinquishment on both sides, a compromise had to be made in the form of a bi-national state. These two rights still coexist. And both populations also have national, ethnic and religious claims, while suffering from a lack of legitimacy and therefore sovereignty. For Jewish people, historical factors (pogroms in Eastern Europe and the Shoah, as well as failure to integrate into European societies (Calimani 2002: 433-471)) support theological reasons (Weizmann 1971: 62)^{xvii}: biblical thought has been central to the establishment and running of the state of Israel. And while religion may contribute to social cohesion in some countries, everything is more complicated in Israel: Jews came (and come) from different parts of the world, bringing different worldviews. For Palestinian people, meanwhile, issues revolve around the Nakba catastrophe: the loss of their land and the desire to claim it back (Della Pergola 2007: 236; Alimi 2007: 45)^{xviii}. Neither population enjoys



‘univocal legitimacy’ in the eyes of their Arab neighbours or world states, who are divided according to political and economic convenience. Finally, the narrative that has emerged on both main sides in recent years has increasingly contributed to instilling hatred in younger generations. This narrative, complete with fictional historical facts, separates rather than unites, giving rise to dangerous ideologies (Maissen 2015: 80)^{XIX}.

These complications are not easily resolved, particularly in the current situation of political stalemate: Israel risks returning to the polls for a third time if no agreement is reached between the major leaders of the elected parties (Heller 2019). A new social cohesion development project that can withstand current challenges could represent a turning point, because after all, ‘what would be the alternative?’^{XX}.

The Middle East zone is changing for the international policy and laws, for the interior play among nations (with the discovery of natural resources) and for the balance of power according to the interest. Israel is in the middle of the Middle East: it knows what it means partnership with powers (before with URSS, after with US) and it knows that it is a strategic nation for the international balance. But, precisely of its particularity, it needs internal stability that promotes social cohesion.

In this contest, due to its territorial dimension its multiculturalism and its strategic importance, it was our aim to present some essential points of Switzerland that can help the Israeli-Palestinian conflict.

In the first point, we proposed the organization of the federal power, divided in three parts: in the executive, a collegial government formed by seven members, who cannot take decisions without consulting all of them, there is therefore no president or prime minister as in a Republic (different groups from the whole territory can be represent, elected by the federal chambers); in the legislative, subdivided into two federal chambers, one is based on the proportional system, depending on the population, and the other one establishes two representatives for each canton, district. In this way, in Switzerland it is balanced the power of the big canton (as Zurich with more one million of inhabitants) compared to small cantons (as Ticino with 330 thousand inhabitants). For Israel it can be useful and helpful dividing the territory in different districts and proposing to vote own deputies. Also, the rural areas (as Eilat and Negev) will be represented in the federal government. For the judicial power, the third one, it is important to extend the courts in whole territory, in order to create the cohesion and the collaboration between different districts. The big obstacle with this power



is the relationship between the state and the religious courts, but something is moving also in this field according to scholars.

We proposed not only a similar political system as in Switzerland for Israel, but also a similar economic one. Israel's economy is growing every year thanks to technology, research, development and so on. It could even more if it did not spend in military conflicts especially with neighboring states. If it cooperates with Palestine, which depends on Israel for 90 percent of the export, in a federal system the whole region would benefit. Indeed, all the districts would benefit, in a collaboration between poor and rich zones, distributing resources under the control of a unique federal capital, Jerusalem.

In order to reach a social cohesion in a population with different cultures and mentalities, it is important to have a capital that is for everyone, available to all, that meets the needs of all. Otherwise, the state will remain fragmented according to the emerging political forces. A capital, central part of a federal state from which liberty is released to the districts but defended by a strong and stable army. And this is the last aspect we proposed in the paper: as in Switzerland, Israel has a professional army thanks to which young people can get to know each other, work together and trust each other, regardless of faith or culture. Army can be a good opportunity to create a new generation of Israelis fighting and defending their land, all the land, recruited from all the districts of the territory.

