

The Internal Threat: The Debate about Israel's Identity

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Existential threats are not limited to external physical dangers to the state's existence; they can also be internal threats to the state's defining character and identity, which are essential both for maintaining its security pillars as well as its resilience in a challenging regional environment. In Israel's unique context, realizing this threat would signify the loss of the state's Jewish or democratic character, or it could mean the internal disintegration of Israeli society to the point of deteriorating into civil war.

Although it is difficult to predict how Israel's internal reality will develop in the coming years, we can analyze the current situation and identify factors that could transform this situation to the point Israel's identity is under threat. Internal processes that undermine society usually occur gradually, and the damage is sometimes discovered only in the final stages of the process; thus it is not enough to identify dramatic events that could create an immediate threat. Rather, we must also identify confluent trends and processes, which singularly are limited in scope, but together can lead the state in a dangerous direction. It is critical to identify these early enough to enable action when it is still possible, and before it becomes too late.

In this chapter, three threat profiles are analyzed: first, the loss of the state's democratic identity; second, the loss of the state's Jewish identity; and third, a civil war following the disintegration of Israeli society. The three scenarios are briefly presented along with the interfaces between them and

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the secondary threats that could develop as a result. The current situation is then examined in relation to each scenario. Possible causes that could influence the development of the scenarios are presented, and their possible impact on each scenario is analyzed. The chapter ends with a conclusion and policy recommendations.

The Threat Scenarios

The loss of the state's democratic identity

A state's democratic identity is based, first and foremost, on the existence of formal democratic processes and institutions. The most essential requirement is holding free and credible elections, in which all citizens can vote and be elected, whatever their opinion or political stance, the results of which are determined at the ballot box according to the majority of voters. It is also crucial to maintain a system of checks and balances between the branches of government—the legislative, executive, and judicial branches. Having a functioning and independent legal system is especially important, as is law enforcement. In addition, democracy requires upholding freedom of expression, which includes also academic and cultural freedom, and a free and fearless media. A genuine democratic regime also entails maintaining democratic values, mainly respect for human rights, ensuring equality among all citizens, and protecting the rights of the minority from the will of the majority. To preserve a functioning democracy the rule of law is of utmost importance. This includes ensuring that the law is made known to the public and that the government is subject to the law. Thus, a scenario of Israel losing its democratic identity could occur when one or more of these elements is being significantly and continuously compromised.

The loss of the state's Jewish identity

Maintaining Israel's Jewish identity means safeguarding characteristics and expressions that make Israel a Jewish state. These include symbols, such as the state's flag, emblem, and anthem, and practical elements—such as having the Jewish Sabbath as the day of rest, employing Hebrew as the official language, requiring public bodies such as the army to keep kosher, and so forth, all determined in Israel's early years. Israel's unique identity as the state of the Jewish people is also expressed in the Law of Return, which states that every Jew has the right to immigrate to Israel and immediately

receive citizenship.¹ In addition, this special identity is expressed by Israel's commitment toward the entire Jewish people, including Jews in the diaspora. On a practical level, Israel maintains its Jewish identity by having a Jewish majority that can effectively control the state. A scenario in which Israel loses its Jewish identity could take place if it was to abolish its Jewish symbols and character or if it was to cease being the nation-state of the Jewish people.

Civil war: The disintegration of Israeli society

Israel is fragmented into different sectors who do not share the same world view. This rift within society could become a threat scenario if it leads to the outbreak of a civil war. Although the concept of "civil war" has different definitions, for the purpose of this discussion, it is defined as the existence of a violent conflict between organized groups or between an organized group and Israel's government, which would result in a significant number of casualties.²

A civil war in Israel could break out as a result of nationalist motives between Jews and Arabs or ideological-political motives between those who advocate opposing worldviews. In addition to the extreme case of a civil war, less severe cases could still have dire consequences, including civil disobedience and violent insurgency that fall short of developing into a full-fledged civil war.

Interfaces between the Threat Scenarios and Secondary Threats

Some of the scenarios discussed above could cause a domino effect that extends beyond the initial threat profile. Any harm to Israel's Jewish identity, for example, could cause internal struggles among Israeli citizens and erupt in a civil war; the government could then take serious steps that restrict individual rights, such as the freedom to demonstrate and the freedom of expression, all weakening the state's democratic identity.

The realization of these threats also increases the fear that Israel's security pillars could be eroded vis-à-vis external existential threats. For example, if Israel loses its democratic identity, this could jeopardize its relations with other countries, to the point where it could be internationally isolated because it would no longer share common values with some of the Western states (the threat scenario of a severe undermining of Israel's foreign relations is examined in the previous chapter). A change in the Jewish character of the

state or its democratic character could strain its connection with diaspora Jewry; this connection has strategic importance (see the previous chapter).

Furthermore, a change in the character of the state—whether due to the loss of its democratic or Jewish identity—and a civil war or large-scale civil unrest could result in a mass emigration from Israel, especially among those who do not identify with the state's values or feel threatened. This scenario could lead to a brain drain and the loss of central pillars of Israel's economy.³ Diminished investments and loss of foreign tourism in Israel due to instability could also significantly damage Israel's economy. Similarly, non-democratic steps, such as curtailing judicial supervision, could also lead to significant blows to economic growth and foreign investment in Israel.⁴

Analysis of the Current Situation

The democratic identity of the state

As of 2019, Israeli democracy seems strong and well-established; however, we can identify processes, both in government policy and among the public, that could undermine Israel's democracy. Since the establishment of the state, Israel has maintained a formal democratic process by holding free elections and having a vibrant opposition that presents a viable alternative to the government.⁵ In terms of freedom of expression, Israel has a lively discourse in which people can express themselves freely and criticize the government, including in the main media outlets. In addition, Israel enjoys academic and cultural freedom.

