

INTERJEKTE 15

2025

SCHLAGLICHTER AUF DEN AKTUELLEN NAHOSTKONFLIKT

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(Hg.)

zfl

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IMPRESSUM

Herausgeber Leibniz-Zentrum für Literatur- und Kulturforschung (ZfL)
www.zfl-berlin.org

Direktorin Eva Geulen

Redaktion Dirk Naguschewski

Gestaltung KRAUT & KONFETTI GbR, Berlin

Coverbild D. M. Nagu: Scars (2020)

Layout/Satz Emma Neuhaus und Niki Khonsari

Korrektorat Niki Khonsari

DOI: [10.13151/IJ.2025.15](https://doi.org/10.13151/IJ.2025.15)



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INHALT

- 04 **VORWORT – WENN WIRKLICHKEIT
WISSENSCHAFT EINHOLT UND WIE
WISSENSCHAFT SPRECHFÄHIG
BLEIBT**
Eva Geulen
- 09 **GERMAN “ERINNERUNGSKULTUR” AND
THE GAZA WAR**
Stefani Engelstein
- 28 **THE DOUBLE BIND OF THE CIVIC
OPPOSITION TO THE ISRAELI
GOVERNMENT**
Alma Itzhaky
- 40 **KEINE NEBENSACHE: ADANIA SHIBLIS
POLITISCHER ROMAN**
Ivana Perica, Gabriel Schmitt, Ella Uebachs

VORWORT – WENN WIRKLICHKEIT WISSENSCHAFT EINHOLT UND WIE WISSENSCHAFT SPRECHFÄHIG BLEIBT

Eva Geulen

I.

Zum Forschungsprofil des ZfL gehört die Aufmerksamkeit für aktuell drängende Probleme und Fragestellungen. Ausdrücklich wird der sogenannten Wirklichkeit also ein Mitspracherecht bei der Forschungsagenda eingeräumt. Sowohl die schwierige Rolle von wissenschaftlichem Expertenwissen in den gesundheitspolitischen Entscheidungen der Regierung während der Corona-Pandemie als auch die Gründung der an die Jugendbewegung Fridays for Future anschließenden Gruppe Scientists for Future (auf die zwei Jahre später die des Netzwerks Wissenschaftsfreiheit folgte)¹ gaben Anlass zu der Frage, ob sich in dem gewiss immer spannungsreichen Verhältnis von Wissenschaft und Politik in jüngster Zeit etwas verschoben oder vielleicht sogar grundsätzlich geändert haben könnte. Nachdem wir bereits auf einer ersten Tagung im Oktober 2022² verschiedene Dimensionen dieses Verhältnisses ausgelotet hatten, wurde »Aktivismus und Wissenschaft« mit Beginn des Wintersemesters 2023/24 zum ZfL-Jahresthema – unserem Format für die explorative Beschäftigung mit offenen Fragen. Für eine Laufzeit von drei Semestern wollten wir uns das Thema »Aktivismus und Wissenschaft« in gemeinsamen Lektüren und Diskussionen erarbeiten.

Das Wintersemester 2023/24 hatte noch nicht begonnen, aber das einführende Faltblatt zum neuen Jahresthema war gerade erschienen,³ als am 7. Oktober

2023 die Hamas in einer beispiellosen Terrorattacke in Israel einbrach, über tausend Zivilist*innen brutal ermordete und mehrere hundert als Geiseln verschleppte. Unmittelbar darauf begann der Krieg Israels in Gaza. Und weltweit begannen unmittelbar nach der Attacke die Solidaritätsbekundungen, in Deutschland von Regierungsseite vor allem gegenüber Israel unter Verweis auf die von Angela Merkel neu belebte Idee einer Staatsräson, der zufolge Deutschland Israel bedingungslos solidarisch zur Seite zu stehen habe, einschließlich Waffenlieferungen.⁴ Es gab aber auch sofort propalästinensische Solidaritätsbekundungen, darunter solche mit antisemitischen Zügen. In der weiteren Entwicklung des Krieges polarisierte sich die Situation in Deutschland zusehends. Besondere Gestalt nahm das in einer wahren Flut offener Briefe und Gegenbriefe an. Polarisierung manifestierte sich allerdings auch in einer politisch induzierten Praxis der Ein- und Ausladungen im kulturellen Sektor (in mancher Hinsicht an die Diskussionen um Antisemitismus auf der Documenta 15 anknüpfend⁵), die Ivana Perica, Gabriel Schmitt und Ella Uebachs in ihrem Beitrag an einem ausgewählten Beispiel untersuchen.

Im Frühjahr und Sommer 2024 schließlich wurden die an führenden US-amerikanischen Universitäten

files/zfl/downloads/forschung/ZfL_Jahresthema_Aktivismus-und-Wissenschaft.pdf.

1 Vgl. die Websites von Fridays for Future: <https://fridaysforfuture.de> (alle zitierten Onlinequellen, sofern nicht anders angegeben, zuletzt aufgerufen am 17.02.2025) und von Scientists for Future: <https://de.scientists4future.org>.

2 »Aktivismus und Wissenschaft I: Zur Theorie, Geschichte und Aktualität einer Provokation«, *ZfL Berlin*, <https://www.zfl-berlin.org/veranstaltungen-detail/items/aktivismus-und-wissenschaft-i-zur-theorie-geschichte-und-aktualitaet-einer-provokation.html>.

3 Das Faltblatt ist verfügbar unter: <https://www.zfl-berlin.org/>

4 Vgl. Josef Isensee: »Die Wiederkehr der Staatsräson«, in: *Frankfurter Allgemeine Zeitung*, 18.09.2024, <https://www.faz.net/einspruch/die-wiederkehr-der-staatsraeson-19992960.html>. Das Leibniz-Institut für jüdische Geschichte und Kultur – Simon Dubnow (DI), mit dem das ZfL seit vielen Jahren eine enge Kooperation pflegt, hat zu diesem Thema kürzlich seine Jahrestagung veranstaltet; vgl. die Website des Instituts: <https://www.dubnow.de/veranstaltung/staatsraeson-zur-geschichte-eines-missverstaendnisse>.

5 Vgl. das Projekt von Georg Simmerl: »Strategien der Kritik. Eine systematische Rekonstruktion der Debatte um die documenta fifteen«, *ZfL Berlin*, <https://www.zfl-berlin.org/projekt/strategien-der-kritik.html>.

von Studierenden errichteten propalästinensischen Protestcamps, z. B. an der Columbia University, mit Polizeigewalt geräumt. Mindestens drei Universitätspräsidentinnen mussten nach einer Anhörung im US-Kongress zurücktreten, weil sie nicht energisch genug gegen Antisemitismus auf dem Campus vorgegangen seien. Propalästinensische Protestcamps und Besetzungen fanden auch in zahlreichen europäischen Ländern statt. Besonders viel Aufmerksamkeit erregten sie in Berlin, wo Anfang Mai zunächst an der Freien Universität (FU) eine propalästinensische Demonstration unter Polizeieinsatz von der Universitätsleitung unterbunden worden war. Das hatte am 8. Mai einen offenen Brief zur Folge, in dem gut tausend Lehrende verschiedener Universitäten sich für das Recht ihrer Studierenden auf friedlichen Protest aussprachen – zum Entsetzen vieler vor allem aufseiten von Politik und Staat, die darin eine Duldung von Antisemitismus sahen. Wenig später erfolgte die Besetzung des Institutes für Soziologie an der Humboldt-Universität zu Berlin (HU) durch propalästinensische Gruppen (nicht nur Studierende). Die Universitätsleitung duldete das bis zum 23. Mai, an dem eine Gruppe der Protestierenden unter Geleit von Universitätsangehörigen das Gebäude verließ. Andere verblieben im Gebäude, das dann von der Polizei geräumt wurde und sich, wie anschließend festgestellt wurde, in einem katastrophalen Zustand befand, einschließlich antisemitischer Pro-Hamas-Schmierereien.

Die teils gewaltsamen Proteste an der FU und der HU bilden den Hintergrund der sogenannten Fördergeldaffäre. Im Juni 2024 waren interne Mailwechsel aus dem Bundesministerium für Bildung und Forschung unter Leitung der damaligen Ministerin Bettina Stark-Watzinger veröffentlicht worden. Aus ihnen ging hervor, dass ernsthaft erwogen wurde, denjenigen Wissenschaftler*innen, die den offenen Brief unterschrieben hatten, etwaige Fördergelder des BMBF zu entziehen.⁶

II.

Bis zu diesem Zeitpunkt war ›Aktivismus von oben‹ eine Formel gewesen, mit der wir in unseren ZfL-internen Diskussionen um »Aktivismus und Wissenschaft«⁷ tentativ der Beobachtung Ausdruck verleihen wollten, dass private und staatliche Geldgeber nicht nur ihre Erwartungen an die unmittelbare Verwertbarkeit wissenschaftlicher Erkenntnisse für Krisenlösungen merklich schärfer formulierten, sondern unter dem Druck der vielen Krisen die Forschung z. T. auch sehr direkt mitbestimmen möchten. Mit der sogenannten Fördergeldaffäre gewann ›Aktivismus von oben‹ überraschend und definitiv ›von oben‹ eine neue Dimension, denn hier sollte eine politische ›Staatsräson‹ bzw. deren Auslegung durch eine Ministerin direkte Folgen für Förderentscheidungen haben.⁷ Die im Zusammenhang mit der Affäre von der Bundesministerin in den Ruhestand versetzte Staatssekretärin Sabine Döring (nun wieder Philosophieprofessorin an der Universität Tübingen) ließ in einem Vortrag auf der ZfL-Jahrestagung im Dezember 2024⁸ keinen Zweifel, dass die Verpflichtung der Wissenschaft auf eine von der Bundesregierung verfolgte politische Linie in ihren Augen tatsächlich einen Fall von ›Aktivismus von oben‹ darstellt, der die Wissenschaftsfreiheit einschränkt.