As we wrote in the introduction, we do not want to propose a complete federal system for Israel, and we have not the presumption of resolving the conflict, but as we know there have been authoritative voices that have proposed federalism for this region in the history of the State of Israel. The final report of the UNSCOP presented on August 31 granted the Independence of Palestine following to different plans: partition and federation. 'Partition was the most practical and realistic as to afford both communities the change to pursue their national aspirations', so this scheme seemed the only hope of removing the issue from the arena of conflict (Siniver 2015: 86). But, after the passing of the partition with the Resolution 181, wars broke out. Now, where are we? Achad Ha'am wrote about a *national right* to Jews and a *right of residence* for Arabs. Precisely because of their coexistence and the lack of renunciation on both sides, a compromise had to be made for a bi-national state. These two rights still coexist. And both populations have also national, ethnic and religious claims, suffering from a lack of legitimacy and therefore sovereignty. For Jewish people, the historical reasons (pogroms in Eastern Europe and the Shoah, and failure to integrate into



European societies (Calimani 2002: 433-471)) support theological ones (Weizmann 1971: 62)^{xxi}: the establishment and life of the state of Israel have always been accompanied by biblical thought. And even if religion in some countries can be a factor of social cohesion, everything is more complicated in Israel: Jews came (and come) from different parts of the world with different mentalities. For Palestinian people instead, there is the question that revolves around the catastrophe of the Nakba: the loss of their land and the will to claim it back (Della Pergola 2007: 236; Alimi 2007: 45)^{xxii}. Both populations do not find ‘univocal legitimacy’ (among them, from their Arab neighbours and world states are divided according to political and economic convenience). Finally, the narrative (on both main sides) that has been created in recent years generates more and more hatred in the new generations. A narrative (with fictional historical facts) that separates rather than unites developing dangerous ideologies (Maissen 2015: 80)^{xxiii}.

These listed complications are not easily solved, especially in this period of political stalemate: Israel risk returning to the elections a third time, if there is no agreement between the major leaders of the voted parties (Heller 2019). The project of a development for a new social cohesion that can face the challenges of today can be the turning point, also because ‘what would be the alternative?’^{xxiv}.

. One of the reasons used extensively by the Remain side during the Brexit debates was that leaving the EU would be financially damaging for the UK.^{xxv}

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ⁱ Writing almost 30 years ago, Ivo Duchacek observed that, given Israel’s two strong national and religious communities, (Arabs and Jews), cohabitation must be pursued, despite the obstacles, because they live in the same territory and neither side wishes to relinquish its right to exist (Duchacek 1988: 11).

ⁱⁱ The semi-cantons are Obwalden, Nidwalden, Basel Stadt, Basel Landschaft, Appenzell Ausserrhoden and Appenzell Innerrhoden.

ⁱⁱⁱ We insert the data of Palestinian Authority in order to understand the whole territory of West Bank and not only the areas of Samaria and Judea.

^{iv} The wellness of Israeli’s Prime Minister Benjamin Netanyahu to annex part of the West Bank’s territories can be analyzed from this point of view; not just as an election promise. (Holmes 2019)

^v For more information on the remit of each court, see Bundesgericht. ‘Bundesgericht’, www.bger.ch/index.htm.

^{vi} ‘Constitution of the Republic and Canton Ticino’, Article 73(2), www.admin.ch/opc/it/classified-compilation/20012210/index.html.

^{vii} Knesset. 1984. ‘Basic Law: The Judiciary’, www.knesset.gov.il/laws/special/eng/basic8_eng.htm.

^{viii} This status was considered of divine origin, and therefore untouchable, by the Ottoman Empire. Since the law could not be applied to non-Muslim subjects, the Caliph preferred to set up religious courts that would take care of the faithful of the other two ‘Religions of the Book’. (De Bernardi 2011: 49. See also Quer 2011:



67-70).

^{IX} Also for the donations: 'In the absence of any viable political settlement, which would resolve the major contentious points of the conflict, provide equal, independent policy and governance space to both parties, clearly define the role of "third parties" and donors, and finally, would bring an end to the occupation, aid cannot play the function of an instrument for economic development or peace-building' (Taghdisi-Rad 2011: 200)

^X 'Resolution 181 (II). Future government of Palestine', <https://unispal.un.org/DPA/DPR/unispal.nsf/0/7F0AF2BD897689B785256C330061D253> (29 November 1947).

