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## Crossing the Democratic Boundaries? Israeli protest against the Autocratization Perils of the 2023 Institutional Reform

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**Abstract.** In the absence of the written constitution, Israeli society is institutionally anchored to the twofold premise of being as equally Jewish as democratic, according to the 1948 Declaration of Independence. These two properties are the foundation stones of the country's national habitus, the system of norms and codes interiorized by citizens. Yet, Israeli democracy has faced many challenges, both external (geopolitical conflicts) and internal (the ramifications of the Occupation of Palestinian Territories and the increasing messianism of its political religious parties). The latter have resulted in a process of seemingly unstoppable autocratization. The paper enquires the types of protest in Israel and delineates the uniqueness of the last wave of protest against the legal reform, promoted by Israel's 37<sup>th</sup> government. The analysis thus contextualizes moments of democratic friction, inspired by the Bourdieusian concept of hysteresis. This is situated in light of Israeli historical repertoire of manifested moments of dissent. By juxtaposing the (inevitable) clash between the country's Jewish exclusiveness and democratic republican universalism, the incompatibility between the two elements as the main factor of Israel's democratic backsliding towards autocratization reveals its sociological reasons.

**Keywords:** Israel, autocratization, 2023 institutional reform, protest, hysteresis, habitus.

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### 1. INTRODUCTION: THEORETICAL FRAMEWORK AND METHODOLOGICAL APPROACH IN DECIPHERING THE ISRAELI PROTEST

This paper aims to contribute to the existing debate on Israeli political identity, as empirically applied to the wave of protest against the agenda of Israel's 37<sup>th</sup> government (until October 7<sup>th</sup>, 2023). The last protest is taken as a salient example of the process of autocratization and the back-sliding of the country's democraticness. In addition, the analysis delineates the forces and social groups who seek a political turning point, as they emerge out of the complexities, contradictions and challenges of Israel as a contemporary democracy. The debate of Israel's democratic back-sliding does not concern, however, the sole, though significant, condition of contested territory and sovereignty around the consequences of the 1967 Occupation in relation to

the Palestinians. It has also an institutional weight “a priori”, given that the country has no written constitution, thus a frail codification of democratic rights. This is manifested in tendencies of electoral instability, the exclusion of minorities and government aggrandizement, hence signs of structural imbalance which engender debates over democratic regression (Tomini, Gibril and Bochev 2023; Cassani and Tomini 2019). The analysis, inspired by historical sociology, attempts to socially unpack processes beyond current contingencies by contextualizing trends of continuity and transformation, alike. It adapts and integrates the long-term stratification of institution-led nationalizing socialization through reproduction and banalization (Billig 1995; Malešević 2019), which put the habitus, i.e., the concept which delineates the acquisition and interiorization of socio-psychological dispositions, namely norms and codes of behaviour, by a determined collectivity (Elias 2001, [1939] 2012; Bourdieu and Wacquant 1992; Bourdieu 1998; Sapiro 2015). The habitus is, therefore, a generative and explicative principle of individual practices in relation to society. It dilutes social conflicts, at least in appearance, and dictates an out-to-do, ought-to-be mode. Moreover, its processual development entails a sense of belonging, namely the dichotomous We versus They, which is as anchored as it is inherent to a determined collectivity in a specific historical conjuncture. In political terms, it is the national habitus that collectivizes citizens into being part of a nation-state.

Since its establishment, Israel’s national habitus has been centred around the identification with being Jewish and democratic, as announced in Israel’s 1948 Declaration of Independence, soon transformed into the state-centric principle of “Mamlakhtiyut”, conceived by Ben-Gurion. This political guideline endorses a republican state-centric sense of belonging and a civil duty to the state (Kedar 2002; Bareli and Kedar 2011). In addition, it postulates a civic and procedural legalism as the primary normative arbiter of the state, making state’s sovereignty both a condition and a result of its *protego ergo oblige* (Mautner 2011). Therefore, all forms of social and political discontent derive from the dispositional balance between Jewish particularism and democratic universalism, potentially causing hysteretic conflicts.

Yet, the equilibrium the habitus maintains is dynamic and, as such, subject to tensions and pressures which may result in what Bourdieu referred to as hysteresis. The latter conceptually describes a state in which the acquired interiorized dispositions of the habitus clash with objective external environment, inasmuch as prior conditions change abruptly. According to Bourdieusian field theory, volatile times, characterized

by dislocation and disruption of societal regularities, produce such hysteresis effects (Bourdieu 1977; 2000). Such effects can produce actions that disturb the normal activities of society such as demonstrations, strikes, riots, terrorism, civil disobedience, and even revolution or insurrection. This makes hysteresis a useful concept to social phenomena labelled as “contentious politics” (McAdam, Tarrow and Tilly 2001). The case of the socio-political protest in Israel in light of the 37<sup>th</sup> government well exemplifies this theoretical frame.

