

Israel: A Democratic State?

Written by Martin Beck

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MARTIN BECK, AUG 25 2019

The issue of the democratic character of Israel is not only challenging from an academic perspective but also of high political relevance. During the period of the Cold War, Western support for Israel was scarcely contested as the country was widely perceived as an indispensable bulwark against Soviet influence in the Middle East. However, in the 21st century, the strategic value of Israel for Western foreign policies toward the Middle East has become disputed. Renowned scholars of International Relations such as John Mearsheimer and Stephen Walt (2007), whose policy advice is based on the idea of strategic Realpolitik, have even gone so far as to contend that US support for Israel counters American interests. In the light of a less obvious or even counterproductive strategic value of Israel for Western foreign policy interests, bonds with Israel that are based on shared values as expressed in notions such as the American “special relationship” with Israel (Reich 1996) and the German commitment that the existence of Israel is a “reason of state for Germany” have gained in significance in the political discourse. However, due to its prolonged occupation of Palestinian and Syrian territories, Israel’s human rights record does not qualify as an asset for Western claims that support of Israel is based on the pursuit of value-based foreign policies toward the Middle East. Thus, the idea of supporting Israel as a befriended democracy in the authoritarian environment of Arab states has become critical for the justification of Western pro-Israeli policies. The claim that Israel is a democratic state also plays a crucial role in the attempts of Western states to contain Boycott, Divestment and Sanction (BDS): The German parliament stressed in a resolution in May 2019 that Israel is a Jewish democratic state while attempting to delegitimize BDS, a social movement which, in the face of Israeli occupation of Palestinian territories, campaigns for sanctioning Israeli companies and institutions.

According to the Freedom House index, which is commonly taken as a reference source for assessing political systems as democratic or undemocratic, Israel is – and always has been – a democracy. Although Israel’s score of 79 is well below that of the three best performers (Finland, Norway, and Sweden, with a score of 100), it is better rated on the basis of political rights and civil liberties than some other major democracies, for instance India and Brazil (whose score is 77 and 78, respectively) and is listed among the eighty-eight countries that Freedom House evaluated as free in 2018. Thus, the question arises as to what the arguments of those who reject that Israel is a democracy are. The analyses of some publicists who deny that Israel is democratic is based on ad-hoc criteria that do not match scientific standards. This applies, for example, to Odeh Bisharat (2018), who claims that Jordan rather than Israel is the only democracy in the Middle East because “its king is more democratic”. Yet, there are also authors who attempt to prove the non-existence of an Israeli democracy using scholarly means. Recently, most prominent among them is Ilan Pappé, whose analysis centres around the idea that “the litmus test of any democracy is the level of tolerance it is willing to extend towards the minorities living in it.” He concludes that, “in this respect, Israel falls far short of being a true democracy.” Pappé actually shows that the State of Israel systematically discriminates against one-fifth of its citizens, i.e. those Arab inhabitants of the British Mandate of Palestine and their descendants who were not expelled or did not flee during the 1947–49 Palestine War.

The Debate on Israel as an Ethnic Democracy

There is a sophisticated debate surrounding Sammy Smooha’s model of “ethnic democracy” and its application to Israel, which was intensively conducted around the millennium and may help to shed light on the disputed issue of Israel’s character as a democratic state. Smooha (1997, 2002) explicates that Israel, albeit not qualifying as a liberal democracy, is still a democracy, “though not a first-rate Western democracy” (Smooha 2002: 496). Israel is not a

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liberal democracy as its Palestinian citizens do not enjoy equal rights. Rather, the state, which is “based on Jewish and Zionist hegemony and on structural subordination of the Arab minority” (Smootha 2002: 497) systematically discriminates against them. At the same time, Smootha (1997: 205, 234) outlines that Israel qualifies as a democratic state because Israeli Palestinians have full access to democratic political rights.

Smootha’s conceptualization of Israel’s political system has had a big impact on the scholarly debate surrounding Israel and has been adopted by many scholars; however, it has been also heavily criticized by competing camps, one of which insists that Israel is a fully fledged democracy, whereas the other argues on the contrary that Smootha’s application of his model to Israel camouflages its undemocratic character. The disagreement of the two camps is due to different concepts of what a democracy is. Alan Dowty (1999: 3–4) resorts to a ‘thin’ definition of democracy as first developed by the Nestor of research on modern democracy, Robert Dahl. According to Dahl (1971: 3), the following eight items are democracy prerequisites:

1. Freedom to form and join organizations
2. Freedom of expression
3. Right to vote
4. Eligibility for public office
5. Right of political leaders to compete for support
 - 5a. Right of political leaders to compete for votes
6. Alternative sources of information
7. Free and fair elections
8. Institutions for making government policies depend on votes and other expressions of preference

As Palestinian Israelis are not excluded from this catalogue, Israel as demarcated at the end of the Palestine War – commonly referred to as Israel in the borders of 1949 – qualifies as a democracy. However, in their critique on Smootha, As’ad Ghanem et al. (1998: 255) apply a ‘thick’ concept of democracy, according to which equality (and consent) is an “essential characteristic of a democracy”. As it is uncontested that Palestinian Israelis are discriminated against by their state, it is unsurprising that, on the basis of this definition of democracy, they conclude that Israel is not a democracy.

