



## SHUSHAN STREET: Allyship in Israel's Democratic Window of Opportunity

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Israelis celebrated the seventy-fifth anniversary of their state in the face of an acute, home-grown threat to their democracy. Israel is in turmoil, but with determination and courage, Israeli protesters have created a crucial window of opportunity to secure, deepen, and broaden their country's democracy. For American allies of Israel and Jews throughout the diaspora, there is a significant role to play in supporting Israel during this time of peril and possibility.

In this column, I offer a prescription for what allyship to Israel requires of us in this moment.

### 1) Realize the high stakes: Israel's democracy is on the line.

The ultra right-wing government led by Prime Minister Benjamin Netanyahu poses a two-part threat to Israel's democracy. First, the government is attempting to neutralize the main check on its power by overhauling the judiciary. Thanks to the work of the [US billionaire-funded Kohelet Forum](#), the Netanyahu government came to power ready to begin advancing [legislation](#) to: change the composition of the judicial selection committee in a manner that would give the governing coalition control over critical judicial appointments, terminate the Supreme Court's power to review "Basic Laws" and thus immunize laws from judicial review by passing them with that designation, make it extremely difficult if not impossible to strike down other "regular" laws, and – if all that weren't enough – enable any governing coalition to override a decision by the Court to strike down a law with the support of a bare majority of 61 MKs. There's even more to the attempted judicial coup, [including](#) prohibiting the Supreme Court from reviewing and overturning administrative action under the so-called "reasonableness doctrine" and severely [curbing the independence](#) of legal counsels within Cabinet ministries by giving ministers the prerogative to hire and fire them.

Once the Netanyahu government has sidelined the judiciary, it will have cleared their way for part two: enacting its substantive ultra-right wing agenda. That includes: [annexation moves](#) in the West Bank, [preventing many Palestinian citizens](#) of Israel from running for the Knesset, loosening anti-discrimination laws that protect the [rights of the LGBTQ+ community](#), targeting [human rights and civil society](#) organizations, privatizing [state-funded media](#) outlets, ensuring and expanding the [exemption for ultra-Orthodox men](#) from mandatory military service, curtailing [religious freedom of non-Orthodox Jews](#), and amending the Law of Return's "[grandchild clause](#)."

## 2) Choose a side: Support the Israeli protest movement.

In the face of this urgent threat to their democracy, Israelis have rallied, pulling together a [huge](#), [tenacious](#), [creative](#), and [effective](#) protest movement. It includes [military reservists](#), [hi-tech workers](#), [diplomats](#), and [academics](#), from across the [political spectrum](#). The [Histadrut labor federation](#) lent its support to protests after Netanyahu announced the [ouster](#) of Defense Minister Yoav Gallant, following the latter's call to suspend the judicial overhaul legislation. The ensuing [general strike](#) paralyzed the country and closed down the airport, universities, stores, and Israeli diplomatic missions abroad, forcing Netanyahu to [announce](#) a “timeout in the legislation of the judicial reform.” Keenly aware that this is merely a tactical pause, Israeli demonstrators have continued to protest, even while [celebrating](#) Israel’s 75th Independence Day.

The protesters are [expressly asking for support from Jews in the US](#) and the wider diaspora and [appealing to the US government](#) for help. Strikingly, these pleas have come from former [prime ministers](#), current [Knesset members](#), and retired [senior security officials](#). When President Biden told reporters he was “[very concerned](#)” about the situation in Israel and said he hoped Netanyahu would “[walk away](#)” from his judicial overhaul legislation, it buoyed Israeli protesters, who brought American flags to the demonstrations to convey their [appreciation](#).

If shared democratic values are key to an enduring US-Israel relationship, we must side with those fighting for the values set out in Israel’s [Declaration of Independence](#). It is incumbent on us to support the protesters fighting a government trying to take Israel down the path of populist authoritarianism and democratic decline in the footsteps of [Hungary](#), [Poland](#), and [Turkey](#).

## 3) Encourage protesters to take advantage of the moment and secure guaranteed rights.

The crisis created by the Netanyahu government’s attempted power grab has increased understanding among a wide swath of Israelis of the undemocratic aims of Israel’s far right. Many are resolved to leverage this crisis and create a window of opportunity to secure guaranteed rights. As prominent Israeli human rights lawyer Michael Sfard told me, “The constitutional revolution pursued by the current government revealed to us what this radical right coalition is capable of, and how undemocratic they are. This understanding cannot be undone. It radiates on every question Israelis are faced with, including negotiating a future constitutional order and lack of trust in ‘accepted’ rules that are not anchored in law.”