The tracing of causal chains is applied to the period of the Knesset’s winter session (November 15<sup>th</sup>, 2022-April 2<sup>nd</sup>, 2023) which contextualizes the first political decisions and legislation promoted by the newly appointed government, result of the general elections of November 1<sup>st</sup> 2022, as the consequential escalation in the opposition expressed by both formal politics and civil society. Based on qualitative research of Israeli dailies and news broadcasts (sources to build up formal official documentation and public statements), the analysis constructs the last protest in relation to political agency and other typologies of discontent in Israel regarding the country’s national habitus. The next section provides historical examples of protest in Israel. Though not exhaustive, main events of social unrest are contextualized and labelled into types of protest and their thematic relevance. Hence, the reader encounters the different morphologies of hysteresis in Israeli history. These examples allow to trace the dialectics between politics and citizenry. As we shall see, the cases analysed cover various groups in Israel and delineate disputed features of Israel’s national habitus in times of friction.

## 2. ISRAELI SHORT-LONG HISTORY OF PROTEST: A SPECTRUM OF CLEAVAGE-DRIVEN UNREST

This section addresses the history of protest in Israel. It exemplifies different typologies of manifested hysteresis from the past. These are meant to delineate the structural properties of Israeli Jewish society that have shaped the Israeli national habitus concerning public institutions and juridico-societal norms. The table below summarizes the classification and morphologies of protestation that manifested socio-political hysteresis in Israel’s history. The types and morphologies may inter-cross and present varied degrees of social friction, while providing a general overview on the modes, motivations and themes of protest; linked to ethnical, religious, political and economic societal cleavages, considered as a junction of multi-layered inter-crossing social factors (Lipset and Rokkan 1967). Some of the combine protest expressions

**Table 1.** Classification of protests in Israel.

<i>Types of protestation</i>	<i>National</i>	<i>Ethnical</i>	<i>Religious</i>	<i>Political (and ethical)</i>	<i>Economic</i>
<i>Morphologies of hysteresis</i>	Bottom-up participation of the "Arab-sector" Violent\ non-violent reactions	Demonstrations Wadi Salib (1959); The Israeli Black Panthers Movement (1971) Yeminite Children Affair Case	Riots Haredi Riots around haredi neighbourhoods in Jerusalem; The ultra-Orthodox demonstration against the Supreme Court (1999)	Collective Civil disobedience (threats) 1952 Reparations Agreement protest 1973 Yom Kippur War Protest 1982 Lebanon War and consequent Israeli Occupation The protest against the Disengagement plan (2004-2005)	Denouncement and boycott The 2011 Israeli social justice protests The hight-cost of living "Milki" Protest 2014-2015

Source: Authors' elaboration.

regarding both type and origin of hysteresis, and hence, feature an inclusive and dynamic fashion to categorize dissent and conflict, rather than looking at them separately as singular episodes (although historicized). This is somewhat intuitive, since protest participation may increase or decrease overtime as well as to combine and channel more than one issue. Although this classification may seem trivial, - insofar as such cleavages are present in many other democracies-, the discrimen of Israel is the lack of a republican written constitution which formulates and formalizes the balance of power between the country's stakeholders, i.e. representative government and governed citizens (government functions are anchored to the so-called basic laws which present structural lacunae and a juridico-political trajectory oscillating between political majority in terms of enactment and legal interpretation). This makes Israeli democracy structurally vulnerable to abrupt change.