At the same time, however, we can identify attempts to undermine Israel's independent media.⁶ In addition, some members of the government have encouraged the use of blunt, even violent, terminology against government critics, which could ultimately create an atmosphere of fear in which people will be afraid to freely express themselves. The reverberation of extreme messages in social media exacerbates this phenomenon. In addition, the government is carrying out significant steps to limit the activity and the funding of those groups it considers overly critical of its policies, especially if the criticism relates to actions carried out by Israeli military forces or to the government's security or political activity.⁷

Israel is committed to the respect for human rights and the principle of equality that are enshrined in legislation, especially in the Basic Law: Human Dignity and Liberty⁸ and in Supreme Court rulings.⁹ At the same

time, however, the Israeli government has been promoting measures that exhibit a move toward strengthening nationalist views at the expense of fully protecting the value of equality and respect for the rights of minorities. This tendency is evident in the adoption in July 2018 of the Basic Law: Israel—the Nation-State of the Jewish People (the Nation-State Law), which does not refer to the state's democratic nature nor to the principle of equality between Israel's Jewish majority and its minorities. The concern is that this law could serve to promote the Jewish national interest within the state—even at the expense of significantly compromising the principle of equality.

As a rule, Israel emphasizes its commitment to upholding human rights—including of those who are considered hostile—even during emergencies and times of war.¹⁰ Accordingly, the commitment to moral conduct is incorporated into the military orders that apply to the IDF also in situations of active combat. More generally, Israeli authorities are subject to rules that protect human rights, such as the right to liberty and due process, the right to property, and so forth. However, there is a trend toward eroding these commitments driven also by government officials who argue that Israel's security interests should enjoy total precedence over individual rights, especially of those considered adversaries (such as the residents of entities fighting against Israel) or foreigners (such as infiltrators).¹¹

The rule of law is central in Israel, and the fact that the government is subject to law is undisputed. Law enforcement agencies are able to take action against governmental officials, including investigations of incumbent prime ministers. Government decisions and actions are subject to judicial oversight and can be struck down if they fall short of legal standards, which include also the requirements of proportionality and reasonableness. There is also judicial review over legislation that does not meet constitutional demands. Beyond judicial oversight, Israel has a strong mechanism of internal legal supervision over the government that is carried out by the Attorney General's office, and the legal advisors of the government ministries and governmental agencies, including in security establishment, who are all professionally subject to the Attorney General. The Supreme Court is held in high esteem and, in general, the judicial system is comprised of professional judges who are appointed based on merit (despite some minor, albeit widely publicized, incidents).¹²

Nonetheless, currently a political campaign is being waged against the legal system, which has been accused of political biases. Although this campaign includes legitimate criticism of various rulings and claims of excessive judicial intervention, it has involved also attacks on the Supreme Court that deviate from legitimate criticism. For example, claims have been made repeatedly that the Supreme Court aids the enemy.¹³ This derisive criticism harms the standing of the court in the eyes of the public¹⁴ and creates a chilling effect that could increase judicial restraint even in cases which merit intervention.

Furthermore, there have been attempts to advance processes and laws that would block judicial intervention in the government's actions. For example, the proposal to add an "override clause" would enable reenacting a law that the High Court has found unconstitutional and struck down. According to the bill, in order to reenact such a law, a majority of sixty-one members of Knesset—which exists in any given coalition—would be sufficient.¹⁵ Following the April 2019 elections, greater attempts were made to limit the Supreme Court, as part of the coalition negotiations for putting together a government. The newspaper *Israel Hayom* reported on these attempts as follows:

The clauses discussed during the past few days [as part of the coalition negotiations between the Likud and the Union of Right-wing Parties] include . . . a clause concerning changing the system of appointing judges, such that a hearing would take place before the judges are appointed, and the government would serve as the appointing body; changing the composition of the Supreme Court such that the current number of judges would increase by four more, and the term of judges would be limited to twelve years; limitations on the right of standing that would lead to the cancellation of public petitioners to the High Court and would allow only the specific injured party to petition the Supreme Court and request legal remedy; reducing the grounds of unreasonableness, in that the coalition would pass a law prohibiting the High Court from disqualifying laws and decisions by elected officials, including the Knesset, the government, and mayors on the grounds of unreasonableness.¹⁶

These attempts to curtail judicial power have a direct impact on respect for human rights in Israel, as it is the courts and state legal advisers that make sure that the state respects fundamental democratic values. Therefore, weakening the legal system essentially undermines the protection of these values. In addition, there have also been attempts to lessen the role of the state comptroller: For the first time in many years, a state comptroller was appointed who is not a retired judge and he publicly declared that he would refrain from criticizing the institutions of government in real time.¹⁷

Israel's continued control of Palestinians in the territories of Judea and Samaria (the West Bank) also negatively affects Israel's democracy, as does the complex reality vis-à-vis the Gaza Strip. The control over the Palestinians has created a number of challenges to Israel's democracy, given the inevitable clash between Israel's national and security interests and the rights of the Palestinians, both on the national and the individual level.¹⁸

In addition to the government's conduct, in recent years, extremist and anti-democratic voices have been able to influence and even control the public discourse, especially via social media. As a result, the discourse has become more radical, and forces in the political system—and even in the media—have aligned themselves with extremist ideas, which leads to the erosion of public support for the democratic ethos itself.¹⁹

The Jewish identity of the state

Currently, there do not appear to be any processes that threaten Israel's Jewish identity. This identity is enshrined in Israel's legislation, its governmental traditions, and in the public ethos. Recently, the state's Jewish identity was strengthened by the Nation-State Law, which stipulates that the State of Israel is the nation-state of the Jewish people, and that the right to realize national self-determination in the State of Israel is unique to the Jewish people. Israel's Jewish population greatly values its Jewish character, as shown by recent polls,²⁰ and this is also the position of the vast majority of Israel's political parties. Some of the state's minorities, such as the Druze, accept the Jewish identity of the state as a rule, and even a significant number of Arab citizens acknowledge this identity.²¹ Furthermore, for now, Israel has a solid Jewish majority within its borders. As for the connection between Israel and the Jewish communities in the diaspora, it is still strong, although there has been some distancing, especially among the younger generation.²²

Civil war

As explained by President Reuven Rivlin in his “four tribes” speech, Israeli society today is divided into four sectors that are, in effect, four tribes: secular, national religious, ultra-Orthodox, and Arab.²³ According to Rivlin, however, this division is not a threat; rather, it is a reality of Israeli society. Indeed, despite the rifts in Israeli society, Israel does not seem to face the danger of deteriorating into any violent circumstances, such as civil war, violent insurgency, or large-scale civil disobedience.

