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Responsive Theory for Israel-Palestine Peacemaking

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Abstract

Responsive governance theory commends a sequencing architecture, where escalation up a pyramid occurs after collaboration failure at lower layers. Intervention costs at each layer of a peacemaking pyramid mean that war becomes more burdensome as extra layers of escalation accumulate. When collaboration swings into action at the highest levels of the pyramid, belligerents can move back down the pyramid toward hybrid architectures of peace with elements learnt from different layers of the sequenced process. One responsive pyramid for Israel-Palestine starts at the base with Track II dialogue of diverse civil society engagement, followed by dialogue toward a two-state peace, then escalation to one-state dialogue, then novel hybrids. The idea is to persuade supporters of two- and one-state solutions to commit to giving both approaches better chances to succeed because ultimate escalation to progressively severe international sanctions are worse outcomes for all sides.

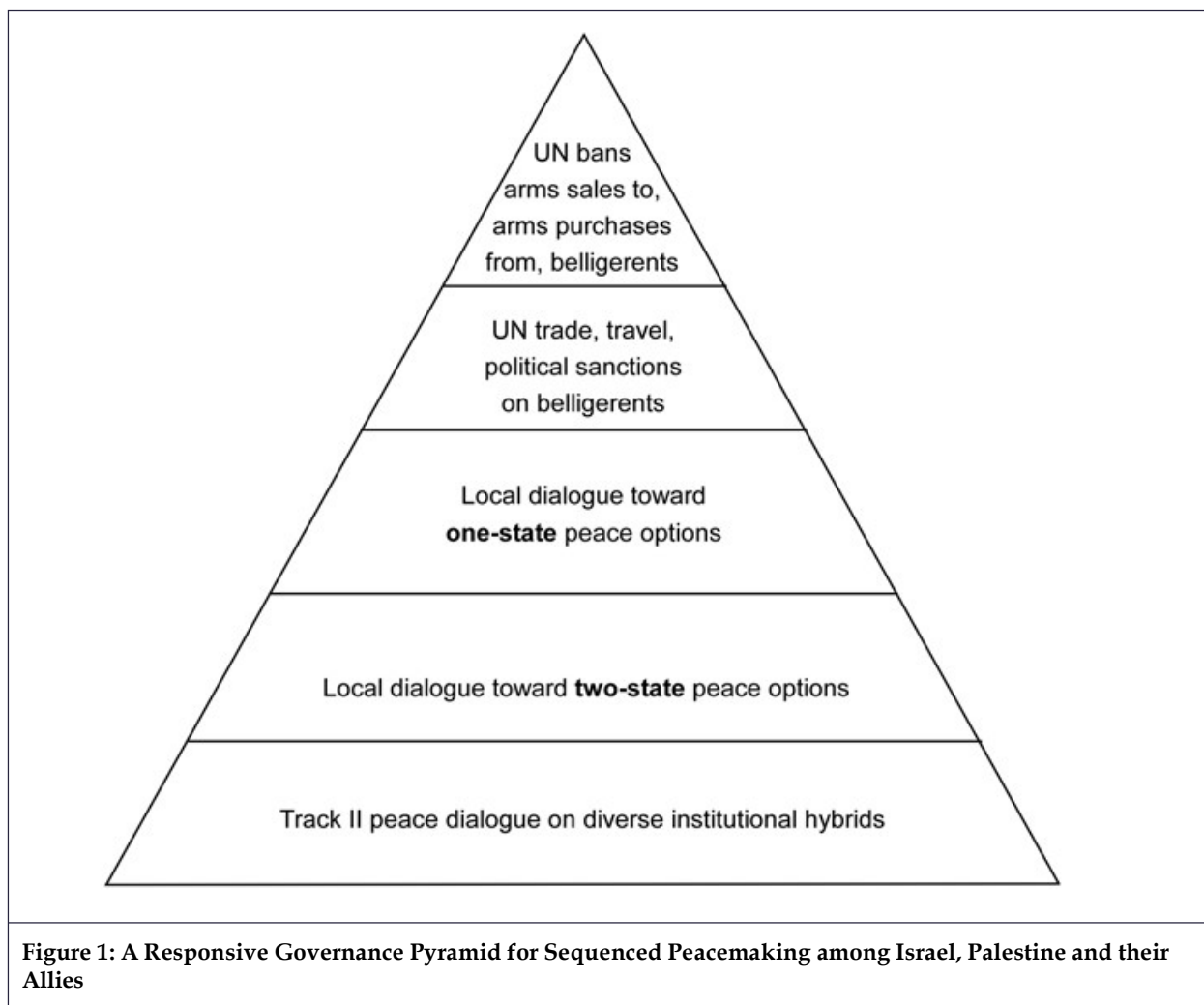*Keywords:* Peacemaking, Israel, Palestine, Responsive regulation

1. Grim Reality, Robust Pyramid

Prospects for peace in Israel-Palestine always seemed grim. A senior PLO peace negotiator of the 1990s reported that an Israeli leader said to her: 'We don't believe that you want peace. If anyone did what we did to you, we could never forgive and forget' (Ramallah Interview, 2019).

Figure 1 posits that when the overlap between the aims of each side shrinks toward no overlapping aims, an architecture of sequenced peacemaking is needed that imposes on the conflict fears of escalation that serve to expand the contracting zone for peace. It is not the purpose of this article to judge whether a two-state, or one-state resolution is preferable, or some other completely different kind of peace. Local wisdom is almost always superior at clever crafting of details of deals. I do presume that peace with negotiated terms for justice is better than ongoing war, occupation. An international scaffolding to empower local peace dialogue and civil society creativity in institutional design requires international pressure on power holders of both sides. This is imperative because so many incumbents benefit politically, financially and criminally from never-ending conflict.