Wissenschaftsfreiheit ist sicherlich niemals absolut, denn institutionalisierte Wissenschaft, auch die außeruniversitäre, ist staatlich eingeräumte, staatlich finanzierte und insofern immer auch staatlich verpflichtete Wissenschaft. (Dass die Universitäten dem Staat seine Juristen, Lehrer, Ärzte usw. ausbilden, hatte sich Kant im *Streit der Fakultäten* zunutze gemacht, um die in der Rangordnung niedrigste philosophische Fakultät der Obrigkeit als die einzig zweckfreie und deshalb zur Kontrolle der anderen Fakultäten besonders geeignete Fakultät anzuprei-

6 Für eine israelische Leserschaft hat unsere ZfL-Kollegin Shira Miron diese Zusammenhänge jüngst in *Haaretz* zusammengefasst: »In the Fraught Debate Over Antisemitism in Germany, Jews Are Just a Pawn in a Larger Battle«, in: *Haaretz*, 11.01.2025, <https://www.haaretz.com/israel-news/2025-01-11/ty-article-magazine/highlight/in-the-fraught-debate-over-antisemitism-in-germany-jew-are-just-a-pawn-in-a-larger-battle/00000194-5237-d775-ab9f-53bf130a0000>.

7 Freilich hat auch die DFG als wichtigste deutsche Forschungsförderorganisation im § 1 ihrer 2023 abgeänderten Satzung wissen lassen, dass sie unter Umständen nicht mehr nur wissenschaftliche Initiativen bei ihren Förderentscheidungen berücksichtigt: »Die Deutsche Forschungsgemeinschaft fördert Forschung höchster Qualität. Der Schwerpunkt liegt dabei in der Förderung von aus der Wissenschaft selbst entwickelten Vorhaben im Bereich der erkenntnisgeleiteten Forschung.« (»Satzung der Deutschen Forschungsgemeinschaft«, DFG, 19.07.2023, <https://www.dfg.de/de/ueber-uns/ueber-die-dfg/satzung>) Was außerhalb dieses Schwerpunkts in Betracht kommen könnte, wird leider nicht gesagt.

8 »Aktivismus und Wissenschaft. Felder und Verfahren des akademischen Aktivismus«, *ZfL Berlin*, <https://www.zfl-berlin.org/newsletter-leser/zfl-info-85-2024-aktivismus-und-wissenschaft-felder-und-verfahren-des-akademischen-aktivismus.html>.

sen.) Jedenfalls war unsere spekulative Formel eines ›Aktivismus von oben‹ in unerwarteter Weise von der Wirklichkeit bestätigt worden.

Während das im Fall der Fördergeldaffäre offen zutage lag und das ohnehin gestörte Vertrauensverhältnis von Wissenschaft und Politik weiter belastete, wurde im Herbst 2024 ausgerechnet der Kampf gegen Antisemitismus zu einem Streitpunkt zwischen Wissenschaft und Politik. Im November wurde im Deutschen Bundestag mit breiter Mehrheit eine erste Antisemitismus-Resolution verabschiedet.⁹ Im Januar 2025, nachdem die Ampel-Regierung geplatzt war, einigte man sich auf eine zweite Resolution, die insbesondere die Bekämpfung des Antisemitismus an Schulen und Hochschulen in den Blick nahm.¹⁰ Die beiden Resolutionen zugrunde liegende Antisemitismusdefinition orientiert sich an jener der International Holocaust Remembrance Alliance (IHRA),¹¹ die in der Wissenschaft umstritten ist. Eine Alternative zu dieser Definition ist die *Jerusalem Declaration on Antisemitism*,¹² von der es heißt, sie gebe einer nicht-antisemitischen Kritik an Israel mehr Spielraum als die IHRA. Auf die beiden Resolutionen (die Empfehlungen darstellen und nicht verbindlich sind) reagierten Teile der deutschen Wissenschaft rasch und vehement¹³ und, einmal mehr, mit einem offenen Brief, der die Wissenschaftsfreiheit als durch die Resolution gefährdet bezeichnete. Dieser Brief wurde nicht nur von Privatpersonen unterschrieben, sondern auch von Leitungspersonen von Institutionen wie dem Potsdamer Einstein Forum und dem Wissenschaftskolleg zu Berlin.

Wissenschaftliche Institutionen stehen bei besonders einschneidenden politischen Ereignissen immer vor der Frage, ob sie sich als Institution äußern und positionieren wollen, können oder sollten. Darüber

hatte das ZfL mit seinem starken osteuropäischen Fokus schon im Februar 2022 zu entscheiden, als Russland die Ukraine angriff. Wir haben damals von einer Stellungnahme abgesehen und diese Linie auch nach der Terrorattacke der Hamas und dem Beginn des Krieges in Gaza beibehalten. Das ZfL hatte sich in der Debatte um die Protestcamps an Berliner Universitäten nicht positioniert, sich zur Fördergeldaffäre nicht geäußert und sah auch dieses Mal von einer offiziellen Stellungnahme für oder wider ab, u. a., weil der Positionierungsdruck in einer polarisierten Öffentlichkeit erpresserische Formen annehmen kann und sich überschlagende Ereignisse oft nicht mehr kontrollierbare Eigendynamiken annehmen: Was man gestern gesagt hat, gilt in einer neuen Situation schon nicht mehr.¹⁴ Andererseits war auch deutlich, dass man bei der Beschäftigung mit ›Aktivismus und Wissenschaft‹ nicht gut von der eigenen Positionierung in einer aktuellen Debatte absehen kann, in der es genau um dieses Verhältnis ging.

Der Druck, sich wenigstens in Gestalt einer solidarischen Unterschrift zu äußern, ist massiv gestiegen, seit der offene Brief zum privilegierten Medium politischer Stellungnahmen und Auseinandersetzungen avanciert ist. Wenn man nicht selbst einen Text initiiert, reduziert sich die Entscheidung auf die Frage, ob man als Institution eine Unterschrift leistet oder nicht. Allerdings ist die Unterschrift so leicht geleistet, dass auch das Tücken hat, vor allem in einer dynamischen Situation. (Einige Universitäten haben nach den Ereignissen im Frühsommer des vergangenen Jahres ausführliche Media-Policies für ihre Beschäftigten entworfen, die aber zwangsläufig so allgemein gehalten sind, dass in spezifischen Fällen viele konkrete Fragen offenbleiben.) Eine Belehrung über das Wesentliche, etwa welchen Unterschied es macht, wenn man als Privatperson von seinem Recht auf Meinungsfreiheit Gebrauch macht und wann man als Wissenschaftlerin das Wort ergreift, schien uns unter ZfL-Bedingungen nicht nötig. Die Alternative zur passiven Unterschrift, nämlich einen eigenen ZfL-Text aufzusetzen, entfiel, weil bereits deutlich geworden war, dass es im Hause zu keinem der zahlreichen

9 »Nie wieder ist jetzt – Jüdisches Leben in Deutschland schützen, bewahren und stärken«, *Deutscher Bundestag*, 05.11.2024, <https://dserver.bundestag.de/btd/20/136/2013627.pdf>.

10 »Antisemitismus und Israelfeindlichkeit an Schulen und Hochschulen entschlossen entgegneten sowie den freien Diskursraum sichern«, *Deutscher Bundestag*, 28.01.2025, <https://dserver.bundestag.de/btd/20/147/2014703.pdf>

11 »Arbeitsdefinition von Antisemitismus«, *International Holocaust Remembrance Alliance*, <https://holocaustremembrance.com/resources/arbeitsdefinition-antisemitismus>.

12 Website der Jerusalem Declaration on Antisemitism: <https://jerusalemdeclaration.org>.

13 Zur Kritik an der ersten Resolution vgl. Jung & Naiv: »Massive Kritik an Antisemitismus-Resolution des Bundestages | Komplette PK 6. November 2024«, *YouTube*, 06.11.2024, <https://www.youtube.com/watch?v=TkM4-g5bKr8>.

14 Am 17. Mai hatte ich der Wissenschaftsjournalistin Eva Murašov vom *Tagesspiegel* die Freigabe für ein Interview gegeben, das in der Kolumne »Im Gespräch mit ...« erscheinen sollte. Da die universitären Protestcamps zu diesem Zeitpunkt bereits intensiv diskutiert wurden, wollten ihre Kolleg*innen daraus einen aktuellen Aufmacher machen. Mitten in die Überarbeitung des Textes fiel am 23. Mai zunächst die Räumung des HU-Protestcamps und dann die sogenannte Fördergeldaffäre. Ich habe das unter anderen Umständen entstandene Interview schließlich zurückgezogen.

strittigen Punkte einen Konsens gab. Deshalb haben wir als hausinterne Regel formuliert, dass Petitionen, offene Briefe und alle anderen Kundgebungen dieses Typs nicht über Institutsmailadressen, sondern über private Mailadressen kommuniziert werden sollen.

III.

Mittelbar hat diese Entscheidung allerdings auch fragwürdige Effekte gezeitigt. Der Beschluss mag dazu beigetragen haben, dass die hausinterne, eigentlich sehr lebendige Debattenkultur dieses politische Thema mied. Zwar haben wir alle in vielen verschiedenen Kontexten seit dem 7. Oktober 2023 schmerzliche Erfahrungen mit den Grenzen der Kommunikation gemacht. Aber es blieb doch befremdlich, dass im relativ geschützten Diskursraum des ZfL beim Jahresthema »Aktivismus und Wissenschaft« nun ausgerechnet der Nahostkonflikt und die Rolle der deutschen Wissenschaftsinstitutionen im Verhältnis zur deutschen Regierungspolitik ausgespart blieb. Dabei ging es natürlich um Rücksichtnahme und Vorsicht angesichts großer Empfindlichkeiten und vielfach blank liegender Nerven. Selbstzensur wäre zu viel gesagt, aber in der Sache lief es am Ende darauf hinaus, dass das Thema in den hausöffentlichen Sitzungen nicht angesprochen wurde – bis dann einige Kolleg*innen die Initiative ergriffen und die ersten Schritte unternahmen, diesem Zustand ein Ende zu setzen. Dazu bot sich die besondere Situation der jährlichen ZfL-Klausurtagung an, die im Juni 2024 stattfand. Am Rande der gemeinsamen Lektüren gab es erstmals und ausdrücklich auf freiwilliger Basis Gespräche über den Nahostkonflikt, seine Hintergründe und Kontexte in kleineren Gruppen. Wir haben das dann fortgesetzt. Aber groß war auch das Bedürfnis nach einem Signal wiedergewonnener Sprechfähigkeit nach außen. Es liegt mit dieser Ausgabe der *Interjekte* vor.