Interim summary of the situation assessment

The above analysis shows that currently, the main threat is the first scenario or the loss of the state’s democratic identity. Although the other threats exist, the likelihood of their taking place is very low.

Threat and Influence Factors

Given the analysis of the current situation, what factors can make these scenarios materialize and become a severe threat to the state’s identity? In order to answer this question, a series of threat causes and influence factors are discussed below. This is not a comprehensive list, and additional unexpected circumstances obviously could emerge and cause dangerous internal processes; furthermore, some of these factors could simultaneously affect the materialization of more than one threat scenario.

Internal processes that harm Israel’s democratic character, institutions, and values

The Israeli government could effectively harm democratic institutions and values through various actions, which, especially in tandem, could gradually erode Israeli democracy to the point of threatening Israel’s identity as a democratic state.

The threat to democracy can be measured in varied degrees. The most unequivocal and severe threat would be to limit the possibility of carrying out free elections, which enable regimes to be changed through democratic means. This would also include attempts to thwart the existence of an independent opposition and its ability to run for government; and actions to restrict the freedom of expression, especially the ability to freely criticize

the government in the media, academic and cultural establishments, and by the general public.

Adopting policies that violate the rights of individuals and minorities, as well as the right to equality among Israel's citizens and democratic values in general, would endanger the state's substantial democratic nature. This kind of danger is more difficult to identify as sometimes it is legitimate to limit rights and values in order to advance security and national interests (including maintaining the Jewish character of the state). Therefore, it is not always easy to determine when such measures are excessive and stray from the constitutional standards or even worse, from the rules of the democratic game. For example, the removal of a Palestinian community from a specific place or for a limited period of time due to security considerations could lead to claims of excessive harm to human rights but is not necessarily a sign of the end of Israeli democracy. In contrast, mass expulsion of Palestinians for the purpose of fulfilling the state's national interests would clearly contradict Israel's existence as a democratic regime.

In addition, democracy would be significantly endangered if the rule of law—which means that the government is subject to the law and that the law is equally and truly enforced—is not upheld. In this context, legislation that grants immunity to senior officials in the state is problematic. The danger to democracy would significantly increase if the separation of powers is eroded, and if oversight bodies, such as the state comptroller, were deprived of their authority. Eliminating judicial oversight over the government and the Knesset is especially dangerous, as it would remove the independent body safeguarding the rule of law and protecting human rights against arbitrary governmental power.

Impairing any of these elements would weaken Israel's democratic regime, although a fatal blow to Israel's democracy would stem from the confluence and severity of such steps. Furthermore, a government that seeks to erode some of the elements is ultimately likely to threaten additional ones as well. For example, should the government wish to take actions that violate essential human rights, it would first weaken the judicial oversight mechanisms so that they would not block these actions and afterwards would silence critics of the government so that they would not be able to reverse these actions. It is, however, difficult to pinpoint where measures weakening Israel's democracy clearly result in a constitutional crisis that threatens its

democracy; sometimes the point of no return can only be identified after it has been crossed. On the other hand, at times, cries of apocalypse are superfluous and excessive. For our purposes, the main goal is to identify the general direction of this threat and its broad processes.

Likelihood: It is difficult to accurately estimate the likelihood that the democratic character of the State of Israel, in its various elements, will be compromised. It can be said that central Israeli political figures seem less committed to maintaining the democratic system of government than in the past. For instance, one can identify anti-democratic stances at the heart of the public consensus, which previously were politically marginalized,²⁴ along with the waning of the balancing and moderating forces within the political arena.

The likelihood of implementing steps that could be detrimental to Israel's democracy depends on the balance of power between forces that are pulling in opposing directions. On a positive note, there are forces that serve to strengthen Israel's democratic values and institutions, which include a democratic tradition that has prevailed since the state's establishment; a deeply rooted freedom of expression; a well-established academia; an independent media; an independent judiciary; a connection to Jewish values, some of which exemplify democratic values; a significant population that understands the importance of maintaining a democracy; the public's active involvement in the political discourse and election campaigns; educational curricula that relates to the state's democratic character; and strong connections with democratic states that have an influence on Israel.

On the other hand, factors that weaken the preservation of democratic values and institutions are noticeable: the strengthening of anti-liberal religious and nationalistic forces; a decline in the state's regard to the obligation to respect human rights; preference for national values and self-interest over democratic values as reflected in public opinion trends; diminishing the position of civil society organizations; rebranding the preservation of democracy as an elitist, "leftist," and even treasonous subject that is out of touch with the majority of the nation's true feelings; populist trends in the public discourse that are exploited by the political leadership; the state leadership's silence in the face of expressions of racism and chauvinistic nationalism and even at times its explicit support for expressions of racism; and the weakening of liberal democracy and the strengthening of nationalistic forces in the

international arena.²⁵ Some believe that the Nation-State Law has laid the foundations for denying the rights of non-Jews and that consequently, the very existence of this law in its current formulation increases the risk of future actions that would erode democracy.²⁶

The intervention of external forces in the election campaign and the decision-making process.

In several election campaigns and important votes that have taken place in recent years—such as the US presidential elections and the UK referendum on Brexit—it seems that external forces, mainly Russia, had intervened in order to influence the results of the elections via disinformation campaigns and cyberattacks.

There is a concern that Israel could also be subject to information and cognitive warfare in three different spheres. First, the election process itself could be influenced by actions that encourage or discourage voting by creating doubts or apathy toward the election process or specific candidates or by promoting a candidate who suits the interests of external forces with a foreign agenda. Second, disseminating false information could undermine public confidence in the institutions of democracy, such as the courts or the law enforcement system. Third, the dissemination of false information could influence public opinion and the public's positions on strategic issues, which could then influence the decision makers.

Likelihood: Today Israel has considerable awareness of the risks of foreign intervention in elections. It undertakes research on the issue and has developed knowledge as well as mechanisms and methods of coping.²⁷ In the two election campaigns in 2019, Israel apparently was sufficiently prepared as no external intervention was identified. However, given the creativity of those involved in the external intervention, one must not be complacent.