^{XI} See Historisches Lexikon der Schweiz. 'Bundesstadt'. www.hls-dhs-dss.ch/textes/d/D10102.php.

^{XII} Herzl, 'The Jewish State', www.jewishvirtuallibrary.org/quot-the-jewish-state-quot-theodor-herzl.

^{XIII} Of course, it has not always been this way. The first time the Swiss army fought a foreign power, rather than in a civil war, was in 1838. 'For the first time that century, the Swiss federal army clearly manifested its intention to protect Swiss neutrality in the face of the threat from France to intervene militarily in the country; it was an unmistakable demonstration of confederal solidarity. It seems that the reasons for the fundamental reform of the military structure can be found in the strong tradition of mutual understanding developed by five centuries of collective security policy' (Eschet-Schwarz, André. 1994. "Can the Swiss Federal Experience Serve as a Model of Federal Integration?". *Constitutional Design and Power-Sharing in the Post-Modern Epoch*, ed. Daniel J. Elazar, 176. D.J. (ed), Lanham: University Press of America). It is interesting that in this period, the army was a militia and two men were recruited for every hundred inhabitants on the basis of economic quotas. Only in 1874 did the obligation extend to all young males. (See Senn, Hans 2002: 536-42).

^{XIV} Israel Ministry of Foreign Affairs. "The State: Israel Defence Forces (IDF)". www.mfa.gov.il/mfa/aboutisrael/state/pages/the%20state-%20israel%20defense%20forces%20idf.aspx.

^{XV} Agencies. 2017. 'Israel arrests 36 protesters seeking end to compulsory military service'. *TRTWorld*, 26 November. www.trtworld.com/mea/israel-arrests-36-protesters-seeking-end-to-compulsory-military-service-12638.

On March 2018, a bill calling for the exemption of yeshivot students from military service provoked threats of dissolution of the coalition government. (Agencies. 2018. 'Haredim e l'esenzone dalla leva, una legge che divide il governo'. *Moked*, 12 March. <http://moked.it/blog/2018/03/12/haredim-lesenzone-dalla-leva-legge-divide-governo/>).

^{XVI} The situation is also complicated due to the problem of boundaries in Israel which have not been internationally recognized (see Mahler, Gregory S. 2016: 272; Grief, Howard 2008).

^{XVII} Chaim Weizmann wrote against the Uganda Plan: 'To exchange Zion for another country is impossible for us because Zion is interwoven into our entire history and only there can we realize what is told in an ancient legend about a giant whose strength was restored by contact with the earth. When the Jewish people comes into contact with its historic land again, it will once again become the eternal people as it was formerly' (Weizmann, Chaim. 1971).

^{XVIII} 'Nationalism is one such political consciousness. Palestinian nationalism began to develop prior to the occupation and outside what was later to become the occupied territories'. (Alimi, Eitan. 2007: 45).

^{XIX} In Switzerland too, we have a narrative that helps to create social cohesion, a patriotism built upon different episodes from our history to create heroes (Maissen, Thomas 2015: 80).

^{XX} The new Nation-State Law approved in 2018 may further divide society rather than uniting it. It must be remembered, however, that Israel has always defined itself as "Jewish and democratic": with this law, Israel reaffirms its essential belonging to Jewish culture without neglecting the democratic and secular aspect. (Cf. Oz-Salzberg, Fania 2018; Shoval, Zalman 2018)

^{XXI} Chaim Weizmann wrote against the Uganda Plan: 'To exchange Zion for another country is impossible for us because Zion is interwoven into our entire history and only there can we realize what is told in an ancient legend about a giant whose strength was restored by contact with the earth. When the Jewish people comes into contact with its historic land again, it will once again become the eternal people as it was formerly' (Weizmann, Chaim. 1971).

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^{XXIV} The new Law on the national State approved in 2018 can divide society even more rather than uniting it. It must be remembered, however, that Israel has always defined itself as 'Jewish and democratic': with this law, Israel reaffirms its essential belonging to Jewish culture without neglecting the democratic and secular aspect.



(Cfr. Oz-Salzberg, Fania 2018; Shoval, Zalman 2018)

^{xxv} A MORI poll in May 2016 showed that 88% of the UK's most prominent economists believed that a UK exit would be financially damaging (Ipsos MORI 2016).

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