

## **Israel's Recent Sliding to Authoritarianism and its Causes**

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### **Fascism**

In recent years there were many dozens of warnings in the press and in the social networks that Israel is about to convert its liberal democracy into a fascist regime. (I refer here to "Israel" as distinct from "the occupied territories". Needless to say, the inhabitants of a territory under military occupation do not enjoy any liberal democratic rights). Most noteworthy in this discourse is Professor Zeev Sternhell, a world-renowned expert on European fascism.

In a press interview published in August 2014 Sternhell claimed that Israel's democracy is "continuously eroding" and is becoming a "formal democracy". "Democracies do not collapse at one stroke," said Sternhell. "The water, I think, is very hot. It has not yet boiled. But it can boil tomorrow morning. It is on the verge of boiling."

In July 2016, Sternhell wrote in Haaretz that "in Israel, as throughout Europe, in recent years we hear, in different formulations, the same question: are the 1930s getting back?" "The alarming lights in Israel have turned yellow," added Sternhell. "Radical nationalism drafts the masses against liberal democracy and against the humanistic values of the enlightenment."

In August 2017, Sternhell wrote that "massive activity for annihilating the liberal order" is taking place in Israel. The Israeli right wing, like its counterparts in Hungary and Poland, "all fight against human rights and separation of branches, and work for the formation of a regime in which the courts, the media, the culture and the institutions of higher education, as well as civil society, are all subordinated to the government." Sternhell alludes to a famous motto of Benito Mussolini who described fascism, a sub-category of totalitarianism, as a regime in which "Everything [is] within the state, nothing [is] outside the state, nothing [is] against the state".

## **Data**

What are the facts that may support the claims that Israel is heading towards fascism?

I have invested much time in recent years in collecting data on measures undertaken by state authorities and by right-wing civil society organizations that are meant at undermining Israel's liberalism, as well as on pronouncements made by Israeli right-wing politicians that are meant at undermining the continued existence of liberalism in Israel. The basis of my data is press reports and op-eds published in the press, as well as reports published by organizations such as ACRI – The Association of Civil Rights in Israel. This data may be divided into seven categories:

First: Measures, including legislative measures, meant to limit the freedom of action of human rights organizations, and pronouncements against human rights organizations. (Dozens of events documented).

Second: Measures, including legislative measures, meant to limit freedom of speech, and pronouncements aimed at limiting freedom of speech. (Dozens of events documented). In some instances, the legislative measures aimed at limiting freedom of speech have been declared constitutional by the Supreme Court.

Third: Measures meant to limit artistic freedom of expression and pronouncements aimed at limiting artistic freedom of expression. (Dozens of events documented).

Fourth, Measures and pronouncements aimed at limiting academic freedom of speech. (Three events documented).

Fifth: Measures and pronouncements aimed at limiting the individual and collective rights of the Arab national minority. (About ten events documented). In some instances, these legislative measures have been declared constitutional by the Supreme Court.

Sixth: pronouncements against the Supreme Court and threats to limit its powers and to establish new procedures for appointment of judges to the Court. (Dozens of events documented).

Seventh: Pronouncements aimed at undermining the rule of law. (The major event was the Elor Azaria trial).

## **Two Levels of Analysis**

Sternhell's pronouncements add to a burgeoning literature (books, academic articles and press articles) in many countries in the world in which liberals ask the same question: "Where did we go wrong?" Or, put differently, "Why is it that we are losing ground among large sectors of our societies while anti-liberal politicians succeed in gaining the hearts and minds of these sectors, pushing liberalism to the defense?"

I wish to argue that these questions that are raised by liberals need to be addressed in two levels: One level is general, and it has to do with some inherent characteristics of liberalism - any liberalism, wherever it is promoted. The other level is the local level: the liberalisms of different countries have different histories, and each functions within the context of unique, local conditions that determine its fate and the particular problems it faces. I shall apply this two-level analysis to Israel.