The first type of protest includes episodes of manifested national contention, either violent or non-violent, by Israeli-Palestinians (also known as "the 1948 Arabs") as a "sectorial" reaction to Israeli authorities as to their own rights of those of the Palestinians living in the occupied territories. Many scholars have insisted over the years on the bloody and bitter reality of the Israeli-Palestinian conflict challenging Israeli democracy, namely the discriminatory double-standard of human and civil rights due to the legal absence of universal citizenry which changes its codes, according to the country's territorially differentiated democraticness (Ariely 2021). The national struggle, the core of the Israeli-Arab-Palestinian conflict, is a crucial element in Israeli history and politics. A pivotal example of such protest is the "Land Day" (Arabic: *ضُرَّالْأَمْوِي*, *Yawm al-'Arḍ*), March 30<sup>th</sup>, namely the day of commemoration for Arab citizens of Israel and Palestinians of the 1976 expropria-

tion of Arab lands by Israeli authorities. Apartheid-like policies in the post-1967 occupied territories of the West bank and the segregational siege of the Gaza Strip from the rest of Occupied Territories (the so-called "Green-line", i.e., the 1949 armistice border) have been implemented and added to forms of "democratic defectiveness" (Merkel 2004) shaping and shifting Israel towards increasingly Jewish-based ethnocratic regime; which a procedural democratic frame that encompasses a specific ethno-led national habitus whose historical background can turn into an ethnic-state, therefore, an "ethnocracy" that formalizes segregation by law (Smooha 1997, 2002; Yiftachel and Ghanem 2004; Yiftachel 2006).

With regard to the morphologies of protest, concerning hysteresis effects impacting the Israeli national habitus, i.e. Jewish democratic republicanism, the one feature which presents significative particularities is that of "civil disobedience" in relation to Israeli *Malmalkhtiyut*. Civil disobedience in Israel is intimately linked to the compulsory military service (the foundational concept of the "people's army"). In Israel, the term refers either to insubordination or to a complete refusal to serve due to disagreement with the Israeli government policies as carried out by the IDF. This disobedience, however, is not necessarily linked to pacifism (other reasons of fear, fatigue, convenience, etc. are defined as refusing an order only, and are not included in the definition of refusal). Moreover, after the 1956 Kfar Qasim massacre by Israeli border police, the term "obviously illegal command" was coined, describing a situation in which a soldier must refuse to carry out an order, inasmuch as it is clearly illegal. Refusal to obey such an order does not amount to refusal. Notwithstanding, civil disobedience may find various motivations from both the left and right ends of the political spectrum. The refusal on the left is connected to reasons of paci-

fism, but also to the reluctance to serve in the occupied territories of Judea, Samaria and the Gaza Strip (consequently, the participation in military activity which violates international law). The refusal on the right concerns the principle of serving in the army under a government that implements a policy of handing over parts of Israel or in the evacuation of Jewish settlements (e.g., the 2005 Israeli disengagement from Gaza).

The State of Israel is defined as a democratic state and therefore opposition to the government is permitted in principle. However, in the eyes of many in Israeli society, the refusal is considered illegitimate, as it is seen as an attempt by the minority to impose its opinion on the majority, which democratically decided to send the army on certain missions. This is in addition to the militarism in Israeli society, which the “refuseniks” tend to criticize. The refusers usually claim that their refusal is not political but conscientious. It is their conscience that does not allow them to obey the order they received. A general objection to serving in any army, motivated by a pacifist worldview, is formally acknowledged as a reason for non-drafting girls into the IDF. On the other hand, objection to a specific mandatory draft for the IDF as the army of the State of Israel or a refusal to follow certain orders is sometimes called “partial refusal” or “selective refusal” (Linn 1989, 1996). The partial recognition of ideological stands vis-à-vis the state, however, does not mean the absence of collective restrictions. As pointed out by Barzilai (1999: 318): «the political establishment imposes compulsory recruitment of people and economic resources, controls information, and curtails individual freedoms of expression, association, and demonstration. The state promotes the emergence of exacting sociopolitical and legal norms and endorses severe sanctions against the opponents of war»; whose political fallouts further strengthen non-liberal trends in the public opinion (Ben-Eliezer 1993).

The other component of the Israel is, of course, its Jewish character. With regard to protests, many episodes of protest by ultra-Orthodox Jews have defined the so-called “religious coercion” which has gained visibility in Israeli media, since the 1980s. Haredi riots around haredi neighbourhoods in Jerusalem against Sabbath desecration or against the selling of pork reacted to the demand of nonobservant ex-USSR Jewish immigrants (especially in the 1990s). The topic of “religionization” of Israel’s public sphere and political representation became a central parameter of measurement of Israel’s liberalism, pluralism and democraticness (Don Yehia 1986; Rubinstein 2017). Over the years, the use of the term by religious parties has almost disappeared, whereas its use by secular parties increased. Parties such as Ratz, Shinui, Meretz and for a short time also the Israeli Labor