Figure 1: A Responsive Governance Pyramid for Sequenced Peacemaking among Israel, Palestine and their Allies

Meaersheimer (2024) argued that Israel is in a hole because only four options are available to it in 2024 — another wave of ethnic cleansing of Palestinians; Apartheid; a two-state solution; or one-state democracy. Mearsheimer contended that both a two-state and one-state solution are utterly unacceptable to Israel, so it chooses between Apartheid and ethnic cleansing. The latter is Mearsheimer's interpretation of the choice Israel was attempting in 2024. This article starts with the assumption that Apartheid and ethnic cleansing of Gaza and the West Bank are unsustainable internationally, unsupportable for all Israel allies. Moreover, few Israelis like to think, as Mearsheimer does, that what they support is ethnic cleansing or Apartheid. Hence, like it or not, Israel may one day choose wholeheartedly to support a two-state or a one-state solution, as may Palestine. When Israel and Hamas both come to grips with that reality, but only then, the analysis in this article may become useful. In the meantime, dialogue can proceed in circumstances not quite as grim as Mearsheimer perceives.

2. The Cambodia Imaginary

As horrific as the outlook was in Cambodia in 1991 after decades of violence that included an ideologically extreme form of genocide, 1991 was the time of a Paris peace agreement. Unprecedented United Nations interventionism was accomplished (Doyle and Suntharalingam, 1994). It was remarkable, though flawed. Periods of peak atrocity can resolve to peak opportunity for peacemaking when refugees return to their homes, genocide trials are discussed, then occur (even if at limited scale), and new governance institutions are constitutionalized. A permanent peace arrived to an Indo-China that had been the most war-afflicted region of the planet since the Korean War. Cambodia reasonably quickly became a comparatively low violence society with a rapidly growing economy. It continues to have one of the fastest GDP growth rates, though from an ultra-low base (Broadhurst *et al.*, 2015). At no stage did Cambodia become a model democracy. It is a low-violence, high-growth semi-autocracy that became more autocratic as Hun Sen's decades of rule rolled on.

What is important to see, however, is that profound progress toward peace, low crime, and economic renewal was achieved from the worst of starting points because global foes who had long been at one another's throats over Cambodia—the US, the Soviet Union, China, France, Vietnam, Thailand—found a limited but shared contracting space to give reformers inside Cambodia space to forge something that transformed Khmer Rouge state institutions.

It would take resolute intervention by the international community to achieve as much in Israel-Palestine. One day a permanent peace will come when resolve consolidates. Today could be a time to start. The United States holds one key to peace beyond the peoples who call the region home. The political incentive structure facing the US President shifted in 2024. President Biden remained a longstanding supporter of Prime Minister Netanyahu and the Israel lobby (Mearsheimer and Walt, 2007) until most of the planet, and even citizens of the closest US allies and of the US itself, disapproved US support for Israeli violence. Within the United States, even many Jewish citizens decided they wanted the United States to cease being the odd state out that opposed a Gaza ceasefire. So the political calculus for the President at the both international table and the domestic table of politics (Putnam, 1988) shifted markedly by 2024.

Securing permanent peace for the Holy Land that approaches the totality of the peace for Indo-China after its genocide required more levers than the US could pull. It required in Cambodia other great powers and regional powers like Vietnam and Thailand to do the same. Which US President does not crave to be that President who achieves where all predecessors failed? Which Chinese President would not want to play a constructive role in Jerusalem that their predecessors failed to seize for durable peace?

The academy has a responsibility to generate ideas for a renewed push to peace. Mine is one flawed contribution to that conversation. It comes at a time when, as critics of Netanyahu war policies say, many Hamas fighters might have been killed, but the idea of Hamas has strengthened among next-generation Palestinians who suffered at the hands of Israel's war machine. Likewise support for peacemaking among Israeli voters has weakened thanks to the vicious character of 7 October, 2023 Hamas terror. These conditions create circumstances of cascade to more and wider future wars and new forms of violence. They are also conditions that can motivate reformers who search for a practical resolution to kindle a peace more genuine and bold than past attempts. A responsive theory approach is novel. It comes not from international relations theory. Its roots are in remoter realms of social science theory, most notably global business regulation and macro criminology.

Responsive pragmatics is about creating a contracting space that persuades supporters of a two-state peace and supporters of a one-state resolution to work together rather than against one another. It aims to persuade Arab states, ultimately even Iran, Hezbollah and Lebanon, to work together to recognise Israel's right to a secure existence and to enjoy mutual benefits of an economically integrated Middle East that trades freely, sends its children on educational exchanges to one another's lands, and learns to work together on a shared climate crisis that parches rivers and wells those children inherit. Part of the thinking here is that it is important to ponder peace as more possible when one scans more widely with a peace ambition. War with Palestine fails to worry Israelis sufficiently that they would give up anything they cherish to prevent it. Hezbollah's missiles are a hugely larger threat to Israel than Hamas missiles. So a peace that permanently ends the threat of missiles from both is somewhat more likely to motivate concessions sufficient to persuade Palestine's leaders to sign a peace. Peace, trade and dialogue with all of the Muslim world, not just Hamas and Hezbollah, is more likely still to motivate compromise.

All the potent national and international actors that can pull critical levers have contradictory objectives. They are as radically opposed as the players who forged a joint contracting space with Pol Pot and Hun Sen in Paris.

3. Responsive Governance in International Society

Primary responsibility for their peace is in the hands of Israelis and Palestinians. Not foreigners. Great peacemaking riches reside among citizens of both sides that are richer in detailed content than anything proposed by authors like this foreigner. Those voices for peace have been marginalized by incumbent power holders of the Israeli state, the Palestinian Authority, and the Hamas leadership whose incumbency is supported

by endlessly unresolved conflict. My idea is that those Israeli and Palestinian peacemakers, who are so brilliant, so many, even though they support contradictory paths to peace, will step up if international pressure creates a space that empowers creative peacemaking to face down leaders who cling to power thanks to war. The idea for a responsive theory of governance comes from national and international business regulatory diplomacy. It opens distinctively plural paths to peace (Braithwaite, 2008, 2022, 2024).

My starting point is acceptance of three empirical presumptions about international consensus:

1. There is consensus among UN members that peace in the Middle East is a priority and the future of Palestine is central to it.

2. Continued occupation of Palestine by Israeli security forces is a prescription for future cascades of terror and war; they urgently need an exit pathway to save lives of their young conscripts.