The creation of a single inegalitarian state between the Mediterranean Sea and the Jordan River

In recent years, there has been growing discussion in Israel about the possibility of annexing Judea and Samaria and creating a single state in all the territory west of the Jordan River without granting equal civil rights to the Palestinian residents of the annexed territory. Establishing a single inegalitarian state would involve continued oppression of the Palestinian

population that is annexed to the state. The Palestinians would ultimately be denied the possibility of realizing their national aspirations and formally would be given unequal citizen status. This scenario completely contradicts the basic democratic value of formal and political equality among all of Israel's citizens and implementing it would significantly undermine Israeli democracy.²⁸

Beyond the direct impact on the right of equality, such a move would also weaken the legal system. Assuming, as would probably be the case, that petitions are filed to the Supreme Court against this discrimination, the court would either intervene, which could lead to moves to curtail its powers and to disregarding its decisions; or it could choose not to intervene, and thus significantly harm its repute and its role in maintaining Israel's democracy. In both cases, the separation of powers and the position of an important gatekeeper in the democratic system would be compromised.

The Palestinians annexed to Israel would likely continue their national struggle for self-determination or seek their full rights as citizens of Israel. There is also a concern that Israel's Arab citizens—at least some of them—would join the national struggle, as well as some Jewish Israelis who object to such non-democratic steps. Consequently, a joint, ideologically-based, Jewish-Arab struggle could emerge against both the discriminatory reality and the violation of democracy, creating a division between the supporters of annexation and those who oppose it.

This struggle could include civil disobedience, such as mass refusal to serve in the IDF among Jews opposed to the annexation; refusal to participate in democratic institutions by large groups of people, such as Israeli Arabs; refusal to pay taxes; and mass demonstrations that could potentially deteriorate into violence and lawlessness. It is difficult, however, to assess whether such a struggle could lead to prolonged violence that would challenge the Israeli security forces and deteriorate into an actual civil war, leading to the loss of lives.

Likelihood: Currently, the Israeli public and the Israeli political arena do not consider the idea of a single, inegalitarian state a leading solution; however, public support for the idea of two states has diminished, while the political center has refrained from speaking out against the idea of a single state and does not take steps that could block the creeping progress toward a one-state reality. Consequently, the ideological minority could

lead Israel to slide toward a one-state reality that ultimately would become a permanent solution. In this case, the democratic identity of the state is in danger of being undermined, and the different groups within Israel could descend into violence.

A permanent solution in which Israel continues to govern the Palestinians outside its sovereign territory

Israel could adopt a policy that rejects the two-state solution and unilaterally decides on a permanent solution in which an irreversible reality develops of continued control over the Palestinians. For example, Israel could decide that it is annexing large parts of Area C in Judea and Samaria (about 60 percent of the total area, where the majority of the settlements are located and where between 100,000 to 300,000 Palestinians live) and provide autonomy to the Palestinians living in the remainder of the territory (mainly in Areas A and B).²⁹

Based on the experience of applying Israeli law to East Jerusalem, the Palestinian residents of Area C likely would receive the status of permanent residents—as did the Palestinians in East Jerusalem—and would be able to apply for Israeli citizenship. Although providing the status of permanent residency to the citizens of the annexed territory and setting conditions for receiving citizenship does mean that there is a certain level of discrimination between the different populations in Israel, it does not eradicate Israel's democratic identity, just as Israel did not lose its democratic identity despite the unequal status given to the Palestinian residents of East Jerusalem.

However, if this becomes the permanent solution to the conflict, it means that Israel retains its control over all Palestinians indefinitely—either directly (those in the annexed areas) or by retaining overall control (those in Areas A and B). Continued control over all the Palestinians, without an end date and without providing them with full rights, is in essence not very different from a reality of a single state with unequal rights and bears similar ramifications for Israel's democratic nature. This is especially true if this territory then returns to being under Israel's full control (for example, should the Palestinian government collapse, due to a decision by all its members to resign or following a decision to abrogate it). Consequently, this scenario would likely clash with the democratic character of the state as in scenario 3 (a single non-egalitarian state).

Likelihood: As long as Israel and the Palestinians do not take any significant steps to settle the conflict between them, Israeli control over the territories in the existing format is likely to continue. Prominent officials in Israel's political system, including Prime Minister Netanyahu, have raised the idea of annexing large areas of Judea and Samaria,³⁰ and thus it is possible that annexation will be pursued. These measures could be advanced gradually until applying Israeli law to significant parts of the territory is realized while allowing for limited autonomy for the Palestinians in Areas A and B and in built-up areas adjacent to them.

The creation of a single, egalitarian state between the Mediterranean Sea and the Jordan River

One option that sometimes comes up in the Israeli public discourse is the idea of a single, egalitarian state; that is, Israel's annexation of Judea and Samaria and the provision of citizenship and equal rights to all the Palestinian residents, including the right to vote and be elected, freedom of movement, and freedom of residence in the entire territory of the state.³¹

By granting citizenship to over 2.5 million Palestinians living in the annexed territory,³² as well as to more than 300,000 Palestinians in East Jerusalem—in addition to already having nearly a million and a half Arab citizens of Israel—Israel could eventually have a non-Jewish majority, or at least a very significant Arab minority. The loss of the state's Jewish majority—or the effective majority for the purpose of controlling the state—could lead to a change in the basic nature of the state, especially its Jewish character. The Jewish symbols of the state could be immediately and explicitly altered, such as by cancelling the Law of Return, while change could also occur gradually by constantly chipping away at these characteristics, to the point that they disappear.

Furthermore, while this idea seems to incorporate democratic values, the expected tensions between the populations and the struggles for control of the state could result in violence and countermeasures that would then violate rights and cause democracy to disintegrate. This scenario does not necessarily imply the loss of democracy; rather, it challenges democracy in a way that could cause its collapse if other measures were imposed, such as limiting human rights should a state of emergency be implemented in a reality of internal conflict. In addition, there is also the concern that if the

Jewish population becomes a minority, its rights may not be maintained by the Arab majority. This is especially the case, given the absence of a tradition of upholding democratic values in the Arab states, the conduct of the Palestinian Authority, and the severe hostility of significant segments of the Palestinian population toward the State of Israel and its Jewish citizens. The outcome could be a state under Palestinian control that does not respect the basic rights of all its citizens and, consequently, does not have a democratic identity.