Party miraculously lifted the claims of religious coercion, which together with the claims against the ultra-Orthodox not serving in the IDF facilitated electoral gains. The fight for the separation of religion and state, which had been rejected by almost all parties in 1948, has been often fought on the banner of secular parties with a centre-left political orientation. This trend is what has brought the observant Jewish population to espouse more rightist stands that was able to appropriate the Jewishness of the State in religious terms, whereas the non-observant became more frequently identified as democratic universalists. “Secularists” of the second and third generation after the founding of the state feel associated and less connected to Jewish orthodox traditions. Therefore, compromises in religious matters constitute a great deal to those educated on the teachings of the hegemonic lay Zionism. In addition, Israelis have become more aware of the growing gap between the standards of the status quo regarding state and religion and the prevailing norms in the Western world concerning family law, transportation, entertainment and commercial activities on the official day of rest (Saturday, hence Jewish Sabbath). According to Barak-Erez (2007), the increase in polarization between the secular and the religious, due to influences from Western culture, as well as to inner political and social changes, the bans on growing and selling pork in Israel have moved from the status of reasonable national or social prohibitions during the mandate period and the 1950s and 1960s to the status of religious prohibitions that constitute religious coercion in the 1980s and 1990s. Consequently, the preservation of some of the status quo orders has intensified.

In 1999, an ultra-Orthodox demonstration (and prayer rally) against the Supreme Court reached an undoubtable peak. The demonstration was held against the Supreme Court’s policy on matters of religion and state, which was initiated by Rabbi Yaakov Aryeh Alter and organized by MK Menachem Porush. According to police estimates, about 350,000 demonstrators participated in the protest. Other commentators estimated the number of demonstrators at a quarter of a million. Among the ultra-Orthodox public, the demonstration was called “The half-million demonstration”. A counter-demonstration, in favour of the Supreme Court, took place at the same time in Saker Park, and according to police estimates, about 50,000 people demonstrated there. Other demonstrations were also held in the various ultra-Orthodox cities in Israel. The latter attested the growing cleavage between the biggest groups in Israel’s Jewish population. According to jurist and rabbi Friedman (2021), formalized by institutionalized non-democratic public policies of separation, namely in the education system, by the

ultra-Orthodox community challenges the formers' participation in Israeli democracy. Hence, the application of judicial instruments in front of any political protest would only increase the religion-led cleavage, while Israeli citizenry has been experiencing an awakening of religiosity, though in a very much individualistic manner (unlike in ultra-Orthodoxy), and beyond any legal cadre.

That said, another major characteristic in Israeli Jewish society is the ethnical cleavage between Ashkenazi Jewish (of Central and Eastern European descent) and the so-called Mizrahim (lit. "Orientals"), namely Israeli Jews whose origins are to be found in Arab-speaking countries. As demonstrated by the table, the history of tensions between this group and the political establishment (which was hegemonically Ashkenazi, given the origins of Zionism in European Jewry) is already rooted in first years of Israel's independence. This is exemplified by the Wadi Salib protest; a series of street demonstrations and riots that took place in 1959 in the Wadi Salib neighbourhood in Haifa. The events were a social revolt against deprivation and discrimination on sectarian grounds, initiated by first-generation Jewish immigrants against the Socialist Zionist MAPAI establishment (the quasi-hegemonic party until 1977). The neighbourhood was originally an Arab one whose residents had to escape Israeli belligerence during the 1948. The "abandoned" houses were expropriated by the Israeli government who settled it with immigrants, mainly from North Africa; which engendered the cancellation of prior Palestinian life but also the separatedness of new Israelis within the urban area of the city (Weiss 2007).

The overt social unrest was eventually translated into collective mobilisation in the 1970s, a decade that proved to be a turning-point in Israeli politics. One of the reasons for that was the warm welcome Israeli authorities were extending to Jewish immigrants from the Soviet Union – around 163,000 people – simply referred to as "Russians". The newcomers, generalised as "prisoners of Zion" (i.e., Jews imprisoned or deported for Zionist activism in the USSR), enjoyed financial benefits as well as access to advanced education services, thus the opposite of what Mizrahi immigrants had received two decades earlier. Certainly, the economic conditions of the Jewish State improved much since the years of austerity, as Israel was experiencing an unprecedented economic boom following the third Arab-Israeli War of 1967 (the Six-Day War). These were the grounds of the next great moment of ethno-economic protest in Israel, embodied by the Israeli "Black Panthers" movement. The latter consisted in young people in the Musrara neighbourhood of Jerusalem, in reaction to discrimination against Mizrahi Jews. All of the initial ten members of

the movement were children of Moroccan immigrants, around ages 18–20, and most of them had dropped out of elementary school and spent some time in juvenile delinquent institutions. This group protested against the establishment's apathy towards the social problems of the poorer strata in society. They also criticized the government's lack of support for the mass demonstrations that took place against the hanging of Jews in Iraq. The Black Panthers eventually moved into electoral politics, but without success, at least in part because of internal disputes and struggles. In the 1973 Knesset elections the party won 13,332 votes (0.9%), just short of the 1% threshold (Bernstein 1979).