## **The General Level: Liberalism's Deficit of Meaning**

At the general level, I wish to argue that in all liberal states of the world, liberalism functions in-between religion and nationalism, and finds itself struggling to preserve its tenets against pressures exerted on it by both, yet liberalism suffers from some inherent inferiority compared to religion and nationality.

My departure point is the concept of meaning. There is a long philosophical and literary tradition that sees the essence of humanness in the urge for meaning. In "Either/Or", Kierkegaard writes that "every human being, no matter how slightly gifted he is, however subordinate his position in life may be, has a natural need to formulate a life-view, a conception of the meaning of life and of its purpose." Likewise, Masha, one of Chekhov's "Three Sisters", says: "To live and not to understand why cranes fly; why children are born; why there are stars in the sky ... You've got to know what you're living for or else it's all nonsense and waste." Anthony T. Kronman of Yale University writes that systems of meaning allow people to "anchor" their lives in a "wider frame", and "derive from it an understanding of the point and purpose of their lives

as a whole.” The great Canadian philosopher Charles Taylor writes that such systems provide “the background, explicit or implicit, for our moral judgments, intuitions, or reactions.” Doing without such systems of meaning, claims Taylor, “is utterly impossible for us”; it “is to fall into a life which is spiritually senseless.” Similarly, the great social psychologist Erich Fromm writes that without a system that provides “meaning and direction” to life, an individual feels like “a particle of dust” and is filled with doubt that “paralyse his ability to act – that is. To live.”

Religion is *the* most comprehensive system of meaning available to us. Religions usually provide their followers with responses to some fundamental human questions: Who created the world? What is the good life? What happens to human beings after they die? Why is it that there is so much suffering in the world? Why is it that there is so much gross injustice in the world? Additionally, religions provide their followers with some overall causal sense when their fate is being affected, to a not insignificant extent, by what looks like randomness and luck, as well as by the deeds of far-away people whom they don’t even know, and by global and natural processes over which they have no control. The great cultural anthropologist Clifford Geertz is one of many thinkers who view religion in exactly these terms, namely as a system for the creation of normative and causal order in the lives of human beings. And as Ian McEwan writes about one of his protagonists in his book “The Children Act”: “without faith” “the world must have seemed to him” “open and beautiful and terrifying.”

Nationalism is another system of meaning, though less comprehensive than that of religion. National ideologies provide their followers with a narrative as to the history of a national group, its values and its future goals and purposes.

I wish to claim that in the domain of meaning, liberalism suffers a major deficit compared to religion. Liberalism cannot offer a coherent system of meaning; it leaves the issue of the good life to individuals. As philosopher Judith Shklar writes, “Liberalism does not have any particular positive doctrines about how people are to conduct their lives or what personal choices they are to make.” This is why it is often claimed that liberalism rejects “the wholeness of man”, and that it is a theory of the *citoyen*, not of *homme*. Liberalism therefore does not have anything to say with regard to the fundamental human questions addressed by religion and to which religion offers rich and complex responses.

The late Robert Cover, who was a professor at Yale Law School, has famously captured these differences between religion and liberalism when he claimed that religion is a world of “strong normative meaning”, whereas liberalism is premised on “system-maintaining ‘weak’ forces.” In a similar vein, Canadian philosopher Charles Taylor argues that individualism, with all the freedom it entails, is one of the “malaises of modernity”, for the reason that modern freedom was won by people’s breaking loose from older moral horizons which made them see themselves as part of a larger order that gave meaning to the world and to the activities of social life.

Religion also offers what may be called “a thick anthropology”. It addresses not only the “bright” side of humanity, so to speak, such as the imperatives of virtuous conduct, but also the “dark” side of humanity, such as the human predilection for evil, violence, envy, cruelty, greed, and manipulation. For example, the book of Genesis, the founding book of the Jewish faith, is composed of a series of stories that portray both the bright side and the dark side of humanness. In contrast, liberalism offers a “thin anthropology” that does address only the “bright” side of humanity to the neglect of the “dark” side. I would argue that one reason for the lasting appeal of religions, and for their being able to compete with liberalism over the souls and loyalties of human beings, is that religions offer a truly comprehensive human anthropology. In addition, and perhaps even more importantly, religions provide their followers with intellectual and emotional resources for dealing with losses, failures and disappointments.