3. Ambitions of Hamas for ethnic cleansing of Israelis and obliteration of the Israeli state are intolerable; ambitions of the Israeli right for ethnic cleansing of Palestinians, for settlers continuing to steal homes and farms from Palestinians, and insistence on Palestinian statelessness, are intolerable.

There are two further presumptions that are empirically well grounded, but that I do not defend with systematic evidence:

4. Although there may be many variants of two-state resolution that have not been attempted, failure has been so recurrent that pessimism is widespread on a two-state resolution standing alone. The two-state opportunity might prove a train that left the station before 700,000 illegal Israeli settlers chipped and chopped away at the land and water rights available to trade toward a just resolution. It would take a triumph of hope over experience to persuade Israelis to surrender what they hold, or for Palestinians to settle for as little as 20% of lands they once held. Palestinians will not settle for Oslo II Accords that promised Israel 87% of the mountain and coastal acquifers water and 90% of shared water resources along the Jordan River according Palestinian analyses (Okay, 2022: 92). We might view past two-state talks in Mearsheimer's terms as an Israeli tactic to buy time for creeping expansion of Israeli occupation of Palestinian land (and water rights), creeping ethnic cleansing and creeping, progressively more walled, Apartheid. A status quo of occupation combined with ritualistic two-state chatter suits the Israeli right. Such talks will never see the negotiating party in the dominant position yield to peace in the absence of more concerted international pressure. In the face of generational change in the thinking of international electorates such concertation is, nevertheless, inevitable. At the same time, Israeli voters believe they cannot succeed in a war policy without western weapons and diplomatic support of key allies.

5. There are variegated ways of institutionalizing power-sharing transitional governance toward a one-state solution where all Palestinians and Israelis have the same basic rights and vote for the same candidates in one-state elections. However, one-state solutions pose existential threats in the eyes of Zionist Jewish power and the power of extant Palestinian factions. So pessimism abounds for a one-state resolution standing alone.

6. International sanctions against war makers and human rights abusers of each side have to date been effectively resisted by all parties. Extant sanctions by isolated factions of international civil society have been no more than a nuisance. If international sanctions could be designed that did work, both parties would view them as an unattractive outcome. In sum, there is a case that many of the protagonists might view a one-state solution as less attractive than a two-state agreement lower in Figure 1. International sanctions that endured until a peace agreement and desistance from crimes against humanity at the peak of Figure 1 would be even less attractive for large swathes of the populations of Israel and Palestine than committing to a contest of creativity and feasibility between two- and one-state proponents. People might vote for leaders who iteratively move toward a joint contracting space that ended the sanctions, the international isolation, pariah status, truncation of trade, insecurity.

We cannot forget that media attention focuses on deeds and discourses of war makers. In their shadow are countless Palestinians and Israelis who want a high-integrity, resilient peace process to succeed. Part of the idea of a responsive regulatory architecture for peace is to give them space to do the transformative magic of

such peacemaking. This means growing the proportion of peace advocates across the politics of both sides through a principled dynamics of sequenced international incentives to grow hope among peacemakers.

4. Growing More Peacemakers Before Responsive Escalation Scales Up their Sway

It depends on grassroots peacemakers themselves to grow their voice and numbers through persuasion across Jewish and Muslim civil societies. Peacemakers can, for example, make the point that October 7, 2023 was one of the first days in the history of warfare that a military base housing many nuclear weapons was hit by enemy (Hamas) missiles (mercifully without damaging any nukes), and 2024 saw the first direct missile attack ever of Iran upon Israel. Social media from both sides urged and erroneously predicted strikes on the nuclear capabilities of the other during the mid-2024 Iran-Israel tensions. There was a 'warning strike' on an Iranian missile defence installation at its key nuclear facility. Peacemakers from both sides can persuade their civil societies how dangerous all this was. Israel has had traitors within its nuclear establishment before. Is Israel sure today that one of its seemingly model operatives deep inside its nuclear establishment has not been turned by Iran because they were mentally ill at the time, because a member of their family married a Palestinian who was tortured or murdered, because an Iranian nuclear physics professor assassinated by Israel was a mentor they admired, after befriending them at a German university? Or for some other idiosyncratic reason, the bots planted by the traitor sit for years awaiting commands from Tehran to explode and disrupt Israel's nuclear infrastructure. After Israel likewise strikes Iran's nuclear program, full scale war may begin. No one knows how improbable this is.

What we do know is that Israel is not Chernobyl. Israel's nuclear facilities are not parts of a vast Soviet landmass that could absorb the scale and spread of radiation from Chernobyl. Israel and Palestine both lose for all time if a swathe of the limited land they fight over is doomed for future human habitation. These arguments are not made in mainstream media of nuclear weapons' states like Israel; their supposed gurus of commentary believe that their nuclear deterrence preserves their security. It is the job of the peace movement to do that persuading. Peace movements in Israel and Iran have not done a great job at this; nor has the movement accomplished this worldwide.

A particular challenge for the peace movement in Israel is persuading its population against Mr. Netanyahu's argument that domination and occupation is safer than tolerating a Palestinian state. For the moment, Israelis buy the fiction that wars are won by military campaigns that persist until all enemy fighters are killed. What the evidence increasingly shows is that ceasefires, followed by truces and peace agreements allow societies to win a peace (Regan *et al.*, 2009; Human Security Report, 2013, Karstedt, 2017). Netanyahu focuses on killing tactics devoid of strategy and pathways to peaceful futures. He wants to 'wipe out' Hamas terrorists who he sees as irretrievably committed to terror. Hamas is a Muslim Brotherhood organization. Israelis understand that Muslim Brotherhood organizations might be Islamist, yet in various parts of the Middle East, for example in neighboring Jordan, they were persuaded to be peace-loving in the way they joined a Jordanian peace, renewed their rejection of terrorism after the 2011 Arab Spring, a peace compromise that included undertakings from the monarchy to move somewhat along a trajectory toward becoming a more democratic Constitutional monarchy that embraced members of the Muslim Brotherhood in its parliament. Across time, the democratic appeal of the Muslim Brotherhood has declined since its peak of 22 seats in Jordan.