A less important demonstration, though significant in the historical tracing of ethnical protest in Israel, is the 2018 demonstration related to the so-called "the Yemenite Children Affair". The latter refers to the disappearance of mainly Yemenite Jewish babies and toddlers of immigrants in Israel during the period 1948-1954. The number of babies affected ranges from 1,000 to 5,000 individuals who were declared dead to their biological families but who were actually given to childless Ashkenazi couples who adopted them. After decades of periodical manifestations by families leading to various investigation reports, parliamentary commissions, media reportages, and a supreme court ruling. All these compelled the state to release 400,000 classified documents regarding the affair.

In addition to the abovementioned examples, the table presents other types and morphologies of protest which are considered moments of hysteresis in Israel's national habitus. Whereas, the ethnical and religious protests are structurally unique to Israel, given the country's national habitus considered as the twofold combination of Jewishness and democracy, challenged by Israel's demographic composition, political and economic protests are more easily generalized. The 1952 Reparations Agreement between Israel and the Federal Republic of Germany exposed the cleavage between left and right in Israel in an already Mamalkhtiyut-based institutional order (unlike fights within and between Jewish factions in the pre-Independence period). From the moment the direct negotiations with Germany were revealed, in December 1951, heated political debates took place. The protest reached its peak on January 7, 1952, when the agreement was put on the Knesset's agenda. Opponents of the agreement held a demonstration in which many demonstrators participated (relative to the size of the population at that time). Menachem Begin, leader of the Israeli right-wing opposition, spoke very harshly against Ben-Gurion's government's collaboration with Germany, "a nation of murderers"



in light of the Shoah. He called for the non-payment of taxes and civil rebellion. Yet, on January 9, the Knesset approved the government's decision to hold negotiations with West Germany (by a majority of 61 against 50, with six abstentions) and authorized the Foreign Affairs and Security Committee to finally approve the text of the agreement that would be reached. In September 1952, the reparations agreement between the State of Israel and West Germany was signed (Weitz 2002).

Other political protests had achieved deeper impact. The 1973 manifestations against the Yom Kippur War, which ended with the Agranat Commission whose interim report led to the resignations of Chief of Staff David Elazar and eventually, due to increasing public criticism, to that of prime minister Golda Meir on April 11, 1974. Quite similar was the Kahan Commission, formally known as the Commission of Inquiry into the Events at the Refugee Camps in Beirut, which was established by the Israeli government on 28 September 1982, to investigate the Sabra and Shatila massacre (16-18 September, 1982) during the 1982 Lebanon War. The commission, called for under American pressure, forced Ariel Sharon to resign from his position as Minister of Defense. Yet, the war and the Israeli occupation of Southern Lebanon (1985-2000), and the consequent death toll that Israeli families paid for this controversial war and its aftermath led to the establishment of several groups of public protest (the 1982 "Committee Against the War in Lebanon", 1983 "Parents Against Silence" movement, the 1997 "Four Mothers" movement). Both these protests centered around geopolitical events and had much to do with anti-War sentiments as well as the left-right divide in Israeli society. Notwithstanding, public protest did not concern, at least not directly, the dual Jewish and democratic national habitus of the country.

Different was the protest against the disengagement plan from Gaza. In this case, protest began long before the disengagement plan was accepted by the Knesset. With the approval of the preparations for the plan in the Knesset on October 26, 2004 (but not for its actual implementation), the wave of protest intensified, and it grew stronger as the preparations for the disengagement progressed. It was marked with the colour orange, and led to one of the most powerful clashes in the history of Israeli democracy. Although among the opponents of the plan there were both secular Jews and ultra-Orthodox, the majority of the protestors belonged to the religious-nationalist stream in Israeli society. This sociopolitical group's opposition stemmed primarily from religious motives and the belief that the State of Israel's hold on the Land of Israel is part of the messianic redemption process. The protest, therefore, dialectically and simul-

taneously exacerbated both the religious and democratic features of the Israeli habitus. It crystalized the left-right divide, projected onto land versus state antagonism. Moreover, the protest questioned the good practices of politics, criticizing on the one hand the demagoguery by the opposition to its, and on the other hand, the executive aggrandizement eroding democratic representation.