In his memoir of his childhood in 1950s Istanbul, Orhan Pamuk, Nobel Laureate in literature, attests to this inferiority of liberalism to religion in the domain of meaning. Pamuk writes that in moving away from religion to secularism, the rich, Westernized elite of the city experienced “a spiritual void” and “emptiness.” Members of this group, writes Pamuk, “grappled with the most basic questions of existence – love, compassion, religion, the meaning of life, jealousy, hatred – in trembling confusion and painful solitude. They light a cigarette, give their attention to the music on the radio, and return wordlessly to their inner worlds.”

The major sphere in a liberal society that does address the human condition in its wholeness is art. Art is a rich system of meaning that presents the human condition in its wholeness, and that, according to numerous art philosophers and artists, provides wisdom, insight, moral education, and political critique. So I would claim that if a liberal state wishes to

offset its inferiority in the realm of meaning vis-à-vis religion and nationalism, the liberal state needs to fund the creation and dissemination of art. However, leading liberal thinkers, such as John Rawls, Ronald Dworkin and Bruce Ackerman, all three of them being neutralist liberals, hold that the liberal state should abstain from supporting the arts. I think this position is flawed on several counts, which I shall not discuss here. All I wish to note is that the effect of this position is to make engagement with art something for the middle and upper classes only, to the exclusion of the mass of the population of the liberal state. Put differently, this position leaves religion and nationalism as the two systems of meaning available to the mass of the population of a liberal state.

### **The Local Level: Israel's liberalism in-between Jewish Religion and Jewish Nationalism**

I wish to focus now on the distinct operational conditions of Israel's liberalism, namely the environment in which Israel's liberalism functions.

The decisive fact about Israel's liberalism is that since the establishment of the state it functions in-between two large scale, and highly institutionalized, systems of meaning, namely Jewish nationalism and Jewish religion.

I wish to make two claims:

My first claim is that there is a tension, if not straightforward opposition, between some of the core values of Jewish nationalism and Jewish religion, on the one hand, and liberalism, on the other:

The ontology assumed by many liberal thinkers is atomistic. In contrast, the ontology of both Jewish nationalism and Jewish religion is communitarian.

Liberalism is premised on the assumption of the plurality of the good. In contrast, Jewish religion assumes normative monism: there is one appropriate version of the good life, the one that God in his grace gave to his people and that has been interpreted throughout the generations by Jewish sages.

Equality is one of the two core values of liberalism (the other core value is, of course, freedom). The liberal state is expected to treat all its citizens with equal concern and respect. In

contrast, the fact that Israel declares itself to be the nation-state of the Jewish people unavoidably implies that its non-Jewish citizens are being discriminated against by state and civil society institutions. In addition, Jewish religion is premised on demarcation of social boundaries between Jews and non-Jews, and on a hierarchy between Jews and non-Jews.

Liberalism views the state as an instrument at the hands of the state's citizens for the promotion of vital human interests of theirs. In contrast, since its inception Jewish nationalism has expected Zionist and the citizens of the state to work for the advancement of the causes of the national movement, in areas such as national security and settlement, and even to sacrifice their lives for the advancement of these causes.

My second claim is that Jewish nationalism and Jewish religion function in synergy with each other, i.e. they mutually reinforce each other. For many years, it was assumed that the rise of nationalism in modernity was at the expense of religion: nationalism ascended and religion descended. This assumption was part of the secularization thesis identified with Max Webber and Emile Durkheim. However, since the beginning of the twenty-first century this view is replaced by a different understanding of the inter-relationship of nationalism and religion, namely that national movements draw on religious contents; that religions endorse and propagate national contents; and that national movements and religions mutually reinforce each other. The inter-relationship of Jewish nationalism and Jewish religion is a case in point. Because Judaism is both a nationality and a religion, Hebrew, the national language, is dense with many religious expressions; many national ceremonies and festivities include religious contents; many religious festivities include national contents; and many official texts to which the Israeli citizen is exposed on a daily basis contain an inseparable combination of national and religious contents.