Israelis also understand that the PLO was an organization that killed a lot more people, a lot more Jews, through terrorism than Hamas terror has killed. They know that PLO leader Yasser Arafat publicly promised total renunciation of terrorism at the end of the 2000 Camp David Summit in the presence of Israeli Prime Minister Barak and President Clinton. That promise was quite well kept by Arafat and the PLO to end decades of vicious PLO terror campaigns that downed many aircraft. This terror was more diverse and creative in its targeting than Hamas terror. Support for peace depends on active peace movement persuasion of populations on all sides to reject ideologies that there is something essential about the makeup of an enemy that means terror and war can only be ended by killing all enemy combatants. Much of that grassroots conversational work remains to be done across civil societies.

A final base-broadening peace movement imperative is to debunk Orientalist theories of deterrence that say if you kill Israelis that will only strengthen Israeli resolve to defend their freedom; if you kill Palestinians, or Hezbollah leaders, on the other hand, they become headless, dysfunctional and submit out of fear of further deterrence. It is apparently beyond the wit of enemies to seize upon assassinations as opportunities to renew their leadership with leaders better equipped than the assassinated martyr to lead resistance during the next phase of conflict.[1] An ideology of peace will not prevail unless it wins the contest of ideas against tacticians of extrajudicial assassination and other counterterror tactics of states that corrode into killing machines that defeat their own long-run strategic purposes (Braithwaite, 2024). Tacticians of killing literally plug away at expanding deserts of death without a strategy for a peace that greens deserts (Bromberg, 2007). There is a pathway to an oasis of peace from which greening can spread. There is hope in the fact that this path has more appeal to the younger generation than to their elders (Braithwaite, 2025).

5. Strength from Convergence of Weaknesses

It does not follow from my above propositions 4-6 that a sequenced architecture of three approaches—a determined and creative last attempt at two-state resolutions, a resilient one-state resolution attempt, and sanctions—would fail as totally as each separately. This is because the combined sequencing delivers strength through convergence of weaknesses. That empowering convergence of weaknesses and strengths is the essence of the power of responsive regulatory theory. On the simplest interpretation of responsive regulation, it motivates better resolutions by threatening escalation to tougher interventions, and it resiliently attempts one kind of resolution after another until success occurs (Ayres and Braithwaite, 1992).

Although this account is the core of what makes responsive regulation work, what happens in practice is more complex. It is movements up, down and sideways across a regulatory pyramid, so hybrids that cover weaknesses of one strategy with strengths of another eke out opportunities to evolve (Braithwaite, 2008: Chapter 4). In this, horizontal movement to better ways of implementing each level of the pyramid can be as important as vertical escalation to tougher means of compelling settlement. A particularly crucial kind of horizontal movement is widening the number of contractors to expand to a contract zone where both sides can be much better off. So if Israel says no to X as a commitment in return for Hamas committing to Y, a question remains whether Israel's answer would become yes if the Palestinian Authority, Iran, Hezbollah, all Arab states, the US, EU and China also committed to Y?

Pre-commitment to vertical escalation is a missing ingredient from the regulatory diplomacy of Israel-Palestine peacemaking. The only pre-commitment on the table is to militarized deterrence dominance. The responsive idea is that escalation up the pyramid to settlements that deliver peace on less attractive terms for some domestic political actors will motivate them to work more assiduously to secure a solution (in the first instance, a two-state solution) at lower levels of the pyramid.

6. From Foreign Meddling that Kindles War to Architectures of Peace

One of the most historically persistent weaknesses of Israel-Palestine peacemaking has been foreign interference with the intent of unravelling peace processes. First I explain this, then I illustrate strength through convergence of weaknesses with the argument that a sequenced responsive architecture of peace building frustrates foreign spoilers. Russia has been the most persistent spoiler. This started in 1917 when Lenin first rattled the cage of British hegemony by revealing duplicitousness in the secret promises Lloyd George's government made to persuade different parties to rebel against the Ottoman Empire. Publicly, the Balfour Declaration opened the door to a Zionist state inside a collapsed Ottoman Empire. Lloyd George had an exaggerated view of the influence of Jewish finance power in the United States that might be inspired by the Zionist vision to persuade US political leaders to join World War I. At the same time, Britain was persuading Arab leaders with the promise of an 'Arab state' if they would fight with British forces against the Ottomans. This inspired some Arabs with visions of a new Caliphate, others with visions of becoming Sultans dominating national Arab states.

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[1] This deterrence Orientalism is far from universal in Israel. I interviewed one very senior intelligence officer who was involved in the decision to assassinate the founding leader of Hezbollah. He was honest enough to say that Nasrullah, the contemporary leader who replaced him was a much more talented, effective, and charismatic political communicator.

Both Arabist visions saw the prize of Jerusalem as central to what Lloyd George promised. Likewise, Zionists perceived sovereignty over Jerusalem as central to what Balfour promised them. This set up a narrative of the broken promise to motivate an ensuing century of Middle Eastern terror and war. In the cocktail of contradictory British promises, others were made to France. France was promised that it could occupy and colonise what later became Lebanon and Syria, both sites of major Arab-Israeli wars associated with Palestinian refugees after the Nakba ethnic cleansing of 1948. Palestinian refugees became destabilizing fractions of the populations living in those states.

Part of British sovereignty over Iraq, particularly after 1918, was guarantees of oil access to non-British firms of the Seven Sisters (the multinational oil majors). As the US rose to hegemony over Britain and France, US oil majors acquired more economic hegemony than BP or Total. Although Lloyd George made no promises of US sovereignty over land, the promises of regional Seven Sister hegemony over oil were guarantees to US economic interests that grounded emergent US political hegemony.

Italy was promised another piece of the Ottoman Empire to persuade it to switch sides from fighting with the Germans. Other promises of bits of broken up Ottoman sovereignty were made to the Russian Czar. That provided Lenin the opportunity when he seized access to the secret trove of duplicitous British promissory diplomatic notes and cables. He used them to undermine British power. Russian spoiling from 1917 did undermine confidence in Britain by all these new allies to whom Britain had sold a narrative of the broken promise. Russian spoiling still does work effectively at destabilizing western hegemony. Russian meddling to destabilize a region over in which it has poor prospects of taking over from western hegemony (Syria being an exception where it did take over) continues in 2024. Hence, the recurrent pattern of western interests in the Middle East being predominantly about oil, while Russian interests are predominantly about destabilization, and likewise with many other destabilizers such as the Huthis.