Applying a Thin or a Thick Concept of Democracy?

The academic discourse on thick versus thin concepts of democracy reflects that, in the end, the term democracy refers to an ideal that can hardly match with reality to its fullest degree (Dahl 1971: 7–8). This comes with the implication that any definition of democracy that is applicable to existing political systems in a meaningful way is, to a certain degree, arbitrary. If the criteria of equality as proposed by Ghanem et al. (1998) are applied to the fullest degree, hardly any political system would qualify as a fully fledged democracy, because most, if not all, political systems discriminate to a certain degree against some social groups, for instance on the basis of gender, sexual orientation, ethnicity, or social background. Therefore, it always remains disputable whether the extent to which Israel discriminates against its Palestinian citizens exceeds the limits that are tolerable for a state to qualify as a democracy.

Definitions are not to be assessed on the basis of whether they are true or false but whether they are appropriate and useful. In other words, whether it is preferable to apply a thick or thin concept of democracy depends on the study’s aim. For a researcher whose aim is to find out about the limits and challenges of democracies and what the conditions are under which political actors in a polity are ready to deepen democracy, choosing a thick definition of democracy appears to be reasonable. In the present case, however, the thin definition is preferable. Why this is so becomes clear when looking at the democracy index of the Economist Intelligence Unit (EIU), which operates as an alternative to the one provided by Freedom House. The index of the EIU, which is explicitly based on the idea that Dahl’s thin definition of democracy should be replaced by a thick one, includes in its definition of democracy more demanding aspects – in particular “political participation” and “political culture”. One of the results is that Israel qualifies as a “flawed” rather than a “full” democracy. However, in the EIU index only twenty states, which host less than five per cent of the global population, are ranked as full democracies. Thus, Israel is in the good company of fifty-

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four other flawed democracies – among them Japan, the USA, and France – that together host 43 per cent of the global population.

On the Extension of the Israeli Polity

If the assessment of whether present-day Israel in the borders of 1949 qualifies as a democracy is based on a thin concept of democracy, there can be no doubt that Israel qualifies at least as an ethnic, if not a liberal democracy. Yet, although Israel in the borders of 1949 equals how Israel as a state is commonly perceived today, empirically speaking there is in the present day no such thing as Israel in the borders of 1949: In June 1967, Israel conquered the Palestinian territories of East Jerusalem, the West Bank, and the Gaza Strip. These three areas and their Arab populations have been integrated into the Israeli political system in different ways. As will be shown in the remainder of this article, this strongly changed the Israeli political entity – or polity – and the character how authority is exerted in this polity.

Israel extended the municipal boundaries of West Jerusalem to the Eastern part of the town immediately after its conquest by the Israeli army and started ongoing Jewish settlement. In 1980, Israel codified the annexation of East Jerusalem by declaring Jerusalem the “complete and united” capital of Israel. Thus, according to the self-conception of Israel, East Jerusalem is an integral part of its polity. However, whereas the Jewish settlers in East Jerusalem enjoy full citizenship rights, the bulk of East Jerusalemites do not, which means that in 2018 nearly forty per cent of the inhabitants of Jerusalem had no access to citizenship rights. As Smootha (1997: 200, 202) convincingly argues, the granting of full citizenship rights to the minority is crucial for an ethnic democracy; it sets it apart from an undemocratic system labelled *Herrenvolk* democracy – literally “master-nation democracy” – by political scientist and former deputy mayor of Jerusalem, Meron Benvenisti. It is sometimes argued that Israel offered to the inhabitants of East Jerusalem full citizenship rights in 1967. Yet, this is not a convincing argument, as (conditional) offering falls short of unconditional granting, as implemented toward the Palestinians living in Israel after the 1949 Palestine War. Moreover, most applications for Israeli citizenship made by Palestinian Jerusalemites in the current decade were rejected or, particularly since 2014, not processed.