If my two claims are correct, then the question arises: if Israel's liberalism managed to survive reasonably well since the inception of the state in this environment of Jewish nationalism and Jewish religion, maybe the warnings of Sternhell and others are exaggerated, and Israel's liberal democracy will continue to exist in its current form in the coming years too?

In answering this question, I wish to point out four developments that have taken place in Israel and that are the source of claim that Israel's liberal democracy is in jeopardy.

### **First Development: Dominance of the Territorial Element in Israel's Nationalism**

The first development is the growing realization in Israel and in the world that Israel's right-wing governments prefer the continuation of the occupation, and the expansion of the settlement project under the auspices of the occupation, to reaching peace with the Palestinian people and with Arab states in the region.

These priorities of Israel's right wing are evidenced by the conduct of Israel's right wing government and by development taking place on the ground, in the occupied territories, such as expulsion of Palestinians from their land, as well as all kinds of harassments of Palestinian meant to make them give up and immigrate from the occupied territories. The priorities of the right wing governments were given an almost official seal in December 31, 2017 when the Center of the ruling Likud party passed a decision calling upon the party's representatives in the Knesset "to apply Israel's law and sovereignty on all the liberated spheres of settlement in Judea and Samaria."

This development was part of a change in the internal elements of Jewish nationalism that took part in the five decades since the Six Day War.

Under the labor movement, Jewish nationalism was founded on five elements: (a) uniting the Jewish people (b) in its historical territory (c) in order to gain state sovereignty in the territory (d) formation of a society based on social justice, and (e) elevation of the intellectual and moral standards of the individuals living in the new society. Shlomo Avineri writes that in the period between 1948-1967 there was no serious political initiative in Israel aimed at expanding the state's boundaries beyond those determined at the termination of the Independence War. Avineri claims that had Jordan made an offer for peace in that period, Israel would have accepted it and would have agreed to what is known as the 1967 borders. However, all of that changed in the five decades since the Six Day War. Some elements of Jewish nationalism, such as the attainment of political sovereignty, materialized, while others, such as the formation of a society based on social justice and the elevation of the intellectual and moral standards of the individuals living in the new society – decayed. This made the territorial element the central element of Jewish nationalism since 1967, with the Likud party making the far-reaching historical decision to prefer the project of deepening Israel's hold over the West Bank

to the national goal of reaching peace with the Palestinian people and the Arab states of the region.

Needless to say, in this context as well we witness the synergy between Jewish nationalism and Jewish religion. The labor movement treated the Land of Israel (Eretz Yisrael) in nationalistic terms, i.e. it viewed it as the historical homeland of the Jewish people. But under the influence of the theology of Rabbi Kook, Gush Emunim and some *yeshivot* in the occupied territories have rejected the view that the land of Israel is the homeland of the Jewish people, and advanced, in its stead, a wholly new perception, according to which the land is the site for the renewal of the covenant between the people and God, and the site in which the holy people of Israel unites with the holy land of Eretz Yisrael as the first step in a cosmic process of global redemption.

There is a complex point here, however. Israel's right-wing governments have not officially renounced the Oslo Accords made by the Rabin government in 1993 and 1995. Moreover, in January 1997, the first Netanyahu government accepted the Hebron Protocol; in October 1998 it accepted the Wye River Memorandum; in 2002 the Sharon government accepted President Bush's Roadmap for Peace. All of these international agreements meant retreat of Israel from major portions of the West Bank and power sharing with the Palestinian Authority.