The Russians were not the only Northern power with that interest. Until 1945, Germany also had an interest in destabilizing peace in the Middle East. Germany undermined the machinations British and French imperialism had put in place to decimate Germany's old ally, the Ottomans. This was particularly virulent in the 1930s, but started in the 1920s when the Grand Mufti of Jerusalem, a key founder of what became Fatah and the Palestinian liberation movement, was given protection from British persecution through exile in Germany (Lebel, 2007). There he became a propagandist for genocidal policies toward Jews in Europe and the Holy Land. After the Iranian Revolution in 1979, Iran became a nefarious spoiler of peace between Israel, Palestine and all Muslim societies. Peace diplomacy by Obama and Biden in particular has made it more moderate today. So far.

In the circumstance of a sequenced architecture of lifting all sanctions to enable two-state negotiations, followed by one-state negotiations, followed by negotiations for unprecedented sanctions, Russia or Iran would be foolish to be spoilers of the two-state negotiations. Their problem would be that there would be great uncertainty over whether moving on to a one-state solution or to a sanctions regime might leave them worse off than under a two-state dispensation. Indeed their interests would be more disadvantaged under the latter two options. So the sensible thing for Russia and Iran would be to be constructive, to curry favor with majority opinion of UN members, by genuine help for the peace process to work. Big brother China would encourage them to be constructive. The Iranians and the Russians have often chosen to do this in the past, for example through circumspection in use of Security Council vetos during the 1990s and 2000s (Braithwaite, 2024:173).

Domestic devotees of different visions for peace processes have also regularly sabotaged one another in the past. Indeed one might say that the conflict until October 2023 had evolved to an immovable stalemate of overwhelming and passionate opposition to every peace option. Entrenched nihilism suited Israeli and Palestinian political incumbents. Irresolution helped them enjoy corrupt fruits of the stalemate. Peace advocates would surely continue to sabotage one another under a responsive regulatory architecture of peacemaking. Yet many of them might embrace the totality of a package that would create a larger, more promising, space for them to develop and advocate their ideas to local and international leaders.

A responsive architecture would do well to encourage immediate Track II two-state and one-state brainstorming toward expanding the contracting zone where the protagonists might come to see potential for mutual benefits from a sequenced process. Diplomats responsible for the process, locally and internationally,

would do well to nurture a peace building ethos of the Track II initiatives being plural, yet willing to learn and pick up ideas from one another. Who is to foresee what their collective, locally attuned genius might collaboratively create? Indeed, perhaps the most workable and wise final settlement might be a hybrid that picks and chooses ideas that arise from all levels across a pyramidal process.

For example, a workable final settlement might involve a sequenced architecture of commitment where if the first party does A, only then will the second party will do B, then the first party will do C, and so on, with any failure of a party to reciprocate resulting in escalation to international sanctions crafted at the peak of the Figure 1 pyramid (Regan, 2010). The fundamental fabric of agreement might weave together elements of two- and one-state designs. For example, it might be a condominium as in Vanuatu before independence, where French and British colonial powers resolved their competition for control of the territory by agreeing to share it peacefully, with citizens opting to be French or British subjects. French citizens were subject to French courts, French schools and other French institutions on the territory of Vanuatu, British citizens to parallel British institutions. Not the most efficient arrangement, though when institutions are shared under a peace involving mostly separate institutions, as with railways between Northern Ireland and the Republic of Ireland run by a shared institution, optimised mixes of separations and collaborations are always possible. Collaborative spaces can expand historically.

We cannot know the resolution to these possibilities in advance of detailed institution-by-institution negotiations. Open-textured negotiations have special virtues in a context where opposed parties have allegiance to holy sites associated with figures as exalted as Abraham, King David, Jesus, Mary, and direct descendants of the Prophet Mohammed. Could such negotiations lead to all parties having free access to all those sites, to all homes from which their grandparents were once expelled, be they Palestinians expelled from Gaza, Jerusalem or Hebron, or Jews expelled from Gaza, Jerusalem or Hebron? Could this resolution be crafted without visa controls under some conceivable two-state-one-state hybrid? An example is the proposal of the 'Two States One Homeland' movement that became 'An Open Land for All' (https://www.alandforall.org/english/ ?d=ltr). This involves a two-state confederation that is a hybrid with 'one land' rather than 'one state' (LeVine and Mossberg, 2014).

It may be that a sequenced architecture of peace could deliver at the level of a two-state resolution more credible commitments than have been delivered in the past to access to all holy sites, a right of return to family homes for all sides, recognition of a right of a state of Israel to exist on secure territory, and of the right of all Palestinians to citizenship of a state with secure territory that is not hostage to cutting off access to it, and of win-win expansion of water, electricity, food and trading rights to all sides, renunciation of terror by both sides, submission of both sides to the rule of international human rights law, and genuine assurances from all Muslim states that they will never support any future Jewish genocide and from Israel that they will never again be accused of genocide or Apartheid. If the attempt at a sequenced architecture of responsive determination to deliver peace produced such commitments, perhaps a two-state solution could prevail after all. The requirements for getting there might include a number of difficult diplomatic accomplishments that would independently be desirable to motivate, such as normalization of the relationships between Iran and its adversaries, lifting of sanctions against Iran, a new détente and a new era of arms control with Russia, lifting of sanctions against Russia, and rapprochement between the government of Israel and states that have attacked it in recent times – Syria, Yemen and Lebanon. The reality that this is not impossible is demonstrated by the fact that it has already been achieved through peacemaking with other former Arab adversaries, most notably Egypt and Jordan.