By totally annexing the West Bank and establishing an egalitarian state in which the Jewish majority is threatened, there is the danger that Jews could become engaged in an internal struggle between those promoting and those opposing the move. Jews and Arabs could also face a violent struggle should some of the Jewish citizens refuse to accept the equal citizenship of millions of annexed Palestinians, who, in their eyes, are bitter enemies. A struggle could also occur should the Palestinians oppose Israel's decision to annex them and deny them the right to self-determination and additional collective rights (despite the provision of equal individual rights) and due to the prevailing view among many Palestinians that Israelis are the enemy. Furthermore, violence could break out between groups of Jews and Arabs, surrounding the character of the state and attempts of each side to impose its values on the state's institutions. In addition, the scenario could lead to insurrection and civil disobedience, including the refusal of various groups to serve in the IDF and to participate in the state's democratic institutions—as well as violent demonstrations, which could even deteriorate into civil war.

Likelihood: The idea of a single, egalitarian state is rejected by the vast majority of Israel's Jewish population, and currently no significant political figure promotes such a solution. Therefore, it seems that the likelihood of this scenario is low.

Large-scale evacuation of Jewish settlements or transfer of Arab communities of the Triangle area to Palestinian sovereignty (as part of an agreement)

As a result of diplomatic processes—whether following negotiations or unilaterally—Israel could decide upon the large-scale evacuation of settlements where tens of thousands of Israeli citizens live. In this scenario, the opponents of the evacuation would likely wage a struggle against the decision. This could result in demonstrations and clinging to homes, as occurred during

the disengagement from Gaza in 2005. However, given the radicalization of the political discourse and the ability of social media to reach tens of thousands of people, this struggle likely would draw many more participants into the streets and would be more violent than the Gaza disengagement. This scenario could—under certain circumstances—deteriorate into a civil war, although this is a far-reaching result whose probability is low.

Another course of action could be to change the status of Israel's Arab communities; that is, the transfer of the Arab communities of Israel's Triangle region to Palestinian sovereignty as part of an agreement with the Palestinians. If such a course of action were to be implemented without the agreement of the residents of these communities, they would likely respond with severe opposition that could lead to violence. However, it does not seem that such a course of action would lead to civil war, especially if it is done in agreement with the Palestinians, as there would not be additional groups to join the struggle.

Likelihood: Currently, there is no diplomatic settlement on the horizon that involves the large-scale evacuation of Jewish communities. However, political changes are possible—within the state and in the international arena—that could lead to such a decision in the future. Similarly, the idea of transferring the communities of the Triangle area to Palestinian sovereignty is not currently on the political agenda. In the past, this idea met with strong opposition from both the Israeli Arab residents of the Triangle communities and the Palestinians; thus its likelihood seems extremely low. It also would be impossible to implement without Palestinian agreement.

Severe damage to Muslim or Christian holy sites, especially on the Temple Mount

Israel has many sites that are holy to various religions, especially to Jews, Muslims, and Christians. The most sensitive sites are in Jerusalem. Damage to a Jewish holy site could result in a harsh response by Israel and be met with wide condemnation; it would not, however, lead to civil war. Damage to a Christian holy site would likely lead to harsh responses too, but most likely would not lead to a civil war within Israel, as Christians are a small minority in Israel. In contrast, damage to Muslim holy sites—first and foremost on the Temple Mount, and especially if the damage is severe—could lead to violent responses by the Muslim population in and outside of Israel.

Currently, Muslim and Jewish groups are already stirring up friction on the Temple Mount and the holy compound. Should the harm to the mosques be attributed, directly or indirectly, to the Israeli government, the expected response could be intense and could include large-scale riots among the Arab population in Israel, and the Palestinians in Judea, Samaria, and the Gaza Strip, similar to the events that took place on the Temple Mount in July 2017.³³ While those riots were stopped, in the case of significant damage to a holy place, riots could escalate out of control and even deteriorate into civil war. However, whether this would occur depends to a large extent on Israel's response, the ability of the Arab leaders to control the situation, as well as the reverberations that this kind of situation would cause in the Arab-Islamic world.

Likelihood: On one hand, Israel's internal security forces and the Israeli government are aware of the sensitivity of the issue and hopefully are sufficiently prepared to prevent such events; on the other hand, all it takes is one determined person or a local event that spirals out of control to lead to uncontrolled results.

The weakening of democratic values in the international arena.

The State of Israel recognizes the importance of being part of the family of nations in general and enlightened nations and developed states in particular. Beyond the diplomatic importance, this belonging also has practical implications in many areas, including security, economic, and cultural ramifications. One reason to maintain democratic values in Israel and ensure their respect is to prevent Israel's legitimacy in the world from being undermined and the subsequent consequences a loss of legitimacy would have for Israel's foreign relations. Indeed, fear of the international community's reaction to anti-democratic governmental activity is often more effective than internal considerations. Furthermore, external pressure enables decision makers to justify inwardly why they will not pursue undemocratic measures, despite internal political pressure to do so. If the world were to place less importance on democratic values, international pressure on Israel to respect these values would likely diminish. In addition, Israel could gain legitimacy for any undemocratic conduct should other states also act this way. The more allies Israel has that do not uphold democratic values, the easier it is for the government to adopt undemocratic standards in its policies. As

a result, national considerations could outweigh democratic considerations and lead to more nationalistic steps that erode Israel's democracy.

Likelihood: In recent years, there has been a global trend toward the weakening of democratic and liberal values, manifest by the increasing power of right-wing and fascist parties that challenge liberal values.³⁴ Even in the United States, the bastion of democracy, radical right-wing groups have gained strength following the election of President Donald Trump and the increasing strength of populism. As a result, voices that used to be marginalized and on the fringe have penetrated the center of the political stage, where they are undermining basic democratic values, including the rule of law, human rights, and pluralism.³⁵ It is too early to tell whether this is a passing phase or a trend that will substantially challenge democratic regimes.