In addition, in his Bar Ilan speech of June 14, 2009 Prime Minister Netanyahu said:

“[W]e must state the whole truth here. The truth is that in the area of our homeland, in the heart of our Jewish Homeland, now lives a large population of Palestinians. We do not want to rule over them. We do not want to run their lives. We do not want to force our flag and our culture on them. In my vision of peace, there are two free peoples living side by side in this small land, with good neighborly relations and mutual respect, each with its flag, anthem and government, with neither one threatening its neighbor's security and existence. ... [I]f we get a guarantee of demilitarization, and if the Palestinians recognize Israel as the Jewish state, we are ready to agree to a real peace agreement, a demilitarized Palestinian state side by side with the Jewish state ... The territorial issues will be discussed in a permanent agreement. Till then we

have no intention to build new settlements or set aside land for new settlements. But there is a need to have people live normal lives and let mothers and fathers raise their children like everyone in the world.”

Words are important. But deeds are as important as words, if not more important. As John Locke said: “Deeds speak louder than words.” In the same vein, John Mitchel, President Nixon’s first Attorney General, famously said: “Watch what we do, not what we say.” And as lawyers, since Roscoe Pound’s 1910 classic “Law in the Books and Law in Action” we are well aware of the gap that may exist between words and deeds.

So it is true that since 1993 Israel, including its right-wing governments, accepted a series of international obligations that are meant to make Israel retreat from wide areas in the West Bank, but in contrast to that, under the auspices of these international obligations, Israel very much expanded the settlement project, and it treats the territories as if it intends to preserve its control over them for indefinite time. This impression, together with the miserable conditions of the Palestinians living under Israeli occupation, bred widespread activities in both Israel and the world against the prolongation of the occupation and for improving the condition of the Palestinians living under the occupation.

These activities against the occupation were carried on mainly by several human rights organizations established in the past two or three decades with the aim of identifying human rights violations by the IDF and by the settlers in the occupied territories: Physicians for Human Rights was established in 1988; B’Tselem was established in 1989; Breaking the Silence was established in 2004; and Yesh Din was established in 2005. The activities of these human rights organizations has been accompanied by press coverage on the part of some Israeli journalists, as well as by activities on the part of some human rights organizations and journalists from abroad.

It is a truism that technology has profound and widespread cultural effects. The two obvious examples of the twentieth century are the pill and the airplane. Clearly, an important example of the twenty-first century is the smartphone with its built-in video camera. It is too early to fully asses the cultural implications of this new technology, but it seems to me that we may safely say that it has had important influence on the ability of both the inhabitants of the occupied territories and human rights organizations to document instances of human rights

violations in the territories and to immediately transmit evidence of these violations to the global media, to the social networks, etc.

All of this in turn led to counter measures on the part of state authorities and right-wing civil society organizations against those who oppose the occupation, act against it, and expose human rights violations that take part under it. The conclusion is clear: the continuation of the occupation threatens the continued existence of Israel's liberal democracy.

### **Second Development: Gaza**

The second development is that in the past decade three major wars broke down between Israel and Gaza: Cast Lead Operation of 2008-2009; Pillar of Defense Operation of 2012; and Protective Edge Operation of 2014. These three wars took place in a densely populated area. Therefore, they had the following three characteristics: death and injury of many thousands of Palestinian military men and civilians; total destruction of thousands of residential buildings, and severe damage to dozens of thousands of other buildings; destruction of or damage to many civil infrastructures, such as power stations, water stations, road, education institutions, and hospitals. The Israeli government and the IDF claimed that they were doing their best to limit the adverse effects of the wars in Gaza on civilians, but any time such wars erupted, human rights organizations in Israel and in the world, initially formed for tracking human rights violations in the occupied territories, diverted their activities to Gaza and protested against Israel's deeds there. These human rights organizations were accompanied by politicians – mostly Israeli Arab politicians. State authorities and right-wing civil society organizations reacted by taking measures against those who opposed the IDF's actions in Gaza. This means that it is not only the occupation that threatens Israel's liberal democracy; the wars in Gaza do that, as well.