Confidence building steps of this kind must have a place in peacemaking. Because of a past history of gaming peacemaking to buy time to expand Jewish settlements on Palestinian land, however, as the agreed deadline approaches for closing the window opened to two-state solution negotiations, the peacemaking model would shift to 'nothing is agreed until everything is agreed'. According to my interviews with past peace negotiators in Israel and Palestine, the strategy of defer, delay and deploy settlers to change the facts on the ground was a conscious Israeli strategy. Along the way, according to another senior Palestinian informant, past peace negotiations 'Allowed Israel to relieve itself of the burden of occupying us', with the international community paying most of the bills to rebuild after each wave of razing Palestine, and with PLO security forces funded to become proxies for Israeli security interests. There is an imperative for a shift to 'nothing is agreed

until everything is agreed' as the one-state deadline nears. The two-state negotiations come before one-state negotiations and international sanction negotiations not only because opposition to two-state options is least virulent, but also because a one-state resolution and an international sanctions resolution are progressively deeper threats to the power of incumbent leaders on both sides.

7. Sanctions Cast a Shadow from the Peak of the Pyramid

Critics of US peacemaking say that the US has failed to exert its power to exploit the possibilities that my presumptions 1-3 open up. US measures to cut off weapons have been slight, but at least commenced mid-2024. US protection of Israel by UN Security Council vetos remains unwavering, as do trade preferences and bigger spending on Israel compared to all other countries, and resistance to other US sanctions (Mearsheimer and Walt, 2007). John Mearsheimer particularly favors cutting off US weapons, spare parts, and ammunition supplies to the IDF until peace cooperation is manifest. Mearsheimer might be right that this is the most potent lever on offer.

The problem is that something more is needed to lever the United States to close its weapons pipeline. The General Assembly of the United Nations might therefore do well to vote on a resolution that unless Israel begins to comply with international law in Palestine, sanctions should be imposed on its economy rather like those currently in effect for Russia and Iran. Why might such a vote be strategic? It could be because the United States does not want to endlessly be in a situation where its alliance is weakened by ongoing votes of its allies against it at the General Assembly and on the Security Council, and ongoing triumphs of Russia and China rallying votes against the US across the Global South. That would be especially true for future votes that imply sanctions against the US for sanction-busting in Israel's favor. The US could defer a vote on such draft resolutions by diplomacy in UN backrooms that it will approach Israel with firm resolve that the US will cut off weapons to Israel, and that the President is willing announce that the incumbent Israeli government no longer has the confidence of the US government, unless Israel works committedly toward a UN-sanctioned peace accord that is crafted locally in Israel and Palestine. One does not have to be a card carrying realist to agree that these two US threats would be more potent than the background threat that motivates it of General Assembly votes for sanctions against Israel.

With armed factions that fire rockets at Israel, it would have to be the Muslim states, particularly Iran, which agree to cut off weapons supplies to them after the two-state and one-state negotiation periods have failed. Palestine is a major beneficiary, politically and economically, of its special relationship with the United Nations. This would have to be suspended if Palestinian leaders failed to collaborate in fresh two-state and one-state negotiations. In 2012 Palestine was recognised as an Observer State of the United Nations General Assembly, with the Palestinian Ambassador to the United Nations enjoying generous privileges to speak on debates that affect Palestine. Reversing course to majority withdrawal of Observer Status for the State of Palestine might not be so difficult to rally in circumstances of recalcitrant Palestinian rejection of renewed plural peace processes.

Suspension of Israeli membership under Article 5 of the UN Charter is the parallel to suspension of Palestine's Observer State status and pausing UN consensus-building for recognition of Palestinian statehood. UN suspension of Israel could apply until it rectifies its recalcitrant non-compliance with international law on issues as fundamental as occupation of territory that is not Israel's territory, human rights abuses, crimes against humanity and regularization of nuclear non-proliferation regime inspections of the nuclear weapons program with which it threatens its region. Actually Israel threatens the planet when it plays with nuclear fire with an Iran backed by Russia and China. A trade sanction that would be particularly devastating for Israel, especially as a sanction against frustrating a peace process, is a ban on imports of Israeli arms sales. Although Israel is tiny, it counts among the world's top ten weapons' exporters by value. As a more general doctrine of international diplomacy, this idea is appealing because states that get embroiled in many wars like Israel, Turkiye, Russia, France, the UK, and the United States often perceive a weapons export dividend as compensation for the stupendous costliness of being a warmonger.

Further years of attempts by the international community to non-coercively persuade the parties to come to terms in a peace accord could justify a new level of international sanctions. This is because parties to the

conflict have long histories of terrorism, rape as a weapon of terror, torture, execution of persons surrendering under a white flag, mistreatment of prisoners-of-war, occupations, invasions of territory that international law has declared to be territory of the other, crimes against humanity at scale. Both sides must not be allowed to continue openly expressing contempt for the rule of international law and for UN institutions. The time has come when the international community must cease looking the other way when such a shocking range of crimes occur. Old politicians who ignore the growing demands of the young generation for this may perish.

The responsive regulatory theory interpretation is that the twin threats of international sanctions and national (particularly US) withdrawal of support with armaments and withdrawal of confidence in the incumbent Israeli government would be credible combined threats at the peak of a regulatory pyramid. Why? Because many in the Israeli electorate view US support for the arming of Israel to be a vital interest. Likewise, Hezbollah and Hamas view Iranian support with its weapons of war as existential. Responsive regulatory theory asserts that the empirical evidence reveals across a wide variety of domains of the social science of regulation that deterrent threats are thin reeds that snap easily when they stand alone as remedies to risk (Braithwaite, 2022, 2024). What is needed is a hierarchy of remedies—some deterrent, some incapacitative (like disarming, removing from power, delicensing, imprisoning), some carrots, some dialogic. As an ensemble of sequenced regulatory interventions, all these together might deliver a result. The political pragmatics of the responsive regulatory pyramid is that severe interventions at the peak of the pyramid matter (like cutting Israel off from US political and military support, combined with international trade sanctions). This peak once seemed undeliverable, but becomes deliverable in the context of one option after another being offered to the parties to the conflict, but relentlessly spurned.