Schon das zum Auftakt des ZfL-Jahresthemas veröffentlichte Faltblatt zu »Aktivismus und Wissenschaft« hatte sich durch unterschiedliche Perspektiven ausgezeichnet. Das gilt auch von den drei Beiträgen zum Nahostkonflikt. Dass die Linie zwischen Privatperson und Wissenschaftlerin eigentlich nie trennscharf verläuft, bestätigt sich hier, denn die drei Autorinnen sind nicht nur Wissenschaftlerinnen, sondern auf die eine oder andere Weise auch persönlich Betroffene. Dass sie eben deshalb skrupulös zwischen wissenschaftlicher Funktion oder Expertise und persönlicher Betroffenheit zu unterscheiden bemüht sind, schließt Konfrontation und selbst Polemik nicht aus.

Stefani Engelstein ist Professorin an der Duke University und verbrachte das akademische Jahr 2023/24 mit ihrem Forschungsprojekt »Geschlecht und Gegensatz«¹⁵ am ZfL. Als US-amerikanische Jüdin und kulturwissenschaftlich arbeitende Germanistin rekonstruiert Stefani Engelstein in ihrem Beitrag die verschiedenen Stationen des offiziellen Umgangs mit dem Holocaust-Gedenken in Deutschland, von der Vergangenheitsbewältigung bis zur Willkommenskultur. Sie macht dabei auf blinde Flecken und Einseitigkeiten aufmerksam und trägt der Ironie des Umstands Rechnung, dass ausgerechnet Deutsche glauben, darüber entscheiden zu können, wer Jude und wer Antisemit sei. Außerdem kann sie zeigen, dass der dominante deutsche Diskurs nicht nur andere Minderheiten (etwa Palästinenser*innen) benachteiligt, sondern in ihm überdies die Vielfalt jüdischen Lebens, auch die politische, zu kurz kommt. Bei der Lektüre ihres Textes steht mir als nichtjüdischer Deutscher vor Augen, dass ich vielen Aspekten zwar zustimmen würde, aber lieber stillschweigend als lautstark. Es ist nicht schon Selbstzensur, wenn man anerkennt und mitreflektiert, aus welcher Position man spricht.

Auch Alma Itzhaky spricht aus verschiedenen Positionen heraus. Sie ist Künstlerin und Philosophin, deren Arbeiten an der Schnittstelle von Kunst und Politik angesiedelt sind. Sie wurde 2018 in Tel Aviv mit einer Arbeit über Hannah Arendts *Vita Activa* promoviert und ist seit Dezember 2022 als Stipendiatin der Minerva-Stiftung mit einem Postdoc-Projekt über israelische und palästinensische Gegenwartskunst am ZfL tätig.¹⁶ Als jüdische Israelin mit einer längeren Geschichte aktivistischen Engagements ist sie mit der israelischen Politik vertraut und so in der Lage, in ihrem Beitrag die innenpolitischen Kontexte des Landes zu erhellen.

Auch die aus Kroatien stammende Literaturwissenschaftlerin Ivana Perica beschäftigt sich seit vielen Jahren mit dem Zusammenhang von Politik und Kunst. Seit 2023 arbeitet sie am ZfL im Rahmen des von ihr mitinitiierten Projekts »Kartographie des politischen Romans in Europa« (CAPONEU).¹⁷ CAPONEU wird im Rahmen des Forschungs- und Innovationspro-

15 »Geschlecht und Gegensatz«, *ZfL Berlin*, <https://www.zfl-berlin.org/projekt/geschlecht-und-gegen-satz.html>.

16 »Gestörte Landschaften: Umweltimaginationen in der palästinensischen und israelischen Gegenwartskunst«, *ZfL Berlin*, <https://www.zfl-berlin.org/projekt/umweltimaginationen.html>.

17 »Kartographie des politischen Romans in Europa«, *ZfL Berlin*, <https://www.zfl-berlin.org/projekt/kartographie-des-politischen-romans-in-europa.html>.

gramms Horizon Europe der Europäischen Union gefördert, einer Förderlinie also, die die Tendenz zur aktivistischen Wissenschaftsförderung unterstützt, denn dieses Förderformat »facilitates collaboration and strengthens the impact of research and innovation in developing, supporting and implementing EU policies while tackling global challenges«.¹⁸ Ivana Perica hat also auch von daher Anlass und Gelegenheit, sich mit Fragen von Politik und institutionalisierter Wissenschaft zu befassen.

Alle drei Autorinnen haben sich in unterschiedlichem Maße ein Stück weit aus ihren aktuellen Forschungskontexten herausbegeben, um sich im Zeichen unseres Jahresthemas auf professionelle und persönliche Weise auf einige Facetten des aktuellen Nahostkonflikts einzulassen. Besonders lohnend ist die Lektüre der drei Beiträge im Ensemble, denn dabei wird sichtbar, dass ungeachtet ihrer unterschiedlichen Perspektiven die Texte der drei Autorinnen unerwartete Überschneidungen aufweisen. Und diese Erfahrung ist nicht weniger wichtig als die komplementäre, dass nicht immer dasselbe aus jeder beliebigen Sprecher*innenposition sagbar ist. Allerdings erübrigt sich auch nicht der Hinweis, dass die Komposition dieser *Interjekte*-Ausgabe nicht den Kriterien an »Ausgewogenheit« entspricht, die heute häufig, z. B. für die Zusammensetzung von Podiumsdiskussionen, angelegt werden. Wenn unter Ausgewogenheit verstanden wird, dass die jeweils direkt entgegengesetzte Position auch zu Wort kommen müsse, leistet unser Heft das nicht. Wir sind den drei Kolleginnen jedenfalls sehr dankbar, dass sie bereit waren, eigens für diese *Interjekte*-Ausgabe etwas zu schreiben. Alle Interessierten erwartet eine spannende und anregende Lektüre.

18 »Horizon Europe«, *European Commission*, https://commission.europa.eu/funding-tenders/find-funding/eu-funding-programmes/horizon-europe_en.

GERMAN “ERINNERUNGSKULTUR” AND THE GAZA WAR

Stefani Engelstein

After the horrific terrorist attack launched by Hamas against Israel on October 7th, 2023, in which at least 1,200 people were killed, a strange conflation emerged. Israel's Foreign Minister Eli Cohen appeared before the United Nations Security Council on October 30th and described Hamas as “the new Nazis.”¹ Four days later, Prime Minister Benjamin Netanyahu declared in a press conference statement “Never again is now.”² On October 30th, Israel's ambassador to the UN, Gilad Erdan, appeared in front of that body with a yellow Star of David on his jacket, a replica of the stars Jews were forced to wear by the Nazis to which he had the added the words “Never again.”³ The German Chancellor Olaf Scholz had already declared on October 17th, during a state visit to Tel Aviv that “[D]ie Sicherheit Israels und seiner Bürgerinnen und Bürger ist deutsche Staatsräson.”⁴ In a speech at the opening

of a synagogue in Dessau a few days later, Scholz added “Jetzt muss sich zeigen, was ‘Nie wieder!’ bedeutet.”⁵ After Netanyahu's statement, the German government and many other organizations picked up his precise phrasing. On November 9th, the 85th anniversary of what is still known as Kristallnacht or the Night of Broken Glass in English, but now called Reichspogromnacht in German, the German Minister of the Interior Nancy Faeser repeated the phrase, “Nie wieder ist jetzt.”⁶ A demonstration organized by the President of the German Parliament Bärbel Bas together with a coalition under the name “Nie wieder ist jetzt” took place on December 10th, 2023⁷ and

1 Eli Cohen: “FM Cohen addresses UN Security Council”, Israeli Ministry of Foreign Affairs website, 24 Oct. 2023, <https://www.gov.il/en/pages/fm-cohen-addresses-un-security-council--24-oct-2023> (All cited online sources last accessed on 15 Aug. 2024.).

2 Benjamin Netanyahu: “Statement by PM Netanyahu”, Israeli Ministry of Foreign Affairs website, 28 Oct. 2023, <https://www.gov.il/en/pages/statement-by-pm-netanyahu-28-oct-2023>.

3 Gadi Zaig/Zvika Klein/Tovah Lazaroff: “Erdan blasts Hamas final solution wearing yellow star at UNSC”, in: *The Jerusalem Post*, 31 Oct. 2023, <https://www.jpost.com/international/article-770921>.

4 Olaf Scholz: “Pressestatement von Bundeskanzler Scholz anlässlich seines Besuchs im Staat Israel am 17. Oktober 2023 in Tel Aviv”, German Federal Government website, 17 Oct. 2023, <https://www.bundesregierung.de/breg-de/aktuelles/pressestatement-von-bundeskanzler-scholz-anlaesslich-seines-besuchs-im-staat-israel-am-17-oktober-2023-in-tel-aviv-2230822>. The sentence also now forms a part of the CDU *Grundsatzprogramm*. For the context surrounding its earlier use for the German relationship with Israel by Angela Merkel and Rudolf Dreßler, see Christoph Schult: “Die wahre Geschichte von Merkels Israel-Vermächtnis”, in: *Der Spiegel*, 19 Jan. 2024, <https://www.spiegel.de/panorama/israels-sicherheit-als-staatsraeson-die-wahre-geschichte-von-merkels-israel-vermaechtnis-a->

fcbc3d63-33d4-4127-b045-d79186ee8778; Markus Kaim: “Israels Sicherheit als deutsche Staatsräson: Was bedeutet das konkret?“, in: *Aus Politik und Zeitgeschichte* 65.6 (Feb. 2015), pp. 8–13. For the longer history and meaning of the term *Staatsräson*, see Josef Isensee: “Die Wiederkehr der Staatsräson”, in: *Frankfurter Allgemeine Zeitung*, 18 Sep. 2024, <https://www.faz.net/einspruch/die-wiederkehr-der-staatsraeson-19992960.html>. Isensee differentiates the core reference of *Staatsräson* to the existential conditions of a state from what he sees as its current rhetorical use. He leaves out the unique facets of Germany's self-understanding of its national identity (and hence its non-nationalistic essence) as bound up in a commitment to *Erinnerungskultur*, one of the significant manifestations of which is support for Israel.