In the course of the Gaza wars and after them Israel was denounced in demonstrations held in dozens of cities in the world, as well as in pronouncements made by heads of states and public figures in the world. In addition, Israel's conduct was denounced by the UN Security Council, and a series of states severed their diplomatic relations with Israel. Parallel to that, a rise in anti-Semitic incidents in the world was noted.

Following Cast Lead Operation of 2008-2009 the Human Rights Council of the United Nations appointed a Fact Finding Mission on the Gaza Conflict, headed by Judge Richard Goldstone. The Report of the Committee determined that in systematically killing civilians, Israel violated the Law of War, and maybe even committed crimes against humanity. The Report recommended that its findings would be transferred to the International Criminal Court at the Hague and to the UN Security Council.

These last developments made it easy for the government and for right wing civil society organizations to portray Israeli human right organizations and Israeli Arab politicians as anti-patriotic, and even as traitors. With such tagging, the road became clear for all kinds of restrictions applied against these organizations and politicians.

### **Third Development: The Rise of a Discourse of Colonialism**

In the research on Zionism and the State of Israel, there is the colonialism paradigm. The roots of this paradigm are in the writings of communist thinkers and activists in Palestine of the 1930s. According to this paradigm, the best way to understand the Zionist project in Palestine is by applying the colonialism paradigm and claiming that the Zionist movement created in Palestine a society premised on principles similar to those of colonialist societies in the world: military domination; settlement; exploitation or exclusion of native inhabitants; propagation of a claim that the in-coming settlers have an original right to the territory; propagation of the claim that the settlers enjoy cultural superiority over the native population and that this justifies the settlers' deeds.

However, the colonialism paradigm was criticized by other scholars. It has been claimed that it reduces Zionism to one single element of it that should not necessarily be viewed as the its central element. It has also been claimed that the paradigm disregards important differences between Zionism and other colonial projects: the return of the Jews to their historical homeland; immigration to the new country based non-economic motivations; the absence of exploitation of the cheap work force of the native population; the absence of a hinterland state that sent the settlers and that provided them with support; the aim of Zionism to establish a safe haven for a persecuted people; the striving for a socially just society and for the elevation of the intellectual and moral standards of the settlers.

Researchers claiming that Zionism needs to be understood within the framework of the colonialism paradigm see the occupation of the West Bank and the post-1967 settlement project as the natural extension of Zionist colonialism in Palestine in the pre-1967 era. Put differently, these researchers conduct “reverse engineering” and claim that from its very inception Zionism was a colonialist project, namely that even in the period of 1967-1948 Israel was a colonialist state. However, what is noteworthy is that a series of researchers and thinkers who do not accept the colonialism paradigm with regard to pre-1967 Israel use the term “colonialism” when referring to the post-1967 settlement project in the occupied territories and see this project as a sharp deviation from traditional Zionism. For example, Jacob L. Talmon, who more than once wrote enthusiastically about the achievements of Zionism, and who was active for the Zionist cause in 1940s London, wrote a few years after the beginning of the settlement project: “We have become colonialist conquerors. In vain we shall cry that we are not like that; that we are returning to the areas of a homeland controlled by strangers; that our emotions, strivings and desires are pure, idealistic and totally distinct from the motives of imperial conquerors and settlers.” David Kretzmer wrote that the regime operated by Israel in the West Bank “has become much closer to a colonialist regime than to one of belligerent occupation.” Zeev Sternhell wrote in 2008 that the settlement project created “an original androgynous: colonialist Zionism.”

