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Apartheid “Democracy”



Image by Chris Hearn.

The term “democracy” is back in the news from the Middle East. Americans will assume that this has nothing to do with the Arabs. They know that news about democracy in this region must be about Israel because it “is the only democracy in the Middle East.” Well, it now turns out that Israelis too can’t agree as to what is and is not a “real” democracy. There is an increasingly violent Zionist brawl going on over this question: two sides, two different claims to know what democracy is, and both parties claiming to be the sole representative of the real thing. Each side screaming at the other. And, by the way, they are both wrong.

Part I—The Israeli “Right”

Israel’s governing rightwing coalition has staked its claim to defending “real” democracy on the majoritarian principle. That is, they claim to represent democracy because a large

plurality of those Jews who voted in the last election (roughly 48.3%) did so for their side. As a result, a coalition of religious and nationalist parties now controls the government. So, they should be able to rule as they see fit—for them, that is democracy.

Please note, for the rightwing, and the center-left as well Jewish votes are what count. Bringing Palestinian parties into a ruling Israeli coalition has always been technically possible but for most Jewish Israelis it remains a taboo. What we have here is a de facto apartheid democracy.

Israel doesn't have a written constitution, but it has evolved a set of "Basic Laws" that, for the moment, are interpreted by an independent judicial system led by its Supreme Court. While its judges are not elected, they can, through this judicial power, act as a check on any elected government. The courts have often acted as a roadblock to government efforts that would institute the kind of religious/authoritarian Jewish society the present Knesset desires. So, under cover of the principle of majoritarian rule, the Israeli government now aims at the destruction of its independent Israeli judiciary.

Of course, Prime Minister Netanyahu describes it in a more neutral fashion: the government wants to take a "democratic step at restoring the balance between the institutional branches of government." That is how all Israeli diplomats have been told to describe the situation. Of course, "balance means no more checks on the executive. From the majoritarian perspective, this is a "democracy in action."

Part II—The Israeli "Left"

The Israeli secular "left" claims that it is defending Israeli democracy. It is defending democracy from an internal threat of a rightwing government that wants to change the very nature of Israeli Jewish society. Prime Minister Netanyahu's (sometimes called "the crime minister" by the Left) "judicial overhaul" has generated a protest movement that has put tens to hundreds of thousands of secular-minded Israeli Jews into the streets over the past several months. While, in numerical terms, it does not represent a majority of the country's 7.145 million Jewish citizens, it may well represent the outlook of the Ashkenazis—Israelis of European origin who dominate the business, technology, intellectual, and artistic side of society as well as some of the professional elements of the military.

These protesters reject the principle of majoritarianism. In contrast, the democracy the Left says it believes in requires the continuance of an independent judiciary serving as a check on the executive branch. This sounds good, but again the Palestinians are left out of the equation. Most protesters do not want equal representation of all those under the

authority of the Israeli government any more than their rightwing opponents—or the courts for that matter. They just want a secularist version of apartheid democracy.

Part III—Why Both Sides Are Wrong About Democracy

Why are both sides wrong?

(1) Criticism of the majoritarian principle has merit. Here is a critique, referencing the situation in Israel, by the Brookings Institute. “In Israel, if a small majority of the sole chamber of the legislature, say 64 of the 120-member Knesset, supported a bill to curtail individual or minority rights, it would face precisely one formal constraint: the Supreme Court, acting as a High Court of Justice. This is what the Netanyahu-Levin legislation would effectively abolish. ... “ In short, if Netanyahu gets his way, “the slimmest of majorities could decide anything. Pure, unbridled majoritarianism.” There is no built in protection of minority rights.

It is important to note that this fear of majoritarianism has been around for a long time. A prime example is the early adoption of a Bill of Rights as the initial amendments to the U.S. Constitution. At the time these amendments were approved, they were meant to protect the rights of white males—essentially an American apartheid democracy.