A [rarity](#) among democratic states, Israel lacks a constitution. In the formative early years of the state, Prime Minister David Ben-Gurion [allied](#) with the Haredi leadership against codifying a constitution, preferring to protect the overriding power of the legislature under his leadership. The ultra-Orthodox rabbinate wanted to be able to dictate their vision of Jewish observance.

Since then, there have been efforts to draft a constitution, but Israeli-American political scientist Dr. Dahlia [Scheindlin explains](#) that “the opposition to enshrining the principle of equality as a foundational law of the Israeli state” has doomed them to failure.

Could this finally be the “[opportunity to create a constitutional moment](#)” that many in the protest movement [want](#)? It will surely be an uphill battle requiring [transparency](#), with participants from all sectors of society, including the Arab public. The Israeli Law Professors’ Forum for Democracy [argues](#) that the negotiations hosted by President Herzog between the government and some opposition parties do not fulfill these requirements. Israel’s friends abroad should support Israelis insisting on a proper process for adopting new constitutional arrangements.

#### **4) Emphasize the connection between the Occupation and Israel’s democratic crisis.**

It is impossible to comprehend the threat to Israeli democracy posed by the Netanyahu government without understanding its connection to Israel’s almost 56-year occupation of Palestinian territory. Justice Minister Yariv Levin sees Israel’s Supreme Court as an obstacle to West Bank annexation and [believes](#) weakening it will enable “tangible steps on the ground that strengthen the process of advancing sovereignty.” The settlement movement provides strong [backing](#) for the judicial overhaul. The Court’s 2020 [decision](#) to invalidate the “Regularization Law” allowing for retroactive legalization of unauthorized settlement construction, including on privately owned Palestinian land, is a key [case](#) proponents of the judicial overhaul cite to justify its necessity.

Israeli demonstrators are taking notice as the tactics used to maintain the occupation are moving inside the Green Line. Police under far-right National Security Minister Itamar Ben-Gvir’s authority used [stun grenades and water cannons](#) against their non-violent protest, and protesters [contrasted](#) this treatment with the [failure by Israeli forces to stop a pogrom](#) by Israeli settlers in the West Bank Palestinian town of Huwara. While the tactics used against Israeli demonstrators still pale in comparison to Israel’s [treatment of Palestinian protests](#) in the West Bank, it is increasingly clear that suppression tactics used over the Green Line will not stay there, particularly when a new “[militia](#)” under Ben-Gvir’s control begins operating within Israel.

Despite this and the participation of the anti-occupation bloc, the main organizers of the protest movement have [avoided](#) the issue of the occupation in order to maximize the number of Jewish Israelis participating in the demonstrations. While this is understandable, if Israel is going to survive and thrive as a democracy it will need to achieve peace with its Palestinian neighbors and end the occupation. True allyship with Israel requires that we articulate that truth.

## 5) Support Jewish-Arab partnership, on which the future of Israeli democracy depends.

The future of democracy in Israel hinges on the full incorporation and empowerment of Israel's Palestinian Arab minority, composing [over 20 percent](#) of its population. Whereas a 2021 [Israel Democracy Institute poll](#) found that a growing percentage of Israeli Jews (42%) believe Jews should have "more rights" than non-Jewish Israelis, Palestinian citizens of Israel demand equality. A much higher percentage of Arab Israelis (75%) believed Israeli democracy to be in jeopardy in 2021 – prior to the current democratic crisis – than Jewish Israelis (44%). An overwhelming majority of Palestinian citizens of Israel (82%) felt that between Israel's Jewish and democratic components, the former was too strong at the expense of the latter. Only 38% of Jewish Israelis agreed with them. Israel's Palestinian Arab minority is strongly incentivized to prioritize democracy and equality. They are a natural, vital partner in the fight for Israeli democracy. They are also [more committed](#) to ending the occupation and a two-state solution. As detailed above, this is inextricably linked with democracy.

While some Arab Israelis [are participating](#) in the protest movement, many others [feel unwelcome](#) or are not interested in joining because they feel Jewish Israeli protesters are seeking a return to the pre-judicial overhaul status quo rather than democracy rooted in equal rights. Israel's allies abroad can help by supporting [organizations](#) that promote Jewish-Arab partnership and emphasizing how crucial that is for the future of Israeli democracy.

To conclude, a window of opportunity for improving Israel's democracy is opening thanks to the protest movement against the Netanyahu government's attempted judicial coup. Jewish Americans and our government have a vital role to play. In Congress, [Representatives Anna Eshoo and Jamie Raskin are leading an important letter](#) supporting the Israeli protesters. We can all [encourage our Members of Congress to sign](#). We can educate our friends, families, and communities. We can support organizations doing the crucial work on the ground in Israel.

To quote our friends from one such movement, [Omdim Beyachad](#): "Where there is struggle, there is hope."