After overviewing the most significant episodes of political protest in Israel's history, while delineating context, types of protestation and morphologies of hysteresis, one may assume that the Israeli habitus has succeeded in providing responses to these domestic crises. In all the abovementioned cases, the reaction of the state-system reiterated the principles of *Mamlakhtiyut* and responded to discontent and criticism through legally-bound solutions which aimed at safeguarding common weal and at keeping different sectors of citizenry within the boundaries of the Jewish-democratic habitus. Though contradictory, the Israeli republican ideal was able to contain and regulate those contestations democratically. It is paramount to keep in mind that Israel's political divide, has been based on the two major interpretations of Zionism, namely the socialist centre-Left vs. capitalist centre-Right, which assured a quasi-hegemonic government to the first and the role of opposition to the latter (until its victory in the 1977 general election). This point had left the Israeli right in a historically "underdog" position, rhetoric-wise, though most governments have been headed by Netanyahu himself, since 1996. Hence, the Israeli Knesset has always testified fragmentation in its composition (120 parliamentarians) often including up to 15 parties (1951, 1984, 1988, 1999). The representation of leftist, rightist, liberal centre, religious and ultra-orthodox, Ashkenazi, Sephardic or Mizrahi, Russian and Arab lists permitted the Israeli electorate to express divergence and diversity, as long as the rules of the democratic game remained solid and uncontested. In light of the latter, the nine months of protestation against Israel's 37<sup>th</sup> government and its institutional reform, interrupted by the Israel-Hamas war since October 7<sup>th</sup> 2023, seem to be exceptional. The next section contextualizes the reach and elements that have been crystallized in the outbreak of the protest and traces the challenging dynamics around the hysteresis of the Israeli national habitus.

### 3. THE CENTRIFUGAL HYSTERESIS OF ISRAELI 2023 PROTEST

As seen in the previous section, Israel has known various types of protestation which bore different issues. These were responded by politics that had placed the

national habitus, Jewish and democratic, at the heart of its reactions. The Israeli variant of republicanism contained cleavages and fractions. Unlike the historical examples, the last wave of protest, suspended by the trauma of October 7<sup>th</sup> and the belligerence that followed, has not been centered around the deeds or misdeeds of the state but encapsulates the very basic issue of the balance between Israel's Jewish identity and its democratic one, as it has been shaped since the country's independence. That said, this section traces the hysteretic centrifugal depth and breadth in the main occurrences of the protest; which, though interrupted, manifested Israel's fragile national habitus. It delineates the forces and social groups that have emerged and manifestly revealed Israel's contradictions.

About a week after the formation of the 37<sup>th</sup> government, sworn in on December 29<sup>th</sup> 2022, Justice Minister Yariv Levin presented his plan for significant reform in the current judicial system, based on the jurisprudence as developed in the 1990s which has been strongly identified with Supreme Court Judge Aharon Barak. Named by the plan's opponents a "regime coup", claiming that it would harm Israeli democracy and the country's system of checks and balances. But what is the content of the plan? The proposed reform consists in four parts: 1. the disqualification of laws bypassing Supreme court rulings; 2. the composition of the selection committee of judges passes from nine to eleven members with 7 of them representing the governing coalition, whereas the nomination of Supreme Court Judges will be subject to a public hearing before the Constitution, Law and Justice Committee of the Knesset; 3. the cancellation of the reasonability clause for the disqualification of instructions received in accordance with the law; 4. the appointment of the Attorney General and ministerial legal advisors is not binding for the government. These points became the central motivation of the fight against the reform, considering Netanyahu's ongoing triple trial for corruption (alleged bribery, fraud and breach of trust), which manifestly reached high levels of personalization and self-interest.