Figure 1 proposes an international governance pyramid. At the base of the pyramid is a local dialogue that evolves first toward a two-state solution among Israeli and Palestinian factions and across their local civil societies. One would assume that a workable two-state solution would have to involve swaps of land that had previously been designated as part of Israel under extant international law to compensate for Israel holding some of the lands that have been illegally occupied by Israeli settlers. For example, a valuable swap would be for a corridor that connects Gaza to the West Bank so that Gaza would no longer be cut off as a Palestinian enclave. The profound Palestinian peace dividend here is that Gaza could be connected to cheap Jordanian renewable energy. The West Bank could be connected to pipelines of Gazan desalinated water along that corridor (in the best case with gifts of technical support from Israel, failing that, from the UAE or Saudi Arabia), as well as road and rail connections. A Chinese Belt and Road contribution to such a peace could be a railway that connects Damascus to Jerusalem and all major cities of the West Bank, to Gaza, to Cairo. The international community has good reason for believing that neither the government of Israel nor the Palestinian factions have good faith commitment toward making a two-state solution work because both sides have so committedly failed to try to make it work in the past by expanding the agenda of peace dividends in such ways. Therefore a cut-off date is needed beyond which this negotiation option would no longer be on the UN Security Council agenda.

After that cut-off date, negotiation would start toward a one-state solution in which all Palestinians, all Israelis, would vote for the government of one country in which they would live without Apartheid, with equal rights. That might be an unattractive solution for Palestinians who fear that economically dominant Jewish citizens would dominate them through the courts, the prison system, employment discrimination, educational exclusion, and more. One-state solutions might be even less attractive than two-state solutions for Israelis who fear that in time the demographics would work for Palestinian politicians to get more votes than Jewish candidates. In many municipalities, elected Palestinian mayors would rule over Israelis, and vice versa. More fundamentally, Zionists see a one-state solution as repudiation of the imperative after the Holocaust for Jews to have their own safe and sovereign space. So do many Palestinians after what they see as a genocide continuing from the European-imposed 1948 Nakba to the 2023-24 Gaza and West Bank slaughter.

Hence the theory of the pyramid is that the one-state negotiation layer of the pyramid creates downward pressure for the peace to be resolved at the two-state layer. And a final failure of any two-state solution to seize the moment of such an empowered privileging of the opportunity for it, would create upwards pyramidal pressure to give one-state negotiations its best-ever shot. Yet the pyramid signals that the international community has lost patience with both sides' game playing. If no agreement is reached at the two-state level of

the pyramid of escalated pressure for peace, and then no agreement is reached at the one-state level, the US electorate would be more willing than it is today to cut off military support for Israel. If that were not the case, the US and most other countries might instead compromise down to severe economic sanctions upon Israel and the Palestinian Authority. In the worst case escalation up the pyramid for Israel, a period of economic sanctions that were extremely debilitating for a small economy that became internationally isolated could be followed by a new US President agreeing to cut off military aid and political support for Israel indefinitely as a better option for the Israeli economy, the US economy and the world economy than never-ending sanctions. Then Israel would sequentially or cumulatively suffer the worst of both worlds at the peak of the pyramid. This is an emergent possibility in the West because its younger generation taunts political elites with cynicism that its 'rules-based international order' means nothing if war criminals can be supported when they game it endlessly.

Clear signalling of international consensus for such a two-state negotiation, followed by impatience with more two-state failures and movement to one-state negotiations, would build incentives for both sides to negotiate in greater good faith on both options than in the past. If two-state negotiations failed again and again with varied models floated during an extended period of negotiation, then peacemakers of both sides would have incentives to commit with good faith to one-state negotiations. If the best one-state deal that could be broached was unacceptable to one of the parties, that party might say that they would abandon a demand that had earlier blocked a two-state settlement. After one-state failures, that two-state option could then become viable after all. Then by mutual agreement, the parties could drop back down the pyramid to a renewed two-state negotiation informed by that looming failure of the one-state negotiations combined with looming punitiveness at the peak of the pyramid.

8. Summary

In summary, this pyramidal conception is of a time-bounded two-state negotiation, followed by a one-state negotiation with an option of reverting back to two-state negotiations, followed by relentless, unprecedented international sanctions upon both sides if all negotiations fail again and again. Of course once these sanctions became a bitter pill that bit hard over time at ailing and fragmented nations, each side could initiate bilateral alternative negotiations with a determination that might persuade sanction lifting. The idea of the pyramid is that the threat of the pyramid to escalate toward a maximally unpalatable peak builds incentives for the parties to inflict less unpalatable resolutions upon themselves at lower levels of the pyramid. A responsive pyramid therefore motivates committed search for more creative ways of widening the agenda to open up superior contracting zones between warring parties.

9. Political Feasibility is Low?

A fatal limitation of this responsive governance approach is low political feasibility. For the Israeli public, its left has died; the political ambition articulated at the founding of Likud in 1977 of an Israeli state that stretches from the river to the sea is a dominant default political position. Likewise among Palestinians in the aftermath of attempted ethnic cleansing across Gaza and the West Bank, the dominant position is probably also a Palestinian state that rules from the river to the sea. This means endless occupation, war, and terror is overwhelmingly probable. The challenge for any alternative to interminable conflict and regional destabilization is that a two-state solution that is more supported in the West and in Israel faces off against a one-state solution that may be more supported in the Palestinian population and by the left and the younger generation in the West as the only alternative to Palestinian or Zionist sovereignty from the river to the sea.

I interviewed 70 Israeli and Palestinian political, civil society, diplomatic and military leaders mostly in 2007 and 2019 for the Peacebuilding Compared Project.[2] In those more benign times than 2024, I interviewed only one leader who enthused about my responsive governance ideas or trying to settle first a two-state peace, then a one-state peace, then international sanctions on both parties for flouting international law. It therefore might seem a hopeless prescription. Many of my interviewees also rightly said that it is hard to

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[2]   There were also larger numbers of interviews with Palestinian refugees in surrounding Middle Eastern countries such as Jordan and Hezbollah leaders in Lebanon, Iraq, and Iran since 2007, and UN Peacekeepers from Lebanon and Sinai in Egypt, and at UN headquarters in New York.

explain to people the idea of a sequenced architecture of trying two-state negotiations first, then one-state negotiations, then negotiations for international sanctions until some other completely novel peace ideas can justify suspension of sanctions. Most Israeli and Palestinian leaders rejected the approach outright because they believed in the status quo militarized struggle to triumph over their enemy, or preferred a two-state peace or a non-exclusionary one-state peace. So why would anyone who subscribed to one of these positions that enjoys large numbers of supporters agree to a process that wastes time and resources on other processes they reject?

