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More than 'Democracy' is at Stake in Israeli Protests



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There are two interwoven conflicts currently playing out in Israel, but neither, despite the Western liberal spin, relates to the threatened demise of Israeli democracy. That concern presupposes that Israel had been a democracy until the recent wave of extremism arising from the new Netanyahu-led Israeli government's commitment to 'judicial reform.' A euphemism hid the purpose of such an undertaking, which was to limit judicial independence by endowing the Knesset with the powers to impose the will of a parliamentary majority to override court decisions by a simple majority and exercise greater control over the appointment of judges. Certainly, these were moves toward institutionalizing a tighter autocracy in Israel as it would modify some semblance of

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separation of powers, but not a nullification of democracy as best expressed by guaranteeing the equal rights of all citizens regardless of their ethnicity or religious persuasion.

To be a Jewish State that confers by its own Basic Law of 2018 an exclusive right of self-determination exclusively on the Jewish people and asserts supremacy at the expense of the Palestinian minority of more than 1.7 million persons undermines Israel's claim to be a democracy, at least with reference to the citizenry as a whole. As well, Palestinians have long endured discriminatory laws and practices on fundamental issues that over time have come to have its government process widely identified as an apartheid regime that is operative in both the Occupied Palestine Territories and Israel itself. If language is stretched to its limits, it is possible to regard Israel as an ethnic-democracy or theocratic democracy, but such terms are vivid illustrations of political oxymorons.

Since its establishment as a state in 1948, Israel has denied equal rights to its Palestinian minority. It has even disallowed any right of return to the 750,000 Palestinians who were coerced to leave during the 1947 War, and are entitled by international law to return home, at least after combat has ceased. The current bitter fight between religious and secular Jews centering on the independence of Israel's judiciary is from most Palestinian points of view an intramural squabble, as Israel's highest courts through the years have overwhelmingly supported the most internationally controversial moves 'unlawfully' restricting Palestinians, including the establishment of settlements, denial of right of return, separation wall, collective punishment, the annexation of East Jerusalem, house demolitions, and prisoner abuse.

On a few occasions, most notably with respect to reliance on torture techniques used against Palestinian prisoners, the judiciary has shown slight glimmers of hope that it might address Palestinian grievance in a balanced manner, but after more than 75 years of Israel's existence and 56 years of its occupation of Palestinian territories occupied since 1967, this hope has effectively vanished.

Nevertheless, Israel's control of the political narrative that shaped public opinion allowed the country to be legitimized, even celebrated by hyperbolic rhetoric as 'the only democracy in the Middle East,' and as such, the one country in the Middle East with whom North America and Europe shared values alongside interests. In essence, Biden reaffirmed this canard in the text of the Jerusalem Declaration jointly signed with Yair Lapid, the Prime Minister at the time, during the American president's state visit last

August. In its opening paragraph, these sentiments are expressed: “The United States and Israel share an unwavering commitment to democracy...”

In the years before Israel’s election last November resulted in a coalition government regarded as the most right-wing in the country’s history, the U.S. government and diaspora Jewry have been at pains to ignore the devastating civil society consensus that Israel was guilty of inflicting an apartheid regime to maintain its ethnic dominance was subjugating and exploited Palestinians living in Occupied Palestine and Israel. Apartheid is outlawed by international human rights law, and treated in international law as a crime with a severity second only to genocide. Notable opponents of the extreme racism of South Africa, including Nelson Mandela, Desmond Tutu, and John Dugard have each commented that Israeli apartheid treats Palestinians worse than the cruelties that South Africa inflicted on their African majority population, which was condemned at the UN and throughout the world as internationally intolerable racism. Allegations of Israeli apartheid have been documented in a series of authoritative reports: UN Economic and Social Commission for West Asia (2017), Human Rights Watch (2021), B’Tselem (2021), and Amnesty International (2022). Despite these condemnations, the U.S. Government and liberal pro-Israel NGOs have avoided even the mention of the apartheid dimension of the Israeli state, not daring to open the issue for debate by refuting the allegations. As Dugard pointed out when asked what was the greatest difference between fighting apartheid in South Africa and Israel, he responded: “..the weaponization of antisemitism.” This has been borne out in my own experience. There was opposition to anti-apartheid militancy with respect to South Africa but never the attempt to brand the militants as themselves wrongdoers, even ‘criminals.’

From these perspectives, what is at stake in the protests, is whether Israel is to be treated as an illiberal democracy of the sort fashioned in Hungary by Viktor Orbán, diluting the quality of the procedural democracy that had been operative for Israeli Jews since 1948. The new turn in Israel gestures toward the kind of majoritarian rule that has prevailed for the last decade in Turkey, involving a slide toward an outright intra-Jewish autocracy. Yet we should note that in neither Hungary nor Turkey have governance structures of an apartheid character emerged, although both countries have serious issues involving discrimination against minorities. Turkey has for decades has rejected demands from its Kurdish minority for equal rights and separate statehood, or at least a strong version of autonomy. These instances of encroachment on basic human rights at least have not occurred within a framework of settler colonialism that in Israel has made Palestinians

strangers, virtual aliens, in their own homeland where they have resided for centuries. Racism is not the only reason to dissent from the democracy-in-jeopardy discourse, dispossession may be the more consequential one. If native people were to be asked whether they worried about the erosion or even the abandonment of democracy in such settler colonial 'success stories' as Canada, Australia, New Zealand, and the U.S. the question itself would have no current existential relevance to their lives. Native peoples were never meant to be included in the democratic mandate that these encroaching national cultures adopted so proudly. Their tragic fate was sealed as soon as the colonial settlers arrived. It was in each instance one of marginalization, dispossession, and suppression. This indigenous struggle for 'bare survival' as distinct peoples with viable culture and ways of life of their own making. Its destruction amounts to what Lawrence Davidson has called 'cultural genocide' in his pathbreaking book of 2012, which even then included a chapter condemning Israel's treatment of Palestinian society.