5 Olaf Scholz: “Rede von Bundeskanzler Olaf Scholz zur Eröffnung der Weill-Synagoge am 22. Oktober 2023 in Dessau-Roßlau”, German Federal Government website, 22 Oct. 2023, <https://www.bundesregierung.de/breg-de/service/newsletter-und-abos/bulletin/rede-von-bundeskanzler-olaf-scholz-2232566>.

6 “‘Nie wieder’ ist jetzt! Nach ihrer Rede im Bundestag besuchte Innenministerin Nancy Faeser die zentrale Gedenkveranstaltung zu den Novemberpogromen”, German Federal Ministry of the Interior and Community website, 09 Nov. 2023, <https://www.bmi.bund.de/SharedDocs/kurzmeldungen/DE/2023/11/9nov23.html>.

7 “Solidaritätsveranstaltung”, *Nie wieder ist jetzt*, <https://nie-wieder-ist-jetzt-berlin.de/>. Interestingly, while the demonstration is reported as in solidarity “um sich dem zunehmenden Antisemitismus, dem Hass und der Fremdenfeindlichkeit in unserer Stadt und in unserem Land entgegenzustellen,” it is also described by one of the organizers under the title

was attended by 3,200 people, according to police estimates.⁸

What we see here are two linked cases of projection in which, remarkably, official representatives of *both* Israel *and* modern Germany have agreed on the displacement (or the effective extension) of the position of guilt in the Nazi genocide against the Jews onto a third party, namely Palestinians. Before we move on to analyzing the phenomenon, it is important to pause and acknowledge just how odd it is. Both Israel and Germany rigorously and consistently combat attempts to “relativize” the Holocaust through comparisons to other violent persecutions. The attack on Israel by Hamas, while abhorrent, bears no resemblance to German activities during the Holocaust, whether one looks at political structure, methods, context, power distribution, numbers of victims, or any other discernable element. And yet both countries have embraced some form of equivalence, one that has both served Israel, and been accepted by Germany, as a justification for the massive Israeli military response since, which has killed more than 46,000 Palestinians, over 15,000 of them children.⁹ Since October 7th, documented Israeli state violence against Palestinians also includes the targeted bombing of hospitals, schools, and water infrastructure in Gaza,¹⁰ the official inaction that has enabled Israeli settlers to kill more than 600 civilians in the West Bank,¹¹ and the systematic abuse of Palestinian prisoners, including the systematic Israeli use of Palestinian detainees as human shields.¹²

above: “Israel, Kundgebung.”

8 “Tausende demonstrieren in Berlin gegen Antisemitismus”, in: *Zeit Online*, 10 Dec. 2023, <https://www.zeit.de/politik/deutschland/2023-12/demonstration-antisemitismus-berlin-nie-wieder-ist-jetzt>.

9 Kiara Alfonseca: “Number of children missing, separated from families in Gaza may be as high as 21,000: Report”, *ABC News*, 24 June 2024, <https://abcnews.go.com/International/number-children-missing-separated-families-gaza-high-21000/story?id=111365036>.

10 “Press Release: New Study of Satellite Data Shows: Israel’s assault on hospitals, schools, and water infrastructure in the Gaza Strip was not ‘random’”, *FXB Harvard University*, 09 Apr. 2024, <https://fxb.harvard.edu/2024/04/09/press-release-new-study-of-satellite-data-shows-israels-assault-on-hospitals-schools-and-water-infrastructure-in-the-gaza-strip-was-not-random/>.

11 Paul Adams: “‘On verge of an explosion’: Policeman’s killing part of spiraling West Bank violence”, *BBC*, 12 Aug. 2024, <https://www.bbc.com/news/articles/cd735zvg1q9o>.

12 Bethan McKernan et al: “Palestinian Prisoners describe systemic abuse in Israel’s jails. *Guardian* interviews back up reports by rights group B’Tselem, which says jails should now be labelled ‘torture camps’”, in: *The Guardian*, 05 Aug. 2024, <https://www.theguardian.com/world/article/2024/aug/05/palestinian-prisoners-describe-widespread-abu->

The juxtaposition of the Hamas attack with Nazi genocide only becomes comprehensible in the Israeli context when viewed not as a comparison, but as a felt continuity. Many have accused Israelis of instrumentalizing the Holocaust for political purposes. For a large number of Israelis, however, self-portrayals of a felt connection between the Holocaust and the trauma of October 7th are accurate psychological accounts which motivate political responses. A similar feeling of trauma can be observed among some American Jews, particularly those of the oldest remaining generation. Indeed, the Israeli perception of the conflict with Palestinians has been entangled with responses to the Holocaust since Israel’s founding.¹³ That the Hamas attacks reactivated the earlier trauma of the Holocaust, however, in no way justifies the Israeli military reaction in Gaza. It does point to a second order of motivation for Israeli behavior towards Palestinians that compounds geopolitical issues of land, water, and safety, and has always done so. Recognizing this element of the ongoing current conflict is important for an accurate analysis and for approaching negotiations. In addition, and more saliently for this article, the connection to Holocaust trauma should be of particular significance to German debates about the Gaza war and to national policy towards Israel and the Palestinian territories. Understanding this link should expand the ways in which Germans think through their own role in, and responsibility for, the violent deaths, dispossession, and suffering of Palestinians and the frustration of their aspiration for self-determination. Moreover, a more honest appraisal of the situation in Israel-Palestine should contribute to an understanding of how the war is being misused for political purposes within Germany, purposes that foster both Islamophobia and antisemitism and lead to increased support for the far right.

I am not Israeli, and my knowledge of Israeli culture is at best second-hand. My access to Palestinian per-

se-in-israels-jails; Ronen Bergman/Aaron Boxerman/Adam Sella: “How Israel’s Army Uses Palestinians as Human Shields in Gaza”, in: *The New York Times*, 14 Oct. 2024, <https://www.nytimes.com/2024/10/14/world/middleeast/israel-gaza-military-human-shields.html>.

13 Or indeed earlier. For Zionist comparisons of Palestinians to Nazis in the 1930s, see Nur Masalha: *Expulsion of the Palestinians: The Concept of “Transfer” in Zionist Political Thought, 1882–1948*, Washington, D.C. 1992. For the rhetorical conflation of the two immediately after World War II see Ilan Pappé: *The Ethnic Cleansing of Palestine*, Oxford 2006, pp. 72 f. For the political channeling of this amalgamation, see also Shachar Pinsker: “On Jewish Revenge”, *Aeon*, 17 May 2024, <https://aeon.co/essays/what-role-for-revenge-in-jewish-life-literature-and-culture>.

spectives on the war and on their own history is still more attenuated.¹⁴ As a scholar of German Studies, I am here primarily interested in the German side of the equation. If Israel is beyond the realm of my cultural expertise, I am on firmer ground in German culture, which I study professionally as a Professor of German Studies in the US. I have spent over six of the past thirty years in Germany, in segments varying from 1 to 18 months at a time. While I have lived for much of that time in Berlin, I also spent over a year in Leipzig in 1992–1993 and have lived for a number of months each in Munich and in Cologne as well as visiting many other parts of the country. I am also Jewish, and deeply aware of the ways that what looks like a triangular relationship between Israel, Germany, and Palestine, becomes more complicated when unpacked.¹⁵ Firmly implicated in this constellation and yet ambiguously located are also Israelis outside of Israel, including those in Germany, and Palestinians outside of the Palestinian territories, including those in Germany.

In addition, functioning as significant drivers of the response in the German national context, are the idea and memory of Jews as victims of the Holocaust, as well as the friction between this ideation and the real Jews who necessarily fail to match up with that idea and memory by virtue of being contemporary, alive, and complex. There are 16 million Jews worldwide, and they are extremely diverse in nationality, culture, and opinion. Fewer than half are Israeli. Approximately 186,000 are German.¹⁶ Indeed, in ways I will work through in this article, the fixed image of Jewish identity in the German public imaginary both as a victim group and as a nationality, and the anxiety associated with the actual ambiguities of Jewish identity seem to motivate current suppression of free debate and expression in Germany. In spite of the official explanation of such restrictions of free speech as countermeasures to antisemitism, these mechanisms instead feed antisemitism in ways I will discuss.

14 I would encourage readers to seek out and read Palestinian perspectives, which are less widely disseminated in Germany than Israeli responses, and some of which I will cite.

15 This statement is not meant as a critique of the excellent book by Sa'ed Atshan/Katharina Galor: *The Moral Triangle: Germans, Israelis, Palestinians*, Durham, N.C./London 2020, which takes this particular constellation of populations living in Berlin as its frame. Here, however, I am interested in teasing apart the way that the image of Jews in the German imaginary, as well as the reality of Jews who may be either German or Israeli or both or neither, complicates our understanding of German reactions to Israeli decisions.

16 "Mitgliederzahlen: Judentum", *REMID*, https://remid.de/info_zahlen/judentum/.

Finally, many Christian Germans conflate the community of Palestinians in Germany with the much larger, diverse Muslim population of 3.5 million in Germany, assuming a single group with a unified perspective whom they see as a disquieting or even threatening presence. In this context, analyzing German responses to the Gaza war helps diagnose a set of problems within German culture that are currently contributing to a disturbing level of support for the extreme right.

