

MAY 16, 2023

Israel's Real 'Crisis of Democracy' Is That It's Not a Democracy

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For much of this year, widespread protests have engulfed Israel in response to the Netanyahu government's attempts to overhaul the state's judiciary. Corporate media in the United States (e.g., **LA Times**, 3/27/23; Politico 3/31/23) present this situation as a "crisis of democracy" in Israel. Since the demonstrations began on January 7, the **New York Times**, **Wall Street Journal** and **Washington Post** have run a combined total of 194 pieces that contain some variety of the words "Israel," "crisis" and "democracy." Only 77 of these, or just under 40%, include some form of the terms "Palestine" or "Palestinian."

This shortage of references to the Palestinians is startling, considering that the Israeli government controls the lives of approximately 14 million people who live between the Jordan River and the Mediterranean Sea, half of them Jewish and half of them Palestinian. These include 2.6 million Palestinians living in the West Bank under Israeli military occupation and without political rights, and 2 million Palestinians living in the Gaza Strip, where Israel prevents them from enacting their political rights and confines them to an open-air prison. A further 350,000 Palestinians living in eastern Jerusalem, which was illegally annexed by Israel in 1967, nevertheless do not have the right to vote in Israel's national elections.

Roughly 1.9 million Palestinians, living on the land that Israel has controlled since 1948, do have Israeli citizenship and can vote in Israeli elections, but discrimination against them is enshrined in law.

In other words, of the 7 million Palestinians over whom Israel exercises authority, approximately 5 million have no say in who governs them or how, while Israel relegates the remaining 2 million to second-class citizenship. By writing about a "crisis" in Israel's "democracy," without foregrounding or most often even mentioning the fact that Israel completely disenfranchises some 5 million Palestinians, coverage in the **Times**, **Post** and **Journal** whitewashes the **apartheid** that fundamentally disqualifies Israel as a democracy.

Mischaracterized as democracy

Much of these papers' commentary on the crisis in Israel nevertheless mischaracterizes Israel as a democracy. The **Times'** Thomas Friedman (3/28/23) said that Israelis are demonstrating "to ensure the 75th anniversary of Israeli democracy will not be its last." According to the



Journal's editorial board (3/29/23), "If we've learned anything in recent weeks, it's that Israeli democracy is alive and well." The **Post's** Jennifer Rubin (3/29/23) wrote:

The Israeli episode holds lessons for the United States and other democracies. First and foremost, unity is essential. Whatever differences on policy issues exist, refusal to join hands with those with whom you disagree is a fatal error when trying to save a democracy. It's essential to persuade citizens to put loyalty to democracy above loyalty to party or institutions (even the military). Without a democratic foundation, no other political cause or institution can survive.

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By [The Editorial Board](#) [Follow](#)

March 29, 2023 6:35 pm ET



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Wall Street Journal (3/29/23): *Despite the "refrain from the American left that Mr. Netanyahu's elected government is somehow a threat to Israeli democracy... Israeli democracy is alive and well."*

These are propagandistic descriptions of Israel, not only because the state denies more than a third of the people it governs the right to vote, but also because it is holding [4,900 Palestinian political prisoners](#) and has a decades-long habit of [assassinating Palestinian political leaders](#). In addition, it prevents Palestinians from exercising key democratic rights, such as press freedom (**Electronic Intifada**, [4/13/21](#)) and the right to organize and express themselves politically: As Human Rights Watch ([4/27/21](#)) noted, "[Palestinians] can face up to ten years in prison for attempting to influence public opinion in a manner that 'may' harm public peace or public order":

The [Israeli] army regularly uses military orders permitting it to shut down unlicensed protests or to create closed military zones to suppress peaceful Palestinian demonstrations in the West Bank and detain participants. One military order, for example, imposes a prison term of up to 10 years on civilians convicted by military courts for participating in a gathering of more than 10 people without a military permit on any issue "that could be construed as political" or for

displaying “flags or political symbols” without army approval.

Can you really describe a country that imposes such a rule on roughly two million people as a “democracy”?

A defining feature, not a possibility

Meanwhile, Gershom Gorenberg wrote in the **Washington Post** (3/23/23) that “Netanyahu and his henchmen” are seeking “to undo liberal democracy in Israel.” To him, even as Israel is a “fragile democracy,” it is one that “Israeli society...owes allegiance” to, and which it “has taken to the streets...to defend.” Gorenberg warns that, if Netanyahu successfully weakens the courts,

the most right-wing coalition in Israeli history could follow with laws harming the rights of women, the Arab minority, LGBTQ citizens and the press. A lawmaker from Netanyahu’s Likud party has already submitted a bill aimed at disqualifying prominent Arab politicians from running for the Knesset.