Underneath the encounter among Israeli Jews, which allegedly discloses a chasm so deep as to threaten civil war in Israel lies the future of the settler colonial project in Israel. As those that have studied ethnic dispossession in other settler colonial contexts have concluded, unless the settlers manage to stabilize their own supremacy and limit international solidarity initiatives, they will eventually lose control as happened in South Africa and Algeria under very different schemes of settler domination. It is this sense that the Israel protests going on need to be interpreted as a double confrontation. What is explicitly at stake is a bitter encounter between secular and ultra-religious Jews the outcome of which is relevant to what the Palestinians can expect to be their fate going forward. There is also the implicit stake between those who favor maintaining the existing apartheid arrangements resting on discriminatory control but without necessarily insisting on territorial and demographic adjustments and those who are intent on using violent means to extinguish the Palestinian 'presence' as any sort of impediment to the further purification of the Jewish state as incorporating the West Bank, and finally fulfilling the vision of Israel as coterminous with the whole of the 'the promised land' asserted as a biblical entitlement of Jews as interpreted by way of a Zionist optic.

It is a mystery where Netanyahu, the pragmatic extremist, stands, and perhaps he has yet to make up his mind. Thomas Friedman, the most reliable weathervane of liberal Zionism weighs in with the claim that Netanyahu for the first time in his long political career has become an 'irrational' leader that is no longer trustworthy from the perspective of Washington because his tolerance of Jewish extremism is putting at risk the vital

relationship with the U.S. and discrediting the illusion of reaching a peaceful resolution of the conflict by of diplomacy and the two-state solution. Such tenets of a liberal approach have long been rendered obsolete by Israeli settlements and land grabs beyond the 1948 green line.

Politically, Netanyahu needed the support of Religious Zionism to regain power and obtain support for judicial reform to evade being potentially held personally accountable for fraud, corruption, and the betrayal of the public trust. Yet ideologically, I suspect Netanyahu is not as uncomfortable with the scenario favored by the likes of Itamar Ben-Gvir and Benezel Smotrich as he pretends. It allows him to shift blame for dirty deeds in dealing with the Palestinians. To avoid the dreaded South African outcome, Netanyahu seems unlikely to oppose another final round of dispossession and marginalization of the Palestinians while Israel completed a maximal version of the Zionist Project. For now, Netanyahu seems to be riding both horses, playing a moderating role with respect to the Jewish fight about judicial reform, while winking slyly at those who make no secret of their resolve to induce a second *nakba* (in Arabic, ‘catastrophe’), a term applied specifically to the 1948 expulsion. For many Palestinians, the *nakba* is experienced as an ongoing process rather than an event limited by time and place with highs and lows.

My guess is that Netanyahu, himself an extremist when addressing Israelis in Hebrew, has still not decided whether he can continue to rise both horses or must soon choose which to ride. Having appointed Ben-Gvir and Smotrich to key positions vesting control over Palestinians and as the chief regulators of settler violence it is pure mystification to consider Netanyahu as going through a political midlife crisis or finding himself a captive of his coalition partners. What he is doing is letting it happen, blaming the religious right for excesses, but not unhappy with their tactics of seeking a victorious end of the Zionist Project.

Liberal Zionists should be deeply concerned about the degree to which these developments in Israel give rise to a new wave of real antisemitism, which is the opposite of the weaponized kind that Israel and its supporters around the world have been using as state propaganda against critics of state policies and practices. These targeted critics of Israel have no hostility whatsoever to Jews as a people and feel respectful toward Judaism as a great world religion. Rather than respond substantively to criticisms of its behavior, Israel has for more than a decade deflected discussion of its wrongdoing by pointing a finger at its critics and some institutions, especially the UN and International Criminal Court, where allegations of Israeli racism and criminality have been made on the basis of

evidence and scrupulous adherence to existing standards of the rule of law. Such an approach, emphasizing the implementation of international law, contrasts with the irresponsible Israeli evasions of substantive allegations by leveling attacks on critics rather than either complying with the applicable norms or engaging substantively by insisting that their practices toward the Palestinian people are reasonable in light of legitimate security concerns, which was the principal tactic during the first decades of their existence. In this sense, the recent events in Israel are dangerously portraying Jews as racist criminals in their behavior toward subjugated Palestinians, done with the blessings of the government. The unpunished settler violence toward Palestinian communities has even been affirmed by relevant government officials as in the deliberate destruction of the small village of Huwara (near Nablus). A photo-recorded aftermath of settlers dancing in celebration amid the village ruins is surely a kind of Kristallnacht, which of course is not meant to minimize the horrors of Nazi genocide, but unfortunately invites comparisons and disturbing questions. How can Jews act so violently against vulnerable native people living amongst them, yet denied basic rights? And will not this kind of grotesque spectacle perversely motivate neo-Nazi groups to castigate Jews? In effect, Israel by both cheapens the real menace of antisemitism in this process of attaching the label where it doesn't belong and at the same time arouses hatred of Jews by documented renditions of their inhuman behavior toward a people forcibly estranged from their native land. By so acting, Israel is making itself vulnerable in a manner potentially damaging to Jews everywhere, which is an inevitable global spillover from this inflammatory campaign of the Netanyahu government to victimize even more acutely the Palestinian people, aimed at their total submission, or better their departure.

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