The questions I am asking here amount to the following: why has Germany—at least at the level of political discourse and media coverage—embraced the view that the Israeli war in Gaza amounts to a war against Nazism—which is the clear implication of the governmentally endorsed phrase, "Nie wieder ist jetzt"—and why has it done so in a form so vehement that it can be understood, in ways I will explain below, as a form of antisemitism itself. I do recognize that the actual views of the German public may not accord with the views most frequently heard in public; indeed, the invisibility of the political views of the German population at large is part of the problem with the current suppression of discussion. In addition, German consensus opinion—the one that dominates policy, public statements, and medial outlets—has shifted over the course of the spring and summer, with increased acknowledgment of Palestinian suffering and loss of civilian lives. In spite of these incremental adjustments over time, *acceptable* public discourse in Germany, that is, public discourse that does not provoke a backlash, remains extremely one-sided and focused on the Israeli right to self-defense.

I. VERGANGENHEITSBEWÄLTIGUNG OR ERINNERUNGSKULTUR

Germany is a country that has made so-called memory culture, *Erinnerungskultur*, or in the older expression, *Vergangenheitsbewältigung*, coming to terms with the past, a central part of its self-understanding. Naturally, over 75 years across two German countries (or three, depending on whether one views reunified Germany as a new state or a continuation of the West German Federal Republic) and across 16 states, approaches to the past have varied. The full historical complexity of the topic far exceeds the scope of this article. My goal here is to illuminate the way that Germany's methods for addressing the past have contributed both to a current impasse in accurately assessing the Israeli war in Gaza and to a problematic restriction of speech about it within Germany.

After a brief look at the terminology, I will proceed by engaging with three conceptual constellations that will lead towards a consideration of the present situation. The first of these knots involves the self-directedness of *Vergangenheitsbewältigung* in West Germany and of *Erinnerungskultur* in post-reunification Germany, which has viewed the process as a matter of conscience or empathy, and thereby reinforced the boundaries around identity-groups of victims and perpetrators in problematic ways.¹⁷ Second, I will move on to the related and complex issue of defining Judaism and Germanness, and how such definitions contributed to problematic views of Israel in both the former West and East Germany and then in current German culture. And third, I will look at the ways that democracy, which continues to be a source of anxiety in Germany given its role in the establishment of Nazi rule, has been hemmed in by laws restricting free speech and a continued reliance on consensus culture. The counterproductivity of these supposed remedies against a populist resurgence of fascism has not been sufficiently discussed, but in light of the rise of the AfD and right extremism, it is high time to do so. These steps will lead me to conclude that the particular process of addressing the past has resulted in an insufficient understanding and acceptance of the diversity of Jewish identity, an insufficient understanding and acceptance of the diversity of German identity, and a lack of recognition of Germany’s contribution to ongoing injustice—and current war crimes—against Palestinians.

The term *Vergangenheitsbewältigung* was so ubiquitous in the 1990s when I first started travelling to Germany that a 1998 American tour book of Germany facetiously included the word in the glossary of helpful German “Basic Expressions” alongside *Bitte*, *Danke*, *Entschuldigung*, and *Wieviel kostet...?*¹⁸ If the term *Vergangenheitsbewältigung* seemed to be everywhere in the 1990s and 2000s, with peaks around 1992

and 2007, it is noteworthy that the popularity of the expression *Erinnerungskultur*, which only started to appear in the mid-1990s, topped out in 2006—the year in which Germany’s hosting of the *Fußballweltmeisterschaft* led to a resurgence of visible German expressions of national pride—at almost twice the highest level that *Vergangenheitsbewältigung* ever achieved.¹⁹ The difference between the two terms is significant: the first literally means something like “wrestling down the past.” It is problematic not only in the dominance implied by any possible success in the endeavor, but also because the goal would seem to be a victory that would end the process and lay it to rest. Philosophers from Theodor Adorno to Susan Neiman have long preferred *Vergangenheitsaufarbeitung*, working through the past, with its implication of an unending process, as the more appropriate activity. Indeed, in her book *Learning from the Germans*, Neiman simply uses *Vergangenheitsaufarbeitung* for the process in which Germans have been engaged.²⁰ I would insist, however, that it is important to be alert to how a society describes and therefore understands the priorities of its own culture rather than projecting preferred forms. The fact that Germans used the word *Vergangenheitsbewältigung* when referring to its reflections on the Holocaust rather than *Vergangenheitsaufarbeitung* suggests the predominant role of the hope for resolution and redemption as a motivating factor. The beginning of the switch to *Erinnerungskultur* might be traced to the famous 1985 speech in which Richard von Weizsäcker, president of the Federal Republic of Germany from 1984–1994, both reflected and contributed to a new historical understanding of the Nazi period by calling Germany’s defeat a “Befreiung” for the first time.²¹ While this new framing clearly situated Nazism as an evil, it also distanced the ideology from traditional German culture, and explicitly excused average Germans from direct involvement in genocide, allowing Germans

17 Angelika Timm notes that precisely the question of “personal guilt and responsibility” was avoided in East Germany in favor of questions of government structure—fascist vs. communist (Angelika Timm: “Ideology and Realpolitik: East German Attitudes towards Zionism and Israel”, in: *The Journal of Israeli History* 25 [2006], pp. 203–222, here p. 204). The GDR was, on the other hand, far more consequential in removing former Nazis from positions of power than West Germany.

18 Måns O. Larsson (ed.): *Let’s Go Germany 1998*, New York 1998. Let’s Go was a company run by Harvard undergraduate students from 1960 to 2020, who also wrote all of the tour guides for an audience in the same age group. The guides tended to foreground intellectual engagement with culture and had a sense of humor.

19 This data comes from Google Ngram Viewer, which culls it from books digitalized within Google Books. It may therefore diverge from data taken from other sources, such as newspapers, magazines, or journals.

20 Theodor W. Adorno: *Eingriffe. Neun kritische Modelle*, Frankfurt a. M. 1963, pp. 125–146; Susan Neiman: *Learning from the Germans: Race and the Memory of Evil*, New York 2019. It is interesting to note that *Aufarbeitung* is the preferred term for working through the East German past.

21 Richard Weizsäcker: “Gedenkveranstaltung im Plenarsaal des Deutschen Bundestages zum 40. Jahrestag des Endes des Zweiten Weltkrieges in Europa”, German Federal President website, 08 May 1985, https://www.bundespraesident.de/SharedDocs/Reden/DE/Richard-von-Weizsaecker/Reden/1985/05/19850508_Rede.html?nn=129626; see Max Czollek: *Desintegriert euch!*, München 2018, pp. 20–23.

to count themselves among the victims of Nazism. In this same speech, Weizsäcker also declared “Es geht nicht darum, Vergangenheit zu bewältigen. Das kann man gar nicht.” Weizsäcker stressed instead the importance of integrating memory into the cultural fabric even through the progression of new generations.²² While he defined memory as a kind of task, that task remained adamantly individual, an internalization of historical truth and a dialogue with oneself “im Stillen” about one’s own “Verstrickung” in past crimes. Memory for him was a question of personal mourning in the service of future collective reconciliation. Weizsäcker did not use the expression *Erinnerungskultur*, which first emerged in the 1990s, but this framing is instructive for understanding the purpose of the task it describes, namely one that frees Germans by enabling their reconciliation with Nazism’s victims, to whom they also belong. The idea is no longer to vanquish the past, but to turn it into a German strength, a sign of German ethical rehabilitation that can be carried forward.

The timing of the transition to *Erinnerungskultur* creates a linguistic break between the activities of the two German states under the older term, and that of reunified Germany under the newer. However infelicitous the earlier term, *Vergangenheitsbewältigung*, I would suggest that the associations of the newer word are still more problematic. *Erinnerungskultur* does not include on its face any implication of difficulty, struggle, or guilt. *Erinnerungskultur* no longer conjures up the past as a burden, but instead presents its resolution as an integral aspect of the current culture, packaged for complacency, self-congratulation, and export.²³ Indeed, much of the world sees Germany as a model of a uniquely moral stance towards an abhorrent past from which other cultures could learn. I want to acknowledge that the very attempt to accept responsibility for national atrocities is rare and deserves respect—it has mine. However, judging the success of an endeavor requires understanding its goals, and from the beginning, the term *Vergangenheitsbewältigung* and the activity it designates were nonspecific

and stretchy concepts. After all, the “past” in question refers elastically to the entire phenomenon of Nazism, the Holocaust, and the Second World War. It therefore includes the election of a warmongering, anti-Semitic, and racist leader who became a dictator, the embrace by a large percentage of the population of authoritarianism, and the participation by a large percentage of the population in a genocide of Jews, as well as that of Sinti and Roma, and in the mass murder of those who were gay, handicapped, psychologically ill, or political opponents. In addition to a murderous ideology, society also endorsed and participated in a war of conquest and domination. I review these familiar facts here simply to call to mind the wide variety of issues at stake. What could it mean to *bewältigen* this *Vergangenheit*, to wrestle it down? What work would a *memory culture* need to accomplish to count as having dealt with it successfully? Is it a question of accepting the moral responsibility for one’s own direct participation, immediately after the war, or, later, of internalizing a retroactive understanding of responsibility as a national heritage? Is the point to combat conditions that led to these crimes and/or to their public acceptance? To do what might be possible to improve the lives of the survivors or their descendants, given the impossibility of true compensation?²⁴ Should attention be focused on strengthening democracy and free speech? On resisting the pull of authoritarian or consensus ways of thinking and relating to others? Of building empathy for Jews and other victim groups? Of re-thinking the definition of German nationality in new ways that undermine the assignation of individuals to an outsider status within society? Should the emphasis be on feeling or judging? justice or reconciliation? ethics or religious injunctions? Moreover, who should decide and what interests should propel the decision?

II. THE PROBLEMS WITH EMPATHY AS A METHOD OF ADDRESSING THE PAST

In considering these complicated questions, it is of central importance to remember that the process of *Vergangenheitsbewältigung* not only developed almost entirely without input from the victims of the Holocaust, but also that in the case of Jews, it depended on their

22 Weizsäcker himself did not use the expression *Erinnerungskultur*, but spoke at length about the necessary work of memory, of *Erinnerung*, even for Germans born after the end of the war.

