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DEMOCRACY AGAINST ALL ODDS

Einat Wilf and Shany Mor

“WHAT IS the Jewish state?” This is the title of a talk Einat Wilf thoroughly enjoys giving, particularly to delegations—mostly of non-Jews—who come to Israel for the first time. At the outset, Wilf promises the delegates that, if successful, at the end of her talk, her listeners will be more confused about the issue than they are at the outset.

In the talk, Wilf walks through the span of Jewish history, emphasizing the manner in which modernity gave birth to a wide variety of Jews, including devout atheists and committed Zionists such as herself, all the way to Haredi Jews, whose raising of the walls is in itself a modern phenomenon, conceived in response to the challenge of modernity.

Once the listeners’ heads spin with Zionist atheists, Haredi Jews, Religious

Zionists, Reform and Conservative, and just plain Yom-Kippur-synagogue-attending-Shabbat-driving-shrimp-eating Jews, Wilf explains that in the absence of a Pope and a Church hierarchy, and given that Jewish texts and traditions created over thousands of years offer sufficient material to support every possible world view, Jews have no way to determine what is the ‘right’ way to be Jewish and the ‘wrong’ way to be Jewish. Jews are then left with no choice but to do what they are known for doing: *arguing*.

DEFINING ISRAEL

From here emerges Wilf’s definition of the Jewish State, which she calls “the definition to end all definitions”: *The Jewish state is the one state in the world where we get to argue about what it means to be the Jewish State*. Herein lies the essence of the Jewish State: the

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Photo: Guiliver Image/Getty Images

Arguments abound and debates thrive in the Israeli Knesset

ongoing debate about its very nature. And this has been the case ever since the days of the First Zionist Congress. Zionism and the State of Israel have always been sites of an ongoing and fierce debate about the very fundamental question of what it means to be the Jewish state.

This has been the key insight of Zionism. Contrary to the common view that great undertakings require unity, Zionism progressed through unity-in-diversity. Yes, there was a broad agreement to move forward to some form of Jewish self-government—there was no agreement even that it should be a

state—but beyond that, everything has been up for debate.

One could add that a culture of argumentation was already embedded into Jewish life—after all the Talmud is the classic example of the canonization of debate—but Zionism and the State of Israel are unique examples of a movement of national liberation and a state which were established as ongoing debates.

Even the very location of the future self-governing entity was an open question—for instance, at the Sixth Zionist Congress (1903), the plan to settle Jews in Uganda was fiercely debated.

The fact that the sessions were so impassioned that it was dubbed The Congress of Tears, without, however, bringing the entire Zionist enterprise to a screeching halt, is testament to the extent to which inclusion and debate had become markers of the Zionist enterprise a few short years after its ceremonial inception.

The intense debate that was the Zionist Congress became the Parliament of the State of Israel—the Knesset. But the Knesset had a unique mark, which the Zionist Congress did not possess, being a voluntary association: it brought into the debate two groups that became part of the State of Israel very much involuntarily: Arabs and Haredi Jews.

Arabs citizens of the State of Israel were understandably less than excited that they had lost the war against partition and had become citizens of a state they never wanted. Haredi Jews viewed the entire Zionist enterprise as a rebellion against God and Messiah—as indeed it was—and were, at best, deeply ambivalent that it was the godless communists of early Zionism who had brought about the establishment of the third sovereign state of the Jewish people. In fact, had it not been for the Holocaust, the vast

majority of them would not have immigrated to the newly established state for the purpose of rebuilding their world of Eastern European Yeshivas, which had been annihilated by Nazi Germany.

Having spent more than 50 years fiercely debating the Zionist project, it was logical, if not very natural, to extend the debate to those groups who became

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citizens of the State of Israel, regardless of their views. From its onset, the State of Israel became a fierce debate over what it means to be the Jewish state, with the debate conducted now not only among Zionist Jews, but expanded to include the views of anti-Zionist Arabs and anti-Zionist Haredi Jews. The elected parliament of the State of Israel became a place where those who argued

against the very existence of the State of Israel, or at the very least made it clear that they could very well do without it, were represented: something which does not exist in any other parliament in the world.

DEMOCRACY AS NECESSITY

Several times, as a Member of Knesset, Wilf sat on the plenary floor and listened to colleagues who said that Israel was an Apartheid colonialist

state whose days are numbered, others who pined for the building of the Third Temple and the return of the Messiah, and still others who claimed that studying ancient Jewish texts was far more valuable than defending the State of Israel. At those moments, she found herself doubting that there is any other parliament in the world that gives space for such broad debate about the very basic idea of what the country means.

What makes Israel a democracy is necessity. Israel is a democracy not because it has a beautifully written constitution that guarantees democracy. It doesn't. Israel is a democracy not because its founding parents read John Locke or John Stuart Mill. They may have, but they also read

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Karl Marx and Leon Trotsky. Israel is a democracy because democracy was the only available mechanism to mediate and settle the fierce debates about what it meant to be the Jewish state.