Furthermore, Israel—as of 2019—has more allies whose rulers express little respect for democratic values and human rights. These include the governments of Hungary, Poland, and Brazil.³⁶ Obviously, these governments and their attitude toward Israel could change in the future.

Conclusion and Recommendations

The three threat scenarios discussed in this chapter pose different levels of threats for Israel. The scenario most likely to occur is the loss of the state's democratic identity. An undemocratic reality could emerge as a result of direct actions taken by the state's government against democratic institutions and values based on worldviews that sanctify national—even nationalistic—values and disparage democratic ones. The continued erosion of the democratic ethos among the Israeli public increases the fear that basic civil and political rights upon which Israel's democracy is based could be significantly undermined.

Weakening the state's democratic identity could take place should Israel control the area of Judea and Samaria (the West Bank) as part of the State of Israel without providing full civil rights to the Palestinians residing in these areas. The inegalitarianism itself contradicts the state's democratic identity; in addition, this scenario could involve eroding the status of the gatekeepers of democracy, such as the courts and the free media, so that they would not be able to prevent the implementation of the discriminatory policy. Even without annexing the entire territory of Judea and Samaria, a threat to the democratic identity of Israel could develop as part of a unilateral permanent

solution to the Israeli-Palestinian conflict should Israel continue to control the majority of the territory (for example, all of Area C), by leaving the Palestinian population centers outside of the state's territory—without their being able to fulfill political or civil rights.

As for Israel's Jewish identity, at this stage, there is no significant concern that its symbols or character will be compromised. The scenario of a single, egalitarian state would endanger the Jewish character of the state, but currently, it is not politically feasible. Nevertheless, we cannot ignore the possibility that this scenario could occur in the long term as a result of various developments, such as the creation of a single state without equal rights, which could lead to an internal struggle resulting in the Palestinians taking over the government.

Another threat to the Jewish identity of the state is the detachment of the State of Israel from some segments of diaspora Jewry, especially the younger generation of American Jews. This fissure could seriously harm Israel's identity as being the state of the Jewish people.

Deterioration into a civil war does not appear to be a tangible threat at this point, although one can conceive of situations of civil disobedience or violent insurgency that could lead to civil war. This scenario could occur as a result of a reality of a state where rights are not egalitarian and democratic values dwindle. A reality of a single, egalitarian state between the Mediterranean Sea and the Jordan River, which is less likely to occur, could also lead to a civil war due to the built-in tensions between Jews and Palestinians who would live in such a state. Furthermore, civil war could erupt as a result of other courses of action, such as the large-scale evacuation of Jewish communities or following a destructive attack against holy Muslim sites on the Temple Mount. These situations could lead to large-scale violent clashes and could potentially deteriorate into civil war; however, it is doubtful whether this kind of situation could indeed escalate out of control in such a way.

Should any of these scenarios occur, this could lead to severe repercussions to Israel's quality of life and economy. Israel could face mass emigration and a brain drain of Israelis with means and alternatives, who would no longer want to continue living within the state. The weakening of Israel's democratic identity and situations of civil war would also drive away investors and would make it difficult to bring in new ones.

In order to prevent the scenarios described above, the factors that could cause them must be addressed. Three main recommendations can be made:

1. The government must refrain from pursuing policies and actions that undermine democratic values and institutions in Israel. Furthermore, the government should demonstrate a real, uncompromising commitment to maintaining a democratic regime, including the fulfillment of the principle of civil equality, respect for minority rights in Israel, and upholding the rule of law. It is also important to develop an adequate response to cognitive threats and external intervention that aim to disrupt democracy in Israel.
2. Instilling the significance of democratic values and their respect within Israel's general public is extremely important. In addition, action must be taken to strengthen the public's confidence in the government institutions in general and in the judicial and law enforcement systems in particular.
3. With regard to the Palestinian arena, the trend of moving toward a one-state reality is of concern. A state in which rights are inegalitarian contradicts democratic values, while an egalitarian state would likely clash with the state's Jewish values due to the loss of the effective Jewish majority. Both possibilities would stir up tensions that could lead to violence and even deteriorate into civil war. Maintaining a situation in which there is not a single state but rather continued control of the Palestinians without any attempt to end this control also conflicts with Israel's democratic values. Therefore, Israel must actively work toward finding a solution that ends—or at least decreases—this control and must refrain from taking any steps, such as large-scale annexation and irreversible steps on the ground, that would close off the option of reaching a future separation between Israel and the Palestinians. Furthermore, any diplomatic agreement that would involve the large-scale evacuation of Jewish communities or the transfer of Arab communities to Palestinian sovereignty would have to be carried out with due consideration to its potential impact, to avoid deterioration into a spiral of violence. In addition, it is vital to continually work to prevent damage to the holy places of the different religions, especially the al-Aqsa compound; and to be prepared in advance for such a scenario, in order to calm the situation and prevent the spread of violence in its aftermath.