23 Berthold Grzywatz recounts a number of terms circulating in the 1990s in addition to *Erinnerungskultur*, such as *Erinnerungspolitik*, *Geschichtspolitik*, and *Vergangenheitspolitik*; cf. Berthold Grzywatz: “Zeitgeschichtsforschung und Geschichte der NS-Verfolgten in der deutschen Nachkriegspolitik”, in: *Zeitschrift für Geschichtswissenschaft* 11 (2000), pp. 1012–1036, here pp. 1013 f.

24 One of the particular problems of reparations in Germany has been the fact that the German word—*Wiedergutmachung*—literally means “to make good again.” The term is offensive on its face and encourages Germans to think about the benefits of payments as far more effective at alleviating guilt than appropriate.

imaginary absence. I call this absence imaginary not only or even primarily because there was in fact a small Jewish community in both Germanys even at its absolute ebb in the years after the Holocaust, but also and most importantly because *Vergangenheitsbewältigung* was envisioned in East Germany as a collective political manifestation that rendered Judaism inconsequential to the process and in West Germany as a communally guided, but nonetheless individual self-correction. In the West, the community in question was that of the perpetrators and, in subsequent generations, their descendants. Rather than being understood as relational and focused on real world social interactions, or on introducing more expansive concepts of nationality and belonging, or on rejecting consensus modes of interaction, in other words, it concentrated on questions of conscience, and primarily on correcting a presumed lack of empathy for victims, often framed as the failure to love one’s neighbor.²⁵ The words that arise here most frequently in public discourse are *Mitleid* (sympathy), *Mitgefühl* (empathy), and *Nächstenliebe* (love of one’s neighbor), the last of these very often modified by the word ‘Christian,’ so *christliche Nächstenliebe*. Generations of German schoolchildren, for example, have heard first-person accounts by survivors invited to speak to them, an element of education thought to be of such significance that for the last decade, the approaching end of the natural lifespan of the survivor generation has been experienced as an educational crisis in Germany.²⁶ In contrast, the death of the last generation of perpetrators, which necessarily took place around a decade before that of the youngest survivors, went entirely unremarked in German public media and political records. To my knowledge, only

Max Czollek has called attention to this odd asymmetry, in his groundbreaking book *Desintegriert euch!*²⁷ The death of the perpetrator generation had serious consequences, however.

The first mass movement of West German culture towards acknowledging and repudiating the crimes of the Holocaust was integrated with the student movement and anti-Vietnam war movement of the ’68 generation. It was, in other words, a generational conflict guided at least as much by outrage at the complicity of the previous generation as by sympathy for the victims. While the pedagogical need for this outrage has been passed over in absolute silence in official public discourse, a portrait of the evildoer continued to be supplied by TV culture, particularly in the extremely popular *Krimis*, or crime and police procedurals, which for decades regularly recycled plots based on old and new Nazi crimes, and on the ongoing influence of Nazis in society. The crisis in the death of the perpetrator generation was nowhere more visible than in the 8:15 prime time slot focused on unmasking *perpetrators* and holding them accountable, a word that unites past Nazi crimes to whatever current fictional crime was on the evening’s agenda. One could observe these double-perpetrators migrate from positions of power to retirement to wheelchairs and old-age homes, before they finally began to fade out of circulation. In the absence of a dichotomous figure onto whom outrage can be projected, curating sympathy is a complicated operation that can easily go awry. The survivors begin to look less like the victims of authoritarianism, which forms a reliable target for naturally rebellious teenagers, and more like the tools of conformity, as the memory of Nazis fade and the only power structures in sight are those of school and social authorities. The desire to rebel is then no longer reliably directed against fascists, but drifts towards a stance against the enforced consensus of the sympathy itself.

Even without the reciprocal timeline problem, however, the structure of sympathy harbors its own significant drawbacks. The aging survivors have long frozen the image of Jews in Germany into a disappearing past. Moreover, presented as *representative* Jews, they reinforce the notion of Jews as eternal victims. The dependence on survivors’ testimony recently reached a macabre extreme with the creation of an Artificial Intelligence system called Testimony 360 in which students can interact through 3d virtual visors

25 This emphasis was related to the resurgent role of both the Catholic and Protestant churches in the FRG after the war, in spite of the complicity of both Protestantism and Catholicism with Nazism. Religious diversity had decreased significantly as a result of the Holocaust and the Nazi suppression of smaller religious communities (cf. Antonius Liedhegener: “Nachkriegszeit”, in: Volkhard Krech/Lucian Hölscher [eds.]: *Handbuch der Religionsgeschichte im deutschsprachigen Raum*, Bd. 6.1: *Die Kirche in der Gegenwart. Zwischen Revolution und Restauration*, Paderborn 2015, p. 136), while the splitting off of East Germany led to a more significant presence of Catholicism in the FRG than in the earlier Weimar Republic; cf. Michael E. O’Sullivan: “Religion, Modernity, and Democracy in Central Europe: Toward a Gendered History of Twentieth-Century Catholicism”, in: *Central European History* 52 (2019), pp. 713–730.

26 For just one of hundreds of such comments, see the preamble to a guest contribution to the *Tagesspiegel* of Claudia Roth, the Minister of Culture and Media: “Erinnerungskultur neu aufstellen”, in: *Tagesspiegel*, 15 Feb. 2024, <https://www.kulturstaatsministerin.de/SharedDocs/Namensbeitrag/DE/2024/2024-02-15-gastbeitrag-gedenkkultur.html>.

27 Czollek: *Desintegriert Euch!* (fn. 21), p. 173.

with artificially responsive survivor avatars based on real but deceased persons and able to answer questions by drawing on a large database.²⁸ Such technology can perpetually freeze Jews into this role as phantasms of victimhood, necessarily segregated from living observers by a metaphysical, digital divide. The task given to the students or to the generations of Germans born after the Holocaust has not been to participate in anti-fascist and diversity-embracing ways of living, but instead to memorialize a unique and petrified event. This event cannot even be allowed to generate lessons for the present through analogies because of the socially punishable risk of “relativizing,” a problem to which I will return. Jews, in the German imaginary inculcated by this education, are and always were “Mitmenschen”²⁹ or “auch Menschen” rather than simply people. They do not appear as agents, but instead as the needy potential victims of violence and discrimination that hover as an atmospheric precondition. They thereby present a test of empathy to the Christian protagonists of German memory culture.

Framing the problem of antisemitism as one of insufficient *Christian* love of one’s neighbors situates the Christian church—of whichever denomination—as the proper location for solidifying ethics in public discourse and reifies Christianity as the foundation of the ethical state. The conflation of ethics with Christianity implies that the problem with Nazi Germany when it committed genocide against primarily non-Christians was that it was *not Christian enough*, that the state must become more strongly associated with the Christian religion to ensure ethical behavior towards Jews and other Others. Those who are not Christian—primarily Muslims in Germany’s current demographics—are thus automatically stigmatized by the suspicion that they are less capable of responsible, ethical citizenship, reversing the burden one would expect to correlate with descent from the perpetrators.³⁰ The reference to Christian love of one’s

neighbor becomes truly infuriating, however, when one realizes that the injunction to love your neighbor as yourself originates in the Jewish Bible, with Leviticus 19:18. It has been *jüdische Nächstenliebe*, Jewish love of one’s neighbor, for a thousand years longer than Christianity has existed. It was of course Jewish love of one’s neighbors when the Jews Mark (12:29–31), John (4:21), and Matthew (25:40) quoted Leviticus in their gospels.

This flipping of reasonable suspicion with respect to the capacity for civic responsibility, away from the descendants of the perpetrators and towards those who would have been victimized by Nazis is firmly ensconced in the German judicial system through the so-called principle of state neutrality with respect to religion. This statute has been interpreted by the courts as barring judges and even volunteer lay mediators—who are chosen by the communities they represent—from *wearing* religious symbols while practicing their duties in the courtroom.³¹ Wall-hangings, however, are unaffected. The ruling thus prevents Muslim women in headscarves and Jewish men in yarmulkes from serving as representatives of state justice in courtrooms that are, however, decorated with crucifixes throughout Bavaria. What is defined as *neutrality* by a society establishes the norm from which deviation is defined as *abnormal*. The ruling exemplifies a blindness of the Christian German establishment to its own discriminatory bias, while the absence of visible difference on the bench, in its stark contrast to the diversity of the population the judiciary branch is responsible for judging, turns the unmarked into a visible marker of bias. The point can be made more explicitly. Shortly after the court ruling in 2020 that the recent 2024 ruling upheld, I found myself in a long conversation with a German man at a garden party in Berlin. He conceded that anyone could have an invisible bias, but insisted it was reasonable to ban a visible propensity to bias, which he perceived

28 Cf. Reuters: “Testimony 350: KI soll Erinnerungen von Holocaust-Zeugen lebendig halten”, in: *Frankfurter Allgemeine Zeitung*, 20 Jun. 2024, <https://www.faz.net/aktuell/wirtschaft/kuenstliche-intelligenz/testimony-360-ki-soll-erinnerungen-von-holocaust-zeitzeugen-lebendig-halten-19803761.html>. While the system was developed in the United Kingdom and was merely reported in the German press, the interest speaks to a view of survivors as Jewish representatives necessary to elicit sympathy, rather than turning the attention of students to the fact that approximately 200,000 Jews make up part of Germany’s vibrantly diverse population.

29 Weizsäcker: “Gedenkveranstaltung” (fn. 21).

30 According to the German Federal Office for Migration

and Refugees (Bundesamt für Migration und Flüchtlinge, BAMF), between 5.3 and 5.6 million Muslims currently live in Germany who were themselves born in a country defined by BAMF as primarily Islamic or had a parent born in such a country; cf. BAMF: “Muslimisches Leben in Deutschland 2020”, BAMF website, 28 Apr. 2024, <https://www.bamf.de/SharedDocs/Anlagen/DE/Forschung/Forschungsberichte/fb38-muslimisches-leben.html>. Germany does not collect demographic information on Muslim religious affiliation separate from migration.