It may be true that Netanyahu’s gambit could make life even worse for Palestinians—the “Arab minority” to which the author refers—living on the Israeli side of the Green Line. But it’s dishonest for Gorenberg to present “laws harming the rights of” Palestinians as a hypothetical possibility, rather than a defining feature of Israel’s past and present.

Israel already has 65 laws that **explicitly discriminate** against Palestinians “on the basis of their national belonging,” and Gorenberg only mentions one of these in his article: the nation-state

Opinion | Israel’s president proposes a dangerous compromise to end a crisis



By Gershom Gorenberg

March 23, 2023 at 6:00 a.m. EDT



Israeli President Isaac Herzog leaves the White House after meeting with President Biden on Oct. 26. (Tom Brenner for The Washington Post)

*Gershom Gorenberg (**Washington Post**, 3/23/23) warns that limiting judicial review “would weaken Israel’s already fragile democracy”—though Israel’s Supreme Court hasn’t prevented the disenfranchisement of the vast majority of Palestinians under Israeli control.*

law that, among other racist provisions, says that “the right to exercise national self-determination in the State of Israel is solely for the Jewish people,” even though 20% of the citizens of Israel are not Jewish.

‘Better health than believed’

Two observers of the protests in Israel even praised Israel’s commitment to “democracy.” Bret Stephens of the **New York Times** (3/28/23) asserted that, “if Israel’s democracy is to be judged, let it at least be judged against other democracies. By that standard, it may be in better health than is sometimes believed.”

Stephens seems to be using a novel definition of democracy, wherein the practice allows for sweeping prohibitions of political parties: The Human Rights Watch report (4/27/21) that I refer to above notes that, as of 2020, the Israeli Defense Ministry had “formal bans against 430 [West Bank Palestinian] organizations, including the Palestine Liberation Organization that Israel signed a peace accord with, its ruling Fatah party, and all the other major Palestinian political parties.”

Nor, HRW goes on to note, are Palestinian parties inside Israel exempt from similar treatment:

Legal measures aimed at protecting the Jewish character of the state that discriminate against Palestinians undermine the pledge in Israel’s Proclamation of Independence to “ensure complete equality of social and political rights to all its inhabitants irrespective of religion, race or sex.” Palestinian citizens vote in elections and have served in the Knesset, but Israel’s Basic Law: The Knesset—1958, which has constitutional status, declares that no candidate can run for the Knesset if they expressly or implicitly endorse “negation of the

OPINION
BRET STEPHENS

In Israel, Democracy Still Holds

March 28, 2023



Bret Stephens (New York Times, 3/28/23) defends Israel's “democracy” without ever using the word “Palestinian.”

existence of the State of Israel as a Jewish and democratic state.”

Israel’s Law of Political Parties (1992) further bars registration of any party whose goals directly or indirectly deny “the existence of Israel as a Jewish and democratic state.” While the Supreme Court often opts against disqualifying candidates for violating these provisions, the provisions formally block Palestinians from challenging the laws that codify their subjugation and, in so doing, diminish the value of the right of Palestinian citizens to vote.

In other words, in Israel’s allegedly vibrant “democracy,” Palestinians can run for the legislature as long as they don’t endorse Palestinian equality. Or, to put it another way, Palestinians have the right to participate in Israeli “democracy,” provided they don’t call for Israel to become a democracy.

‘Harsh repression’—‘elsewhere’

Similarly, the **Wall Street Journal**’s Nadim Koteich (4/10/23) claimed that there is “a distinction between the demonstrations in Israel and the protests elsewhere in the region,” where dissenters often face “harsh repression in the form of lawless imprisonment and execution.” However, Israel routinely enacts precisely such brutality against Palestinians.

For example, during the 2018–19 Great March of Return, Palestinians in Gaza held weekly demonstrations near the barrier that Israel uses to fence in the Strip. The demonstrators’ demands were that Israel lift the siege of Gaza and allow Palestinian refugees to return to their homes, as UN Resolution 194 stipulates. The UN [reports](#) that

Israel Isn’t Perfect, but It’s an Example for the Mideast

Its citizens are fighting over the rule of law, while many of its neighbors are merely fighting.

By Nadim Koteich

April 10, 2023 6:01 pm ET



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Nadim Koteich (Wall Street Journal, 4/10/23): “The Palestinian issue shouldn’t be the sole metric by which we measure Israel’s standing as a democracy,” because “few countries in the Middle East have a sterling record when dealing with ethnic or racial minorities.”

Israeli forces responded by shooting tear gas canisters, some of them dropped from drones, rubber bullets and live ammunition, mostly by snipers. As a result, 214 Palestinians, including 46 children, were killed, and over 36,100, including nearly 8,800 children have been injured.

You probably won't read about in your daily paper, but Israel's real crisis of democracy is that Israel is not a democracy.

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