Notes

- 1 The Law of Return 1950, <https://bit.ly/2WiS7rr> [Hebrew].
- 2 For a discussion on the various definitions in the literature on civil war, see Yaron Salman, “Conditions for the Successful Implementation of Peace Agreements Following Civil Wars” (PhD diss., Hebrew University, 2013), 18–22, <https://bit.ly/2NhSyRc> [Hebrew]. A relatively broad definition of the term “civil war” was chosen for this paper, which, if all of its components exist, could fundamentally undermine the essence and identity of the state.
- 3 In this context, it is interesting to examine processes taking place in Turkey and described in Carlotta Gall, “Turks Voting with Their Feet,” *New York Times*, January 5, 2019, <https://bit.ly/2LljJYT>.
- 4 On the close connection between the two, see, for example, Adrian Filut, “Why Weakening the Courts is Dangerous for Israel’s Growth,” *Calcalist*, May 14, 2019, <https://bit.ly/2Nx7paC> [Hebrew].
- 5 A certain erosion of protecting the opposition can be seen in the law which provided the members of the Knesset with the power to remove from office another member of Knesset under certain conditions. This is a combination of the Basic Law: The Knesset (Amendment number 44), which added Article 42A(C) to the basic law, and the Knesset Law (Amendment number 43), 2016, which added Article 8A to the law. The amendments were approved in High Court of Justice decision 5744/16 *Ben Meir v. The Knesset* (published on the site of the judicial authority May 27, 2018).
- 6 An example of this is the attempt to advance a law to unify the media regulatory bodies, which aimed to subordinate statutory authorities that operate independently by law to a body controlled entirely by the Ministry of Communications. See Omri Milman, “Netanyahu Is Taking Over the Media in 65 Pages,” *Calcalist*, March 12, 2017, <https://bit.ly/2NmjCyI> [Hebrew].
- 7 See, for example, the attempt to transfer control of funding for cultural institutions to the minister of education and culture based on unprofessional criteria, as part of an amendment to the Culture and Art Law, 2002. The bill did not reach the stage of legislation.
- 8 As well as in additional legislation, such as the Prohibition of Discrimination in Products, Services and Entry into Places of Entertainment and Public Places Law, 2000; Women’s Equal Rights Law, 1951; and Equal Rights For Persons With Disabilities Law, 1998.
- 9 See, for example, High Court of Justice 6427/02 *The Movement for Quality Government in Israel v. The Knesset*, 619A (2006) [Hebrew] (the constitutionality of the Tal Law, which provided an exemption from military service for yeshiva students); High Court of Justice 1213/10 *Nir v. The Speaker of the Knesset* [Hebrew, published in Nevo, February 23, 2012] (the constitutionality of the Pardon Law for opponents of the disengagement); High Court of Justice 8300/02 *Nasr v. the Israeli Government*

- [Hebrew, published in Nevo, May 22, 2015] (discriminatory tax benefits). In all of these cases (as in many other cases), the court adopted the principle of equality and stated that it is derived from the Basic Law: Human Dignity and Liberty.
- 10 A clear example of this is respecting international humanitarian law (the law of armed conflict) and providing real protection—using all means—for the human rights of Palestinians, even when they are involved in activity against Israel.
 - 11 One can note the following examples: The Judea and Samaria Settlement Regulation Law, 2017 (The Regulation Law), which was designed to allow the retroactive regulation of Israeli communities in Judea and Samaria that were built or expanded illegally. The law effectively enables under certain circumstances the expropriation in practice of land from the Palestinian residents who claim rights to it, in return for compensation; the minister of defense’s decision to prevent Gaza residents who are related to Hamas activists to receive life-saving medical treatment in Israel (which was blocked by the High Court. See High Court of Justice 5693/18 *Siam v. the prime minister*, <https://bit.ly/2MzLtfK> [Hebrew]); expressing criticism of the investigation of soldiers suspected of unjustified harm of terrorists or civilians on the other side. An example of this is the statement by Minister Naftali Bennett that the IDF’s combat soldiers are more afraid of the military advocate general than of Yahya Sinwar, the leader of Hamas. See Yoav Zeitoun, Tova Zimuky, and Shahar Chai, “Bennett: Combat Soldiers Are More Afraid of the Military Advocate General than of Sinwar; Chief of Staff: He Is Part of the IDF’s Strength,” Ynet, November 19, 2019, <https://bit.ly/2KZajlC> [Hebrew]. These views are also common among the general public. For example, 87 percent of Jewish respondents in the Peace Index Survey published in October 2018 supported the statement that “the lives of IDF soldiers must be protected at any price, even the price of increasing the number of Palestinian civilian casualties.” See Ephraim Yaar and Tamar Hermann, “Peace Index for October 2018,” Israel Democracy Institute, <https://bit.ly/2TTA62t> [Hebrew].
 - 12 For a general overview of the Supreme Court, see Gad Barzilai, *Communities and Law: Politics and Cultures of Legal Identities* (University of Michigan Press, 2005).
 - 13 Examples include Minister Yariv Levin’s statement that “the time has come for the High Court judges to understand that their role is to defend Israel’s citizens and not those who seek to murder us” and Minister Miri Regev’s statement that “the High Court is neutralizing Israel’s citizens.” See Hezki Baruch, “Regev: High Court is Neutralizing Israel’s Citizens,” *Arutz Sheva*, October 22, 2015, <https://bit.ly/2KQm9zs> [Hebrew]; Minister Naftali Bennett said that “in the election we want to defeat Hamas and the High Court,” *Kikar HaShabbat*, March 12, 2019, <https://bit.ly/2KRzPtS> [Hebrew].
 - 14 See the decline in the level of confidence that the Jewish public has in the Supreme Court in 2018 compared to the average in the years beforehand: 55 percent in 2018 versus a multi-year average of 62.6 percent; or, comparing two specific years: 55