31 Charlotte Hoppen: “Schöffin darf in Verhandlung kein Kopftuch tragen”, *Legal Tribune Online*, 10 May 2024, <https://www.lto.de/recht/nachrichten/n/olg-hamm-5ws6442-kopftuch-verbot-schoeffin-amtsenthebung-streichung-schoeffenliste>.

a headscarf to constitute, from the courtroom, so that petitioners before the court could feel confident in the nonpartisanship of the bench. After failing to convince him that a lack of diversity made a systemic German bias visible, I finally asked why he thought I should be more comfortable with a legal system that had weeded out all—or at least most—potential judges *other than* the grandchildren of Holocaust perpetrators.

A further visible manifestation of this set of associations was the linking of the Holocaust to a failure of *Gastfreundlichkeit* that became a prevalent motif with the first wave of Syrian refugees into Germany in 2015. Before the eventual and ongoing backlash against these non-European, Muslim refugees, there was a fleeting outpouring of sympathy and support for fleeing families. A significant number of Germans met arriving refugees in train stations with flowers and with teddy bears for refugee children in a phenomenon popularized as a sign of German *Willkommenskultur* and *Gastfreundlichkeit*—a culture of welcome and hospitality. This impulse can only be applauded, but when projected backwards as a lens through which to view the Holocaust, it loses its appeal. Jews were not guests; they had established communities in German-speaking lands by the fifth century. It is worth remembering that Jewish communities and Jewish culture precede Christian communities and Christian culture in German-speaking areas by several centuries as a result of the long *durée* of local conversions from pantheism to Christianity.

III. WHAT IS JEWISH? WHAT IS GERMAN? WHERE DOES ISRAEL FIT IN?

Christian West Germans since the Holocaust have retained an adherence, with varying degrees of self-awareness in the matter, to this idea that Christianity is an essential element of Germanness. This Christian group—which did represent the vast majority of the winnowed German population in the decades immediately following the Holocaust³²—took it upon themselves to invent their own one-sided form of internal-looking, non-relational absolution, dependent primarily on internalizing empathy for a group defined and frozen in its role as victims and as Others. The acts of definition required for this process were undertaken unilaterally by those engaged in it. That is, it was

non-Jewish Germans who established the parameters of what it meant to be German, to be Jewish, to be antisemitic, and to be successfully rehabilitated within the dynamic that would come to be called *Vergangenheitsbewältigung* and, more recently, *Erinnerungskultur*. The boundaries of the group called German in the postwar period was taken over from Nazi determinations—not least because they delineated the subset of Germans who had escaped Nazi extermination campaigns. Between 1945 and the passage of a new citizenship law enabling naturalization in 2000, German citizenship could be inherited and it could be restored to those from whom it had been stripped by the Nazis or to their descendants, but it could not be extended to others. The new law of 2000 expanded citizenship to include those born in Germany or residing in Germany under certain conditions for certain durations. Since this expansion, newer citizens and their descendants have continued to be distinguished from the descendants of previous citizens through a series of shifting linguistic formulations. The use of the word “German” continued to designate exclusively the latter group for more than a decade after the new citizenship laws, and was supplemented by new terms such as “Germans with a migration background” (*Deutsche mit Migrationshintergrund*). When referring to specific groups, and using the largest group of new citizens as an example, it was common to hear “German citizens with Turkish heritage” (*deutsche Staatsbürger türkischer Herkunft*) or “Turkish fellow-citizens” (*türkische Mitbürger*)³³ before the much newer introduction of terms such as “German Turks” (*Deutsch-Türken*), which remains significantly more common than “Turkish Germans” (*türkische Deutsche*). Finally, in the last few years, as the word *German* has slowly begun to be applied to citizens regardless of background, a new term has arisen to designate not the newcomers, but rather the portion of the population with a longer generational history of citizenship, namely *Biodeutsche*, or ‘organic Germans.’ *Biodeutsch* was selected as the annual German Un-word of the Year for 2024 by a jury of linguists and journalists.³⁴ While originally used tongue-in-cheek,

32 See Liedhegener: “Nachkriegszeit” (fn. 25) for the reduction in the diversity of religious denominations (p. 136) and for the strengthened role of the church in the postwar period (pp. 135–142).

33 Forms of these terms (*jüdische Mitbürger*, *Deutsche jüdischer Herkunft*) have also been used to describe and segregate German Jews, as in Adenauer’s 1951 and 1960 speeches. In fact, it is only in the past several years that the words *Juden* and *Jüdinnen* have regained German usage, although only in the plural. It is still considered rude to refer to an individual as a *Jude* or *Jüdin*, a sign of their continued derogatory inflection to most Germans.

34 The selection of an “un-word” that has entered public use and reveals “discriminatory, stigmatizing, euphemistic, misleading, or degrading language use” has taken place since 1991. See the website and press release for this year’s selection by the organi-

the formulation has caught on widely and is worrisome given the continuity of its association with a Nazi *blood and soil* ideology of autochthony.

Classroom exercises focused on bringing students to accept German responsibility for genocide rest on the implicit assumption that the students are descendants of the perpetrators, when the fact is that some—just as German—are descendants of the victims and many more—also equally German—are immigrants or the children or grandchildren of immigrants who are themselves the target of discrimination.³⁵ It is reasonable to expect all those living in Germany to be significantly knowledgeable about the Holocaust and to condemn it. However, there is a kind of perversity in the complex dynamic by which the direct descendants of perpetrators often suspect newer arrivals, collectively, of antisemitism or insufficiently robust commitment to *Vergangenheitsbewältigung*, thereby disputing their ability to be or to become German.³⁶ It allows for a displacement of the earlier policing of German identity against Jews to a newer policing against—predominantly—Muslims, without recognizing this policing as a continuation—rather than a reversal—of a problematic definition of nationality that also contributed to the Holocaust. Of course, to call this consequence a *perversion* and to state that it *allows* for the exclusion of Muslims is to confuse cause and effect. It is the commitment, conscious or not, to policing a homogenous German identity that drives this dynamic and that plays a large role in the German response to the Israeli war on Gaza to which I am slowly coming.

The question of nationalism was addressed by *Vergangenheitsbewältigung* primarily through its stigmatization on both sides of the German-German border. While West Germany encouraged an embrace of a broader European identity, East Germany located itself within an international communist alliance. The expectation that a state should exist without any form of acceptable positive relationship to it on the

part of its citizens is not, however, sustainable. In the context of Europe, other countries in the European Union have retained independent national identities alongside the European communal one. Moreover, cold-war juxtapositions made forms of affect-driven identifications impossible to avoid, while both Germans and then the reunified Germany have continued to compete in international sporting competitions, generating fan enthusiasm. It is not surprising that it was during a World Cup competition, in 2006, that individual Germans began waving the flag again in large numbers after decades in which such nationalist behavior was frowned on. I am no apologist for nationalism, but I would suggest that the main problem with the German approach is posing nationalism as a yes or no question. Treating nationalism as an ill to be constrained or, in the case of the growing right wing, a good to be encouraged, is in both cases to evade the deeper and truly pressing need to address the *definition of the nation*, i. e. to critically explore the way *nationality* had been understood and to seek new ways of identifying as German. An engagement with nationality as a flexible rather than fixed concept is essential to understanding the Nazi period's concept of Germanness not only as a dangerous model, but also as an egregiously flawed *choice* that curtailed other possible ways of identifying as German. Only through this lens can we clarify the interrelations and intersections of Germanness and Jewishness, i.e. the openness of identities to each other that pernicious forms of nationalism have always denied. I have for example occasionally encountered Germans who took it to be particularly horrifying that Jews were targeted and murdered by Germans in spite of the fact that these Jews “glaubten, dass sie Deutsch waren,” or even in one person's memorable formulation, “den Deutschen das Kompliment machten, dass sie sich für Deutsche hielten.” I have yet to engage in discussion with a German who proffered to be particularly moved that Jews were targeted by Germans in spite of the fact that they *were* German.

In the contemporary situation of ongoing immigration and migration, such an understanding of nationality as capable of embracing the wide diversity of the German population is imperative. Until such diversity is recognized as a strength rather than a cause for anxiety, Germany will remain increasingly vulnerable to right-wing extremism. One alternate model which has received some attention over the past decades is *Verfassungspatriotismus*, constitutional patriotism,

zation Unwort des Jahres at <https://www.unwortdesjahres.net/>.

35 33 % of residents in Germany today have at least one parent who was not a German citizen at birth (half of these residents are currently German citizens); cf. Bundeszentrale für politische Bildung: “Bevölkerung mit Migrationsintergrund”, *kurz&knapp*, 24 Apr. 2024, <https://www.bpb.de/kurz-knapp/zahlen-und-fakten/soziale-situation-in-deutschland/61646/bevoelkerung-mit-migrationshintergrund/>.

36 Esra Özyürek has investigated the problems inherent in this educational dynamic at great length; cf. Esra Özyürek: *Sub-contractors of Guilt: Holocaust Memory & Muslim Belonging in Postwar Germany*, Stanford 2023.

advocated by Jürgen Habermas.³⁷ While it is possible to embrace the civic freedoms offered by a particular political arrangement intellectually and even to feel affective pride in it, such a view alone is not sufficient to build community, as Habermas himself recognizes, but rather depends on communal bonds of some other kind to function. Habermas looks to other cultural institutions for the establishment of these bonds.³⁸

A stronger model, I would suggest, would be to understand the multiple components of society as contributing to a culture that *becomes* German in this ongoing process, without losing its multiplicity. A number of German voices have been raised in favor of similar possibilities recently under the name of radical diversity or of postmigrant plurality, including those of Leah Carola Czollek, Gudrun Perko, Naika Foroutan, and Max Czollek.³⁹ There is a need for alternatives both to appeals to religious communities and the hope that they will preach tolerance and to a common core of cultural history to build a minimal foundation for civic affection. First, thinking of Wittgenstein’s family resemblance, one could note that ties develop through diverse kinds of similarities, sympathies, and contacts. Affection for a political constitution needn’t be ruled out of this list—my grandfather, an emigrant to the United States, exemplified an affective relationship to the American structure of governance and reacted by teaching his grandchildren an impressive array of sentimental (never militaristic) patriotic songs. Many more intersections are necessary to create an affective fabric, and in a diverse community, difference itself is one of the most significant. Difference is a shared experience in any diverse environment, and, if embraced, becomes a robust site for community building. Similar ideas have circulated in the United States for a long period. While they have never stopped encountering resistance, the concept of cultural strength in acknowledged and welcomed multiplicity

does provide a recognized anchor in the US for understanding culture as a non-unitary although shared dynamic of ongoing contact.