For those who support a one-state resolution, they want the debate to shift immediately toward how equal citizenship within one state might be institutionalized. So let me start with a pitch to that group. It is to say to them that fewer people support your position than support each of the other three positions described by John Mearsheimer early in this paper. These positions that enjoy more support than a one-state solution are ongoing occupation and dehumanization of Palestinians or ongoing armed struggle against Israel, an exclusively Palestinian or Zionist state from the river to the sea, or a two-state peace agreement. So you one-state advocates will do best to join arms with supporters of a two-state peace agreement who at least agree with you on the need for a settlement. But you can say to them that for half a century you have been arguing that you can make a two-state solution work, but you have been used by warmongers who have abused two-state negotiations as a delaying tactic to put oppressive new facts on the ground. So let us now agree on one last-chance window for negotiation of your approach that we will support you to have, but only on the basis that there will be a drop-dead date, after which the United Nations and you will pour all efforts into our attempt at consensus-building for a one-state peace.

In addition, the pitch is that in the aftermath of the 2023-24 slaughter, after many UN votes overwhelmingly against Israel and for peace, this is the best-ever, perhaps last-ever, window for you to adapt a two-state peace negotiation to succeed. If all of we supporters of a one-state peace agreement get behind you with best wishes for your success, yet only for a finite period, that is an offer you should accept. One-staters would be wise to strategize this way, because they have no hope of winning support for a one-state solution until two-states is put to bed after a last, big try. If and when the two-staters fail again, however, for a considerable period two-staters will know they had zero prospects of winning support for another concerted two-state attempt. Hence, they would do well to show good faith to responsive escalation of peacemaking that gives one-state resolution a try. If and when one-state negotiations also fail, it makes sense for both one- and two-state peace supporters to agree with international sanctions as the only levers that might budge the hawks.

In this terrible circumstance, Western supporters of Israel are likely to want to blame Palestinian factions for scuttling peace and to support sanctions against Palestine, but not against Israel. Conversely, supporters of Palestine, particularly Muslim societies, the Global South, China and Russia, will blame Israel and the United States. There would in that circumstance also be support for sanctions against Israel, particularly among young voters, in the United States. This would be a political cocktail that would likely deliver some significant sanctions against both Israel and Palestinian armed factions. It would almost certainly then energise rethinking by all the peace factions whose favoured proposals had been trashed across these peacemaking years. Protracted peacemaking failure would not be total failure, because negotiations over years would prolong a pause of truce. That in itself would save lives. Good peacemakers know what the Peacebuilding Compared data show, that most peacemaking attempts fail, and that peace only comes from learning from dozens of peacemaking failures that lay foundations for an enduring success at some future date.

Failure would cause middle-ground diplomats to float rejigs of rejected two-state and one-state options that might enable deferment of the implementation date for distasteful sanctions. Is there not a hybrid of rejected two-state and one-state models like one-country-two-state confederalism? Confederalism of a democratic Gaza with adjoining Egypt and a confederal Palestine transitioned under supervision of a UN Peacekeeping force in Gaza is also difficult, as is a confederalism of a democratic West Bank with Jordan and a confederal Palestine. No such outcomes would be optimal from the perspective of all extant factions, but some of them might be better than interminable war, terror and international sanctions that threaten incumbent power holders. In the aftermath of the current Gaza war, Israelis will more than ever crave security from terrorism that Palestinians can grant them, and Gazans will see that only peace with Israel can grant them unlimited access to desalinated water and other sources of clean water (Bromberg, 2007), nutritious food, electricity, and job

opportunities for their children enabled by international trade and freedom of movement, and an end to violence.

My pitch is that most national Ambassadors to the United Nations could see this and therefore might persuade their leaders to allow them to support negotiation toward a responsive sequenced architecture of peacemaking. In Putnam's (1988) theoretical terms of the two-table theory of international politics, I am suggesting a responsive sequenced peacemaking architecture that, while being rejected at every national table, could be supported at the international table. This support would hope that it might just deliver something that all national tables in time might come to view as a triumph of diplomacy. The paradox of Putnam's two-table theory is that solutions that are opposed by the dominant state factions of every state at the central international negotiating table can and empirically do engender consensus across minority factions of their societies, across the second domestic tables. This paradoxically delivers an international consensus that holds even though it is rejected by all state incumbents of power. It holds because it settles something that each national table of stakeholders might view as better than the extant occupation, terror, interminable outbreaks of war.

Some commentators did foresee a new armed Palestinian uprising motivated by the Trump approach of bypassing Palestinians by pushing Abraham Accords between Israel and Arab states. The terror of 7 October did indeed terminate Abraham Accord negotiations. At this conjuncture, after that failure, we might go as far as to say that there is no strategy for peace that can summon consensus standing alone. Pressure from above, ultimately from prospects of international sanctions against Israel and against Palestinian terror, must be more explicit now. No peace will be sustainable unless it is locally crafted and locally negotiated. But so often a resilience of international pressure and international platforms to give the local crafting and negotiating of peace a chance are imperative. Escalating responsive international pressure for peace is a robust approach for making that international architecture real. Then prospects for local empowerment of the crafting of peace become more real.

10. When Everything Fails, Try Love

Innovative architectures of top-down pressure might fail as totally as past peacemaking. Advancing them implies no rejection of persistence in innovating with bottom-up peace building that has no ambition beyond finding a way of connecting and restoring relationships between former enemies locally, local conversations about peace in villages, neighborhoods, synagogues, mosques, churches, schools, universities, between and within families (Qafisheh and Wardak, 2019). As one research informant said 'love is a practice of freedom' and of peace because it opens doors closed to the hateful. We cannot know when caring encounters will spawn ways of touching hearts across divides that scale up peace dialogue.

Acknowledgment

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