(2) The liberal protesters in today’s Israel fear that the rights of secular Jews are at risk. Yet, just like those who insisted on the original American Bill of Rights, the majority of liberal Israelis are uninterested in the rights of the Palestinians in whose oppression and displacement they are complicit. This indifference means that they too are not the supporters of liberal democracy that they think they are. Here is how Anshel Pfeffer puts in it the Israeli newspaper Haaretz, “If anyone has any illusions that this wonderful resurgence of Israel’s “democratic camp” will lead to a wider reckoning in Israeli society over the occupation, it would be best to put those aside. One of the very first strategic decisions made by the committee coordinating the pro-democracy protests was that the path to victory would have to run through the center ground. To achieve that, the anti-occupation groups were firmly told ... Palestinian flags were not to be waved.”

Today, we know all the democracy references about Israel are tragically wrongheaded. Israeli democracy, no matter which Zionist side claims to be its champion, is an apartheid democracy which is but a bastardization of the real thing. Every relevant human rights organization on the planet has recognized, based on evidence made public, that Israel is an apartheid state that has institutionalized racism in its laws and policies.

Part IV— The Only Way the Protest Movement Can Win

The position taken by Israel's liberal/secular camp regarding the Palestinian participation in protests, will probably contribute to failure in their fight with Netanyahu. A plausible explanation of this likelihood is put forth by the Jewish progressive commentator Peter Beinart.

Beinart quotes Moshe Koppel, a conservative activist. His position is that "demography is on our [conservative/religious] side. We'll make these changes [such as the "judicial overhaul"] sooner or later because in Israel, the ultra-orthodox population is growing and the religious nationalist population is growing." One should note the implied belief that as the right's demographic strength grows, so does their claim to democracy.

Beinart points out that the protest camp, while rejecting the legitimacy of majoritarianism, has never questioned the ethno-nationalist parameters of Israeli politics. In other words, for the protesters, the goal is to "keep Israel a kind of secular, modern, pluralistic society for Jews." The fact that, to achieve this goal, they are fighting conservative/religious "people who want to entrench Israel's control over Palestinians—undemocratic control, and potentially expel them" is not a motivation for most of the protesters.

Given the indifference the liberal camp has, to this point, shown to the plight of the oppressed, there is real irony in the fact that allying with the Palestinians may be the only road to victory for the protesters. Peter Beinart, among others, again emphasizes this point. He urges the liberal protest movement in Israel to transform the struggle into one that "pits Jews and Palestinians against those groups who are invested in the maintenance of apartheid." An egalitarian society would certainly nullify the right's demographic advantage.

Part V—Conclusion

Such an alliance is unlikely in the foreseeable future. Israel has had over 75 years to inculcate a supremacist outlook into its Jewish citizens and all the evidence points to the fact that they have been successful. To break through such long standing cultural indoctrination usually requires a catastrophic situation that causes the culture to crumble. For Israel's secular Jewish society, the present situation may be a step in that direction. However, keep in mind that they represent a minority within the country as a whole.

There is also the fact that most Israeli state institutions are responding to the present coalition government's change in orientation with dutiful obedience. A good example is the Israeli police. Change that institution's top leadership and the entire apparatus pivots to follow new orders. In this regard, parts of the military are still in doubt, but this may be only temporary.

The hard truth is that the liberal side is losing. Despite really spectacular views of mass protests throughout Israel, the government has turned its back on the liberals and carried on with its legislative agenda. And, true to form, the police have moved on the protesters with water cannons and the “liberal” use of billy clubs.

We will give the final point to the Haaretz reporter Amira Haas:

“The gods are taking poetic revenge on Israelis who continue living in peace and harmony, or mere indifference, with the dispossession and oppression of the Palestinians. ... The holy kingdom of wild, thuggish youths [here she is speaking of Israel’s ‘colonial settler enterprise’] is turning its back on you after your years of active service defending it and silently collaborating with it.” [She includes the judiciary in this collaboration.] “The settler colonial enterprise wouldn’t have thrived as it has without all [the courts] learned legal opinions and ‘solutions.’ They cultivated the seeds of Jewish fascism with their own hands—raising generations of Israelis who are sure that it’s completely normal to rule over and tyrannize another people deprived of its most basic rights.”

Haas also would like to see the protest movement overcome its ethnocentrism and ally with the Palestinians. She too will almost certainly be ignored. For the protesters and their supporters to take such a monumental step they will have to overcome generations of racist indoctrination, and compete with easy access to foreign passports. Rather than go down that path, many of the “liberals” may just leave.

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