Perhaps the notion that Israel became a democracy out of necessity sounds less inspiring, as if somehow such a democracy is 'less noble' and 'less worthy,' but over time, just as having no choice in war has meant that

Israel had to win, having no choice but to be a democracy has meant that, over time, Israel has become one of the world's most successful and effective democracies.

Seventy years after declaring independence, Israel is the world's tenth oldest continuous democracy. It had

universal suffrage from its first day—yes, Arab citizens too, and it has continued to operate without military coups, civil wars, emergency governments, suspensions of basic political or civil liberties (no opposition leaders in jail), or canceling of elections to this day, surviving even the assassination of a prime minister.

Israel was not the only newly independent state to emerge in the aftermath of World War II and to begin its days as a democracy, but it has been the only one to never fall, even temporarily, into some kind of authoritarianism.

Even compared to more established and wealthier democracies, Israel can be proud of the stability and longevity of its democracy. Its first parliament sat in 1949 and was empowered by an electorate of all its adult citizens counted

equally. The first Belgian Parliament to count women's votes equally was only convened later that same year; the first British Parliament to be elected without the practice of 'plural voting' was elected the following year, in 1950.

The final restrictions on women's voting in Switzerland were revoked only in 1990. The vote was only guaranteed for African Americans in the United States in 1965; restrictions on the voting rights of aboriginals in Australia were lifted in 1962; restrictions on the voting rights of first peoples in Canada were definitively lifted in 1960.

Israel is one of only 20 or so countries (out of 200) that has been rated *free* by Freedom House in each of its annual reports since the organization started keeping track of democracy around the world nearly half a century ago. Of the very few countries that have been practicing democracy uninterrupted longer than Israel, most have only done so for slightly longer than Israel (Denmark, Netherlands, Norway, Sweden), and none have done so in conditions of ongoing conflict, repeated wars on multiple fronts, terrorism, waves of immigration in unparalleled proportions, and a population of vast linguistic, national, religious, and ethnic diversity.

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It is precisely this stunning achievement under such difficult conditions that makes Israel's quite imperfect—necessarily imperfect—democracy such a fascinating topic of study. In fact, anyone interested in democracy *per se*

should be very interested in studying Israel, even if they have no interest in the specific Israeli story, Judaism, Zionism, or the conflict.

So, Israel is very much a democracy. But that does not mean

that everyone who participates in the democratic system is a democrat. In fact, many have decidedly undemocratic and certainly illiberal visions for the state and society. But since none of the non-democratic and illiberal forces within Israel are capable of imposing their will—as loud as they may be—Israel's democracy remains vibrant. This is why the system should not be changed.

In a book that Wilf purposefully titled *It's Not the Electoral System, Stupid* (2013), an argument was made against the popular cause of electoral reform. In parallel, Shany Mor wrote an essay published in the very first issue of the Israeli journal of contemporary ideas and discussion *Fathom*, titled "The Accidental Wisdom of Israel's Much Maligned Electoral System." As two of

the few voices speaking out in defense of Israel's parliamentary system, we bonded in the recognition that, by any objective standard, Israel's system is no worse than any other democracy to which we like to compare ourselves. But we have come to believe increasingly that, in the specific context of Israeli society and history, the system has not only been 'not worse'—it has been our saving grace. Contrary to the view of many 'solutionists' in Israel, not only would

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Israel's problems not have been easier to 'solve' in another system, but it is that particular system, with its possibility of debate, that has contained the danger of dictatorship, civil war, and violence. In Israel's electoral system, practically every worldview is represented, and so has a voice.

Shany Mor has put forward the argument that what makes a democracy is "the habit of legitimate debate." Democracies are not marked only by the presence of parliaments or elections. Dictatorships and oppressive theocracies often also hold 'elections' and have 'parliaments.' The essence of a democracy emerges not from its formal structures, not from its constitutions, and not even from its laws. Rather, it emerges, over time, in *the continuous demonstration of the habit of legitimate debate.*

This means that debate is a habit—a muscle that is regularly flexed—and it is seen as legitimate. It means that the parties to the debate, having yelled at each other, accept that they are all legitimate members of the body that debates.

In Israel, the greater the debate, the stronger the democracy. As much as Israelis might crave consensus, it is in periods of greater consensus that Israeli democracy has been weakened,

and in periods of great strife that Israeli democracy has shown itself to be vibrant. This is the paradox of Israeli democracy; it is more democratic, more open, more inclusive, and more liberal than at any point in its history, but there is greater voice and representation for illiberal, religious, and supremacist worldviews that were once suppressed in the debate.

DEMOCRACY AND THE TERRITORIES

All of this is true for the sovereign State of Israel, within what is known as the pre-1967 lines, or, more accurately, as the 1949 armistice lines. Those are the lines that separate the State of Israel from the territories acquired in the 1967 Six-Day War. Initially, all of these territories, tripling Israel's pre-1967 size, came under military occupation.