Side by side with the argument that identifies the occupation with colonialism, beginning in the 1990s we witness the rise and spread of another claim, namely that Israel constituted and operates in the occupied territories an apartheid regime. This claim was raised both in Israel and in the world. The apartheid argument was advanced by those who apply the colonialism paradigm to Zionism, but it went beyond them. Jacob L. Talmon cautioned early on in the process that if the occupation would last, “Israel’s existence won’t be justifiable, and Israel would not be entitled to demand assistance [from the world], for it would be a state whose regime is one of oppression, the sort of Rhodesia.” David Ohana wrote that “those who are not satisfied with a Jewish state in parts of Eretz Yisrael will end up having an apartheid state in all of Eretz Yisrael.” David Kretzmer wrote that many critics noticed the parallels between the legal system constituted by Israel in the territories and an apartheid regime. Zeev Sternhell said in a press interview in 2014: “he who has eyes in his head understands that the situation in the West Bank is one of apartheid.” Sternhell added that Israel maintains in the territories “a masters’

democracy that subordinates another people in alarming naturalness and that runs in the areas of occupation a regime of apartheid.” A 2017 editorial of Haaretz, coming up against the Nation-State Basic Law, argued that the reason for the enactment of this Basic Law is the intention of the government to annex the occupied territories without granting citizenship to the Palestinians living in them, and by that to preserve the control of the Jewish people “in an apartheid state, with a Palestinian majority that lives in subordination to the Jewish people.” And the editorial added: “The Nation-State Law is the legal cornerstone of apartheid greater Israel.” In a speech delivered a short time before his passing away, Meir Dagan, formerly head of the Mossad, said: “I do not want a binational state. I do not want an apartheid state. I do not want to control the lives of three million Arabs.”

We need to bear in mind the severity of the allegation that Israel maintains an apartheid regime in the occupied territories: apartheid is a crime against humanity, and since the mid-1970 the struggle against it has become “a symbol of the human rights revolution, as well as this revolution’s greatest achievement.” And needless to say how injurious an allegation of racism is to members of the Jewish people.

The identification of Israel with colonialism and even with apartheid became widespread in the world since the 1990s. In 2005 the BDS Movement – Boycott, Divestment and Sanctions was launched. The movement calls for economic, academic and cultural boycott of Israel, mainly (but not only) because of the continuation of the occupation over the West Bank. The movement’s activities include propaganda, demonstrations, petitions, persuasion and boycotting of public figures and artists who collaborate with Israel and who perform in Israel. One of the major propaganda events of the movement is the Israel Apartheid Week, held on an annual basis in campuses in the world.

The reaction of politicians and right wing civil society organizations to all of that is to tag those who oppose the occupation and the settlement project, as well as those who oppose the IDF’s actions in Gaza, as non-patriotic, and even as traitors. Put differently, these politicians and right wing organizations present any disagreement with government policies as opposition to the very existence of the State of Israel, not as legitimate opposition to the policies adopted and carried out by this or that government. Needless to say, anti-occupation human rights organizations act within the boundaries of the law, and in that they differ from activity of the

type of civil disobedience, which openly and intentionally violates the law. However, there is some similarity between the activities of such human rights organizations and civil disobedience activities, at least as John Rawls defines “civil disobedience, in that in both cases a group of citizens aims at effecting change in the law or in a government policy for the reason that the law or the policy deviate from what is held by the protestors to be the principles on which the state’s regime is founded. Put differently, anti-occupation human rights organizations aim at preserving human rights, morality of combat, and the stipulations of the law of warfare, that for them are an important part of the liberal regime of the state.

#### **Fourth Development: Escalation of the War of Cultures (Kulturkampf)**

In the course of the last two decades of the eighteenth century, a Jewish Enlightenment movement [*Haskalah*] developed in Germany. The Jewish Enlightenment challenged the confinement of Jewish culture to its halakhic contents and the exclusivity of the leadership of the rabbis. The *maskilim*, as the supporters of this endeavor came to be known, strove to create a fusion between Judaism’s religious legacy, on the one hand, and the philosophy, the sciences, and the secular culture of the European Enlightenment on the other. They sought to reshape Jewish culture, identity, education and daily practices through reliance on elements borrowed from Western culture.