Following the presentation of the plan, the protest wave against the government began. The protest found its outlet on January 7<sup>th</sup>, when the first significant demonstration against the reform's program was held in Tel Aviv. Thousands of citizens participated in it. A week later, on January 14, about 80 thousand people demonstrated in Tel Aviv, Jerusalem, Haifa and other places throughout Israel. On January 21, over 100,000 people demonstrated in Tel Aviv and tens of thousands more in various cities. After three days (January 24), a one-hour strike was held, joined by more than 130 high-tech

companies; hence, both an internationally important economic sector (15% of national GDP via 54% export) that numbers 10.4 percent of Israeli employees. High-tech employees also initiated a website for others to join the protest. The protest increasingly took on a form of a proper organization with headquarters and activists throughout Israel. The Saturday evening protest became a weekly manifestation of dissent. Yet, not only did the protest opt for the national coordination of demonstrations but it also declared strikes and mobilization of the economic sector. This capacity has been made possible due to the protest's several financial sources. The latter include a crowdfunding campaign (over NIS 18 million had been collected, as of March 30<sup>th</sup> 2023), along with donations from private individuals, as well as funding from the New Israel Fund which awarded grants to a number of associations operating in the protest. Moreover, the already established black flags movement (born in March, 2020) and the movement for the quality of government have been among the leaders of the protest and its funding. An organization called "Brothers in Arms" (Hebrew: קשנל מיהא) founded in January 2023 became the protest's main organizer.

The wave of protest reveals several peculiarities in relation to past manifestations of dissent. Firstly, various sectors and social groups in Israel have taken part in the demonstrations, corroborated by many public figures such as party leader, former politicians and high-level state civil servants (e.g., former Chief of Staff of the Israel Defense Forces and Israel's Defense Minister Moshe "Bogie" Ya'alon, former Foreign Minister Tzipi Livni, former prime ministers Ehud Olmert and Ehud Barak, Mayor of Tel Aviv Ron Huldai, former Director of the Mossad Tamir Pardo etc.). The core values of the protest participants can be summarized as new liberal democratic streams in Israeli society, or otherwise, the productive lay middle class and public servants who represent the barycentre of Israeli society in terms of left-right, centre-periphery and state-religion cleavages. Individuals who belong to this sociological fragment, often identify themselves as "the burden bearers of Israel", constitute the classes who serve in the army and pay taxes; unlike ultra-orthodox who are exempted from military service and largely benefit from social subsidies.

Secondly, the Israel Defence Forces, one of the state's embodiments of institutional non-partisanship (together with the justice system), found itself at the heart of the political protest. Already on February 26<sup>th</sup>, hundreds of members of the special operations forces signed a letter warning that they would not continue to volunteer for reserve service if the legislation was passed. The protest also spread to reserve pilots and navigators, over 50

flight controllers and about 40 aircraft operators who informed their units that they would not show up for training scheduled for that week and would devote their time to the fight against the legislation. A letter against refusal and disobedience was published on March 9<sup>th</sup>, signed by former chiefs of staff Shaul Mofaz and Gabi Ashkenazi and other 34 former generals. Ten days later, the military attorney's office decided, in order to prevent polarization within the IDF, that there was no obstacle for soldiers to participate in demonstrations, provided that they do so in civilian clothes only. This is meaningful evidence of the rupture within the myth of the "people's army" in a democracy where the militarization of law enforcement is a widespread and persistent phenomenon, reaching "enimising" contrasts and decline (Levy 2022; Kimmerling 2001). The protest encountered violent response by police officers, exacerbated by Prime Minister Netanyahu and Minister of National Security Itamar Ben-Gvir who qualified protesters as anti-Zionist leftist anarchists. The clash within the army's ranks reached its culmination on March 25<sup>th</sup>, when Defence Minister Yoav Galant convened a press conference calling for a halt to the institutional reform legislation until after Independence Day. He warned against the consequences of advancing the legislation in light of the phenomenon of refusals in the IDF. The day after, Prime Minister Netanyahu announced Galant's dismissal from office (never finalized). On March 27<sup>th</sup>, Galant spoke at the Knesset's Foreign Affairs and Security Committee, before which he stated that situation endangers the security of the country. Increasingly the state apparatus entered the protest directly, also in the case of Israeli academia and municipalities (placing Hamas's attack on October 7<sup>th</sup> in a context of evident domestic fragility that leads to a geopolitical one).