The way Israel integrated East Jerusalem into its polity is incompatible with democratic standards. Yet, what about the West Bank? The two cases are similar insofar as both East Jerusalem and the West Bank have been heavily settled by Jewish Israelis who, in contrast to the Arab population, enjoy full Israeli citizenship rights. Yet, in contrast to Palestinian Jerusalemites, West Bankers are not even eligible to apply for Israeli citizenship. This makes the Israeli reign over the West Bank appear to be another clear violation of democratic standards. However, another major difference between the two areas is that Israel has not annexed the West Bank. Thus, the claim that Israel is a liberal democracy or an ethnic democracy, as upheld by scholars Dowty (1999) and Smootha (2002), respectively, is, as Ghanem et al. (1998: 260) have shown, premised on the assumption that Israel's occupation of the West Bank is temporary. Such a view, however, faces severe challenges: Israel in the borders of 1949 as a political entity was in existence for less than twenty years, as East Jerusalem was fully integrated into the Israeli polity immediately after the June War 1967, whereas Israeli occupation and colonization of Palestinian territories has been ongoing for over fifty years. At the latest since the breakdown of negotiations in Camp David in 2000 and Taba in 2001, no Israeli government has shown any inclination to seriously negotiate a two-state solution (Beck 2019). Last but not least, it appears to be rather unlikely that even the most democratically inclined Israeli government could prevail against a powerful social movement upheld by over six-hundred-thousand Jewish settlers and their potent supporters in Israel and beyond.

The Gaza Strip differs from the West Bank insofar as its settlement, which from the onset had been miniscule in comparison to East Jerusalem and the West Bank, was terminated in 2005 under the premiership of the late Ariel Sharon. At the same time, Israel withdrew its army from within the Gaza Strip and redeployed it to the barrier separating Israel in the borders of 1949 from the Palestinian Gaza Strip as occupied by Israel since 1967; an integral part of Sharon's move was to maintain Israeli military control over access to and from the Mediterranean coastal strip by air, water and land. In June 2007, when Hamas seized power inside the Gaza Strip, Israel, in cooperation with Egypt, further strengthened its control over the Gaza Strip by establishing a fully fledged blockade. Israel's ongoing blockade of the Gaza Strip blatantly violates democratic principles. Gazans do not enjoy any political rights in the

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Israeli polity. When they nevertheless attempt to exert political rights, they pay an extremely high price. According to the findings of an independent international commission mandated by the United Nations Human Rights Council, between March 30 and December 31, 2018, one-hundred-and-eighty-three Gazans who protested against the blockade by participating in demonstrations that took place close to the Israeli separation barrier were shot to death by Israeli forces, and over six-thousand were injured by live ammunition. At the same time, Gazans are systematically prevented from building an autonomous polity of their own.

Conclusion

Quite a number of scholars have attempted to challenge mainstream academic assessment of Israel being a democracy by applying a thick concept of democracy. Notwithstanding the fact that it is intellectually not very challenging to show that Israel does not meet high democratic standards such as full equality of its citizens, these scholars have added value to the debate. However, their findings are academically and politically disputable. If a thick concept of democracy is applied, it is a rather easy academic endeavour to evaluate Israel as a flawed democracy – or even as bluntly undemocratic – but places it in companion with quite a number of other polities, such as the USA, which mainstream academia and hegemonic political actors uphold as democratic with no reservations. Politically, assessments of Israel as undemocratic which are based on a thick concept of democracy become rather easily the subject of refutation – either by unperturbedly hinting at the academic contestation of the finding or, alternatively in a more offensive way, by exposing the critics of Israel as hypocrites who apply higher standards of democracy to the polity of Israel than to others.

This article has shown that also when applying a thin concept of democracy in the spirit of Robert Dahl, strong arguments point into the direction that Israel does not constitute a democratic polity. Israel in the borders of 1949 is indeed democratic. Yet, Israel in the borders of 1949 is not an empirically pertinent political entity. Although East Jerusalem has been explicitly integrated into the Israeli polity, Israel has refrained from extending full citizenship rights to all inhabitants of Jerusalem, in clear violation of democratic values. Moreover, the Israeli reign over the West Bank and the Gaza Strip would only not violate democratic standards if occupation were temporary. However, after more than fifty years of colonizing East Jerusalem and the West Bank and more than ten years of blockading the Gaza Strip, the assumption that occupation is temporary lacks plausibility. It is very unlikely that Israeli occupation of Palestinian territories will come to an end in the foreseeable future, particularly as since the millennium, no serious Israeli attempt at implementing the Palestinian right to self-determination has been empirically observable. As Israel has established an undemocratic reign in Jerusalem and as it is highly doubtful whether it honestly intends to terminate occupation in the West Bank and the Gaza Strip, Western justification for strongly supporting Israel in their foreign policies and containing the BDS movement on the basis of portraying Israel as a democratic state is not well-grounded.

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About the author:

Martin Beck is Professor in International Relations at the School of Social Sciences at the University of Kurdistan Hewlêr, Iraq. He is also affiliated with the University of Southern Denmark (SDU). His main research interests are international relations and the political economy of the Middle East, in particular regional power relations, the Israeli-Palestinian conflict, oil politics and comparative analyses of rentier states. He is co-editor of *Oil and the political economy in the Middle East: Post-2014 adjustment policies of the Arab Gulf and beyond* (Manchester University Press, 2021). In 2020, he served as co-guest editor for the special section Fluctuating Regional (Dis-)Order in the Middle East published in *Global Policy* 11(1). You can follow him on ResearchGate and on twitter @martinbeck23.