- percent in 2018 versus over 73 percent in 2012. See *Israeli Democracy Index* (2018): 92, <https://bit.ly/2t1ZV3M> [Hebrew].
- 15 Several attempts have been made to advance the override clause—so far unsuccessfully. The most prominent was then MK Ayelet Shaked's attempt in 2013. See 1944/19/P Proposed Basic Law: Human Dignity and Liberty (Amendment – Validity of Exceptional Law), <https://bit.ly/31WTFtx> [Hebrew].
 - 16 Mati Tuchfeld, "The Override Clause Is Just the Beginning: This Is What the Great Revolution in the Legal System Will Look Like," *Israel Hayom*, May 12, 2019, <https://bit.ly/2LDocJO> [Hebrew].
 - 17 Tova Zimuky and Moran Azulay, "New State Comptroller: 'We Will Not Intervene in Decision-making Processes,'" *Ynet*, July 1, 2019, <https://bit.ly/30rrJxy> [Hebrew].
 - 18 For more on this, see Pnina Sharvit Baruch, "Is Israeli Democracy at Risk?" In *Strategic Survey for Israel 2018–2019*, edited by Anat Kurz and Shlomo Brom (Tel Aviv: Institute for National Security Studies, December 2018), <https://www.inss.org.il/publication/israeli-democracy-risk/>.
 - 19 According to the 2017 Israeli Democracy Index, 41 percent of Jews and 65 percent of Arabs agreed or very much agreed with the statement that Israeli democracy is in danger. See *Israeli Democracy Index* (2017): 89, <https://bit.ly/2KSFtZW> [Hebrew].
 - 20 See *Israeli Democracy Index* (2018): 69–70, <https://bit.ly/2t1ZV3M> [in Hebrew].
 - 21 Arik Rudnitzky, *The Arab Minority in Israel and the Discourse on the 'Jewish State'* (Jerusalem: Israel Democracy Institute, 2015), p. 13, <https://bit.ly/2IgggKY> [Hebrew].
 - 22 See the discussion in the previous chapter.
 - 23 The president's speech at the Herzliya Conference, June 2015, <https://bit.ly/30tgVPG> [in Hebrew]. For a summary of the speech, see <https://bit.ly/2ZjKmGB> [Hebrew].
 - 24 An example of this is the legitimacy given to the Otzma Yehudit party, whose positions are anti-democratic, by Prime Minister Netanyahu and the Likud party.
 - 25 See below an analysis of this component.
 - 26 See Eyal Benvenisti and Doreen Lustig, "The Nationalism Potion," *ICON-S-IL* (blog), October 24, 2018, <https://bit.ly/2PSIrRi> [in Hebrew].
 - 27 Ron Shamir and Eli Bahar, *How to Cope With Cyberattacks on the Election Campaign*, Policy Study 136 (Jerusalem: Israel Democracy Institute, 2019), <https://bit.ly/2HoxlBb> [Hebrew].
 - 28 See also the analysis in Commanders for Israel's Security, "Annexation Steps in Judea and Samaria—Consequences," September 2018, <https://bit.ly/2EFygxy> [Hebrew].
 - 29 For a description of this, see *ibid.*, 8–13.
 - 30 Maariv online, "Netanyahu: 'We Will Apply Israeli Sovereignty in Judea and Samaria Gradually, Not Only to the Settlement Blocs,'" *Maariv*, April 6, 2019, <https://bit.ly/2Zq4VB0> [Hebrew]; Tal Shalev, "Netanyahu: Upon Forming the Government

- We Will Apply Sovereignty to the Jordan Valley,” *Walla*, September 10, 2019, <https://bit.ly/2IIIf2Pu> [Hebrew].
- 31 See, for example, George Bisharat, “A One-State Solution for Israel and Palestine,” *Huffington Post*, October 4, 2012, <https://bit.ly/320Yylh>; Carolina Landsmann, “Ahmad Tibi Is Already Ready to Be Prime Minister of the Single State” *Haaretz*, March 2, 2017, <https://bit.ly/31XP8qE> [Hebrew].
- 32 It is worth mentioning that there is disagreement about the exact number, but even according to minimalist estimates there are at least 2 million people. According to a *Ynet* report, the Palestinian Central Bureau of Statistics estimates that some 2.881 million Palestinians live in Judea and Samaria. See Elior Levy, “The Palestinian Central Bureau of Statistics in Up-to-date Statistics: 4.7 Million Palestinians Live in the West Bank and Gaza,” *Ynet*, March 28, 2018, <https://bit.ly/2PchU5C> [Hebrew]. According to a report from 2016 on the Mida website, in a meeting of the Knesset’s Foreign Affairs and Defense Committee (the minutes of the meeting are classified), Yoram Ettinger—a member of the American-Israeli Demographic Research Team—believed the number was 1.75 million Palestinians as of 2016. In contrast, the demographer Prof. Sergio Della Pergola claimed that the number was 2.4 million Palestinians. A special meeting of the committee was convened due to these serious disagreements regarding the demographic figures. In addition, even official governmental representatives are not certain about the figures. See Matan Asher, “So How Many Palestinians Are There Really?” *Mida*, June 7, 2016, <https://bit.ly/2U3sWfr> [Hebrew]. In 2013, the demographer Prof. Arnon Soffer harshly criticized the findings of the Israeli-American Demography Team and believed that the number of Palestinians living in Judea and Samaria was 2.5 million. See Nir Hasson, “Despite the Right’s Claims: Official Document Shows That 2.6 Million Palestinians Live in the West Bank,” *Haaretz*, June 30, 2013, <https://bit.ly/2L7AeaD> [Hebrew].
- 33 Assaf Gabor, “The al-Aqsa Mosque – Fertile Ground for Incitement Against Israel,” *Makor Rishon*, July 15, 2017, <https://bit.ly/2ZhciLK> [Hebrew]; Jack Khoury, Nir Hasson, and Barak Ravid, “Temple Mount Reopened to Jews; Renewed Clashes Between Police and Muslim Worshippers,” *Haaretz*, July 19, 2017, <https://bit.ly/2U40mqV> [Hebrew].
- 34 See “Europe and Right-Wing Nationalism: A Country-by-Country Guide,” *BBC*, May 24, 2019, <https://bbc.in/2M8sll7>.
- 35 See, for example, Dalibor Rohac, Liz Kennedy, and Vikram Singh, “Drivers of Authoritarian Populism in the United States,” May 10, 2018, Center for American Progress, <https://ampr.gs/2KfQ0yd>; Henry Giroux, “Trump’s Fascist Efforts to Demolish Democracy,” *The Conversation*, November 26, 2018, <https://bit.ly/2PdS416>; Truman Project, “Extreme Right-Wing Populist Rhetoric: A Threat to National Security,” Truman National Security Project, 28 November 2018, <https://bit.ly/31X5Vu2>.

- 36 On the situation in Poland and Hungary, see Piotr Buras, "Poland, Hungary and the Slipping Facade of Democracy," European Council on Foreign Relations, July 11, 2018, <https://bit.ly/2Lju8WZ>; Valesca Lima, "Brazil's New Leaders Are Challenging the Tradition of Participatory Democracy. Here's Why," *Washington Post*, June 7, 2019 <https://wapo.st/32AKgc2>; David G. Timberman, "Philippine Politics Under Duterte: A Midterm Assessment," The Carnegie Endowment for International Peace, January 10, 2019, <https://bit.ly/2DQL2rg>.