Thirdly, given the out-front clash over Israeli democraticness, the protest began to increasingly echo with international references, as banners (and slogans) at demonstrations showed the Hungarian prime minister Orbán, the Russian president Putin, Benjamin Netanyahu, the Turkish president Erdoğan, and the Iranian Khamenei as a unified group of authoritarian leaders. In this respect, protest organizations in Israel sought to generalize their operations and position Israel as a democracy at risk, similarly to the European cases of Hungary and Poland. Noteworthy is the fact that members of the Israeli protest and some pro-democracy activists from the two European countries were planning to unite forces and launch a joint body in the European Parliament in Brussels in mid-October, 2023 (an initiative abruptly suspended as a result of the October 7<sup>th</sup>). Furthermore, some women manifested their protest

against exclusion and discrimination by ultra-Orthodox parties, while being dressed in the Handmaid's Tale salves' red outfit; a reference to the TV series based on Margaret Atwood's futuristic dystopian novel, hence showing a symbolic "international contamination" against the government's patriarchal religious tyranny. Another example of the international echo of the protest was the disruption of Netanyahu's diplomatic visits abroad in Rome and London (March 5<sup>th</sup> and 24<sup>th</sup> respectively), with local protests by Israelis living in those cities and others worldwide (e.g., Paris, Madrid, Sydney and Berlin).

The protest came to a seemingly temporary stop only with the events of October 7<sup>th</sup>, 2023 (not even the much-discussed presidential compromise had found transversal consensus).

#### 4. THE POWDER KEG OF ISRAELI POLITICS: A LAB FOR HABITUS' HYSTERESIS

Israeli society is institutionally anchored to the two-fold equally Jewish as democratic national habitus. The two properties are the foundations of Israel's as a collective polity, given the plurality of socio-political and sociocultural sectors in the country's demographic fabric. The article traced types of protest in Israeli history and delineated the morphologies and moments of hysteresis, namely episodes of friction between government and citizenry in light of the Israeli habitus, based on the principles of civic republicanism (*Mamlakhtiyut*). The article then examined the last wave of protest in Israel against the institutional reform endorsed by Israel's 37<sup>th</sup> government, a full-right coalition. The construction of events, reveals the combination of several processes and actors. By analysing the Israeli protest through the pillars of the country's national habitus, one understands the tensions characterizing Israeli society. The sociological cleavages present in Israel has crystallized in the outbreak of the protest which has amalgamated different claims and sectors for the democratic feature in Israeli politics to be kept in the existent status quo vis-à-vis the country's Jewishness. Nevertheless, it is the same democratic component that has engendered the political majority and this government's formation. Due to this contradiction the nuances in Israeli democracy seem to blur and oscillate towards even greater polarization within Jewish Israelis, whilst encapsulating an unseen spectrum of issues deriving from the macro-question regarding Israel's own national habitus in its democratic capacity. Certainly, the project of institutional reform pushed unilaterally by the governing



majority – the result of political instability expressed in five electoral rounds in two and a half years – demonstrates the wish to formalize the executive's predominant position, beyond tactical aggrandizement. Netanyahu's government sought to anchor its ideological stands to the institutional cadre of the state. Nevertheless, the eruption of a seemingly inter-sectorial opposition to the government and judicial reform combined all types of protest in relation to systematic risks impacting the rule of law, the economy and sociocultural pluralism. This protest equally attests the risk of tangible autocratization, which has not been related to Israeli Arabs or Palestinians and occupation; issues that has been largely trivialized, till the October 7<sup>th</sup> attacks and the belligerence that followed.

No wave of protestation in Israeli history has ever manifested such an elevated degree of hysteresis between the container of Israeli democracy (the state) and the normative and behavioural content (the country's collective habitus). Unlike historical protests, the ongoing protestation has been transversal and omnivorous. It includes a multitude of topics and social sectors. More importantly, it is the first time in Israeli history that protest directly concerns the ranks of the IDF, perhaps the most significant pillar of Israeliness and patriotic state-building. The protestation against the reform further enhances the cleavages and divides persisting in Israeli society. Possible democratic backsliding towards procedural illiberal democracy, shaped by a determined majority, is the main worry amongst protesters. In this sense, it is properly the vitality of protest which expresses the democratic creed of Israel's burden bearers. As in other democratic societies belonging to the often (self-) identified Western world (e.g., Italy, France, USA etc.), social discontent find outlet in collective protestation. Despite differences linked to its geopolitical situation, the lack of a written constitution, and especially the ambiguous structural duality of the Jewish and democratic state (since any juridical step towards further Jewish particularism or democratic universalism would mean relinquishing one of Israel's constitutive features) reproduces inner contradictions in Israel's democraticness. Yet, for the time being, Israel shows that democratic principles, once perceived as threatened by any authoritarian drift, set aside social fatigue. While manifestly claiming dialogue and the abandon of unilateral top-down reform, the basic, somewhat populist, interpretation of democracy fully emerges: the rule of the common people; may it be a majority or minority. The frail democratic playground will determine its resistance and/or resilience in front of undemocratic trends.

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