The rabbinic establishment understood the heresy embodied by the Enlightenment challenge to the exclusive role of Halakhah in the lives of the Jews. It also understood the threat that the Jewish Enlightenment posed to the rabbis’ own status as leaders of the Jews and as their mentors in day-to-day conduct. Following the consolidation of the Jewish Enlightenment into an institutionalized movement, a persistent, bitter, and at times violent struggle erupted between the *maskilim* and the rabbis—a *'kulturkampf'*—over the shaping of the culture, education and daily practices of the Jews.

Following the rise of Jewish Enlightenment, the war of cultures between religious Jews and secular, liberal Jews is a central trait of the history of the Jewish people in the past two centuries. In the years 1882-1897, it almost tore apart the Hibat Zion Movement, and in the years 1897-

1904 it almost tore apart Theodor Herzl's young Zionist movement. In the first half of the twentieth century, it seemed as if the secular option in Zionism won a decisive victory, but with the decline of the labor-led hegemony in the 1970s, and a new self-perception among religious-Zionists since the 1960 and 1970s as the ones who need to be the leaders of the new hegemony, the war of cultures re-erupted, and in high intensity. Since the beginning of the twenty-first century it seems that it escalated. Indeed, the term '*kulturkampf*,' which is used to describe the nineteenth-century struggle between the *maskilim* and the rabbis, has also been applied to the relationship between secular and religious Jews in late twentieth-century and early twenty first century Israel. The religious-Zionist group gained much confidence, and many influential figures in it began acting for the creation of a new balance between Jewish nationalism and liberalism in Israel with the clear aim of according superiority and primacy to the former over the latter. Since the Supreme Court, the number one agent for the introduction of liberal values into Israel's political culture since the inception of the state, positioned itself in the frontline of the war of cultures, it became a prime target on the campaign against liberalism launched by religious-Zionism. All of this had adverse effects on the stature of liberalism in Israel.

### **Conclusion**

It is not for me to predict whether Sternhell's and others' bleak prediction about the future of liberal democracy in Israel will materialize. However, I cannot conclude this essay without saying that some four decades ago such warnings have already been part of the life of Israel.

In February 1983, a Peace Now rally was held in Jerusalem to protest against the First Lebanon War and the then-Minister of Defense Ariel Sharon. A hand grenade was thrown at the demonstrators, and one of them, Emil Grintzweig, was killed. The next day, Professor Shlomo Ben-Ami, then chairman of the History Department at Tel Aviv University, analyzed the event in terms borrowed from the experience of Germany, Italy and Spain in the 1930s:

“The most relevant analogy for what is currently taking place in Israel is 1930s Europe. This is so mainly for the reason that in Germany or Italy of the 1930s, and also in Spain in certain periods, nationalization of patriotism took place: someone managed to monopolize patriotism and determine that his worldview is the one and exclusive worldview. According to this approach, it is absolutely impossible

for your political rival to be just. Once such an approach becomes dominant, everything becomes permissible. Politics ceases to be the realm of the debatable; it becomes the province of apocalypse. ... He who comes with a rational worldview that opposes the apocalyptic truth cannot be just and his blood is permissible.”

In 1984, Amos Kenan, a prominent journalist and writer, published a novel named *The Road to Ein Harod*. Its plot unfolds at the height of a military coup led by nationalist generals who have become tired of pointless political struggles. In the course of the rebellion, leftist supporters are persecuted and, when caught, summarily executed. Kibbutz Ein Harod is the leftists' last stronghold. The entire Arab population of Israel has been expelled to neighboring countries, and the conspirators are pushing Israel and the entire Middle East to the verge of destruction in a nuclear war.

In press reports, opinion columns and literature, the analogy between Israel in the 1980s and Germany, Italy, and Spain in the 1930s was indeed repeatedly invoked. Warnings abounded about the imminent collapse of Israeli democracy, Israel's transformation from a democratic into a “totalitarian” or “authoritarian” or “fascist state” and the public's yearning for a “strong leader.” Does that mean that we have to dismiss Sternhell's and others' warnings? I don't think so. We had to be on guard in the 1980s, and we have to be very much on guard now.