There is a common mistake and misperception that occupation of territory is illegal. One is often likely to hear that “the Israeli occupation is illegal.” Military occupation of territory acquired in war is actually legal, sanctioned by international law in both The Hague Convention of 1907 and the Fourth Geneva Convention of 1949.

Both these documents specify the responsibility of occupying powers, but the occupation itself is legal.

The underlying assumption of the legality of occupations, and the reason that, as such, they do not challenge the democratic nature of the occupying power—such that it is—is that they are temporary. That is, the occupying power holds

on to the territory until conditions enable the attainment of peace or an end to hostility. For example, the American occupation of parts of Germany ended officially in 1990, and no one has ever challenged America’s democracy on those grounds.

Ever since 1967, Israel has indeed demonstrated that it views the occupation of the various post-1967 territories as temporary, and when

it did have claims on the territory, it annexed in a way commensurate with its democracy as demonstrated in the following instances:

One, the Sinai Peninsula was handed over to Egypt as part of the 1979 peace agreement.

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Two, the sparsely populated Golan Heights has been annexed to Israel, with all residents wishing to do so becoming citizens of the State of Israel. With regard to the few who have chosen not to attain citizenship, the reason comes down to the fear that, should the Golan Heights be handed over to Syria, the fact that they have assumed Israeli citizenship will be viewed as a

dangerous form of collaboration with the enemy. The possibility of trading the Golan Heights for peace with Syria has been repeatedly pursued by successive Israeli governments, but with the situation in Syria as it is, it is highly likely that the Golan Heights will remain part of Israel and its democracy for the foreseeable future.

Three, the Gaza Strip, under Egyptian military occupation until 1967,

was under Israeli occupation between 1967 and 1994, when 80 percent of the Strip was handed over to Palestinian control, as part of an international agreement. In 2005, Israel disengaged from the remainder of the territory and made a full military and civilian retreat from every square kilometer of the area. Israel makes no territorial claims on Gaza, and, despite ongoing military hostilities, Gaza is not part of Israel. Israel is a democracy in an ongoing state of war with Gaza, but the war itself does not challenge Israel’s status as a democracy beyond the line that separates Gaza from Israel.

Four, within the West Bank, Israel has annexed some of the territory

to form the greater city of Jerusalem. The residents in the annexed territories have the option of becoming citizens of Israel’s democracy—an option that the vast majority have rejected, with the view that it is a form of collaboration with the enemy.

Five, the remaining territory of the West Bank was not annexed to Israel. While Israel does argue that it has legitimate claims to at least part of the territory, and while there are

those in Israel who demand that Israel annex large parts of it, the State of Israel has not annexed the West Bank. Moreover, Israel has, under successive governments, signaled its willingness to end the military occupation in a peace agreement with the Palestinians. This led to the Oslo Accords

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(1993), which today governs the lives of the vast majority of Palestinians, as a form of basic self-governance.

GETTING TO FINALITY?

In one form or another, Israel has divested itself from most of the territories it acquired by way of its stunning victory over three Arab armies in the Six-Day War. Israel has repeatedly demon-

strated that it views the occupation of those territories as temporary and has acted in accordance with that assumption. When it did not, it annexed certain territories and brought their citizens into Israel’s democracy. As a result, the status of most of the territories has been settled in a way that does not challenge Israeli democracy, and as a result Israel is in a gradual process of settling its final borders, as more and more of its Arab enemies are coming to terms with its existence.

The last remaining debate rages over Israel's eastern border and the status of the West Bank. The reason this debate still rages is that, despite bold attempts by Israel in 2000 and 2008 to end the occupation of the West Bank in a full peace agreement with the Palestinians that would have settled all claims, a Palestinian 'yes' has not been forthcoming.

As a result, there are illiberal, messianic, and supremacist voices, represented in Israel's parliament, that propose a vision of Israeli permanent control over the territory, and one that would deny its Palestinian residents full rights. Should they succeed—which, contrary to the sharp debate, they are a long way from achieving—it would indeed mean that Israel is no longer a full democracy of all of its citizens.

But Israel's 70 years of vibrant debate is the most powerful bulwark we have against such a scenario. Admittedly, it is not pleasant to hear these voices in Israel. As a former Knesset member, it would have been much nicer for Wilf to hear variations of herself from the podium of the plenary sessions, but it is part of the very essence

of living in a democracy that we feel, as Shany Mor puts it, that there is "not enough of me, way too much of them," but we learn to live with that feeling.

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The Israeli parliament is the most diverse workplace in Israel. Every one of the 120 members of the Knesset must contend daily with acknowledging that those whom he or she believes are leading the country on the road to Hell have an equal vote and an equal say in shaping the future of the country. Israel's democracy forces us all to realize that the right of all participants to shape

the future is equal to one's own—even though what we would really like is for them to disappear.

Israel can boast of numerous achievements, but perhaps none compares to sustaining 70 years of fierce debate. And, as we look to the future, the fact that each of us has the feeling that there are still "not enough of me and way too much of them" means that we can all agree on one thing—given how each one of us fears that 'the others' might take over, it is far better for the debate to continue than for it to be settled. ●