The long delay in confronting one of the basic pillars of Nazi ideology, namely the definition and meaning of being German, has allowed problematic views of nationality to persist: past Jewish victims and currently present Muslims and Jews continue to be viewed as guests, while Christian Germans frequently see themselves as the determining agents of degrees of welcome. One can see this tendency clearly in the frequent linguistic dichotomy of “Germans” and “Jews.” For example, on the government website for the Educational Service of Berlin and Brandenburg, there is a link to a program at the Fritz Bauer Institut, the institute for the history and impact of the Holocaust, entitled “‘Geheime Reichssache’?—Was die Deutschen im Reich über den Holocaust wussten.” The program, intended for schoolchildren from the ages of 8–19, lists the goal that “Anhand verschiedener Quellen setzten sich die Schüler*innen mit der Frage auseinander, was die deutsche Bevölkerung über den Holocaust wissen konnte,” a description that casually equates the German population with the non-Jewish German population.⁴⁰ One sees a similarly hardened boundary between Jews and Germans in materials distributed by the German Embassy to German Departments at universities and colleges in the US publicizing an German educational program in 2021. That year, the Embassy provided a link to an online exhibit curated by the Leo Baeck Institute called the *Shared History Project: 1700 Years of Jewish Life in German-speaking Lands*. While the curators of this exhibit were very careful to refer to the groups involved as *Jews* and their *non-Jewish neighbors* in *German-speaking lands*⁴¹ the Embassy instead stated that the exhibit recounted the “complex narrative of Jews and their relationship with their

37 Dolf Sterberger first suggested the idea of *Verfassungspatriotismus* in 1959, but it is far more closely associated now with Habermas, who has advocated it for decades; cf. Jürgen Habermas: *Die postnationale Konstellation: politische Essays*, Frankfurt a. M. 1998.

38 Political theorist Tine Stein discusses the history of *Verfassungspatriotismus* and objections; cf. Tine Stein: “Gibt es eine multikulturelle Leitkultur als Verfassungspatriotismus? Zur Integrationsdebatte in Deutschland”, in: *Leviathan* 36.1 (2008), pp. 33–53. A deep engagement with this debate lies outside the scope of this essay.

39 Lea Carola Czollek and Gudrun Perko established the Institut Social Justice & Diversity in 2005 and renamed it Institut Social Justice & Radical Diversity in 2019; cf. Institut Social Justice & Radical Diversity website, <https://institut-social-justice.org/uber>.

40 The well-researched report and lesson plan by Wolf Kaiser has the goal of uprooting the myth that “die Deutschen” were not aware of the genocide taking place, and I appreciate both this goal and the research involved. It is important to note, however, that language has real-world effects and stripping German Jews of their Germanness when describing what “Germans” knew extends both the estranging of German Jews from their fellow Germans and the inability to recognize Germanness as non-uniform; cf. Wolf Kaiser: “‘Geheime Reichssache’?—Was die Deutschen im Reich über den Holocaust wussten”, Unterrichtsmodul 03, ed. by Fritz Bauer Institut, Frankfurt a. M. 2020, https://www.fritz-bauer-institut.de/fileadmin/editorial/publikationen/paedagogik/unterrichtsmodule/UM-03_Kaiser.pdf.

41 Cf. “Shared History: 1700 Years of Jewish life in German-speaking lands”, Leo Baeck Institute website, <https://www.lbi.org/projects/shared-history/>.

German neighbors” (mass email communication June 2nd, 2021). In this formulation, the Embassy not only grants a national identity to “Germans” across a 1700-year history, in spite of the fact that a nation by that name has only existed for the past 154 years, but it clearly segregates these ahistorically nationalized Germans from the Jews living in the same region for as long a period.

If Germanness remains a contested concept, Judaism is at least as difficult to define. While Jewish religious laws codify the inheritance of Judaism through maternal descent except in cases of conversion, Jews themselves have no consensus view on how to understand what Jewish identity consists of. On this, as on most issues, the saying applies, *Ask two Jews, get three opinions*. The complications are exacerbated by Judaism’s essentially anarchic organizational structure. There are no priests and no pope—the word Rabbi means teacher and is a title of community respect rather than one of God-granted authority. There are certainly many hierarchies within Judaism historically, starting with the misogyny of Jewish orthodoxy, which it shares, of course, with the several orthodoxies of its monotheistic relatives, Christianity and Islam. But there is no concept of representation within the religion or the community that transcends the plurality of Jewish individuals, and still less of Jewish denominations. The members of any given, single synagogue might be comfortable with their Rabbi or a different designated and elected official speaking for their community, but in the United States, for example, any person who plays such a role is likely to begin any message by acknowledging the diversity of even this single community. The German deference to that most German of institutions, the *Zentralrat der Juden*, runs directly against the cultural resistance to consensus within Judaism itself. While the *Zentralrat* often presents itself as representative, any German media outlet that cites its president would do well to wonder what the relationship is between the views its president expresses and those of other Jewish Germans or of Jews residing in Germany, both in and out of the official communities that make up its constituency. It is a very convenient institution, however, for those Christian Germans seeking short cuts to absolution on the basis of clearly regulated, authorized, and achievable rituals and opinions.

The problem of determining the boundaries of Jewishness for the purposes of memory work was already evident early in the postwar period. Under the Nazis, Jewishness was defined as a race. I have myself written about the history of this development, the way that

the discourse of race overlapped with that of culturally, linguistically, and religiously defined *Völker* through the shared mechanism of genealogy.⁴² Philologists felt their institutional power, which was dominant in the early nineteenth century, waning in the later nineteenth century and were envious of the cultural authority that was shifting in the direction of biology. The racial categories promulgated by biologists and physical anthropologists enjoyed a vast degree of cultural legitimacy by the mid-nineteenth century. Philologists, hoping to reclaim some of that authority, adopted the language of race for the categories of culture that rested on the genealogical transmission of religion and language, categories that at the time were focused on a contrast posited between families named *Semitic* and *Aryan*. Antisemites in Germany and elsewhere were all too eager to watch the *völkisch* and the racial forms of classification merge, a process aided by the reliance of both on descent and by the fact that both systems entwined physical with mental attributes from the beginning. This history is important to keep in mind while thinking about the meaning of *Leitkultur*. It may look like an acceptable alternative to racial and ethnic concepts of the essence of a nation, but the virulent categories of Aryan and Semitic also emerged first as cultural classifications. Like *Leitkultur*, they were understood to be transmitted genealogically and hence also strongly tied to long familial histories of descent in ways that functioned as forms of exclusion. While the *Leitkultur* is portrayed as potentially open to newcomers committed to assimilating to it, it can be used as a cudgel against newer citizens because it is combined with assumptions about their ability or willingness to do so. I would argue, however, that as long as the focus is on whether immigrants assimilate, the wrong model is in place. It is time to question the presumptions of superiority involved in the expectation that immigrants should conform to a longer German tradition; the alternative would be to hold up a cultural ideal in which differences would remain in dialogue with each other, reciprocally influential without the goal of homogeneity.⁴³

42 Cf. Stefani Engelstein: *Sibling Action: The Genealogical Structure of Modernity*, New York 2017, pp. 210–259.

43 In an interesting article from 2006, Stein discusses a set of three possible approaches to state communities that also arise in this article, namely *Verfassungspatriotismus*, *Leitkultur*, and *Multikulturalismus*. She argues that the three are necessarily coextensive to a certain extent: *Verfassungspatriotismus* rests on other institutions to form the affective bonds that are necessary to build the trust on which the constitution depends; the *Leitkultur* provides such affective bonds through shared norms that can be envisioned as more minimal than the definition of the term put forward by conservative politicians, and, finally, the existence of

After the Holocaust, the disentanglement of the word race from the definition of Jewishness was not immediate, as one can see in the language of the *Grundgesetz* from 1948. There Article 3, paragraph 3, now quite controversial in its wording, reads, “Niemand darf wegen seines Geschlechtes, seiner Abstammung, seiner Rasse, seiner Sprache, seiner Heimat und Herkunft, seines Glaubens, seiner religiösen oder politischen Anschauungen benachteiligt werden.”⁴⁴ From today’s perspective, it is clear that many of these designations could apply to Jews, an identity which includes aspects of belief (*Glaube*), religious viewpoint (*religiöse Anschauungen*), and descent (*Herkunft*), although not necessarily all three for all members. Nonetheless, at the time of the writing, the clearest injunction against antisemitism would have rested in the barring of discrimination on the basis of race.⁴⁵ As it eventually became culturally unacceptable to use racial designations in Germany, the question of how to define Jews became an urgent one within German culture. Israel’s own definition of itself as the Jewish homeland provided a simple alternative—the mapping of Jewish identity onto a nation that granted self-determination to a *Volk* and eventually consolidated this identity into a nationality. This shift in West German thinking was facilitated by the similarities of the older and newer formulations. Like a race as the term was understood by and before the Nazis, nationality in Europe since the nineteenth century has been classically understood to be linked to descent as the foundation of group affiliation. The transition from thinking of Jews as a race to considering them a Volk-Nation seems to have been a reasonably smooth one, particularly because the specific geographical territory to accompany such

an idea had become a concrete reality, and one that enabled a clear conceptual and physical separation of Jews from Germans. While West Germany was an early supporter of Israel, things were quite different in East Germany, which saw in Zionism a continuation of nationalism that socialism, with its internationalism, stood against. Nonetheless, in both Germanys, whether for or against, the Israeli state was seen as an expression of Jewish nationalism.⁴⁶ In both states, moreover, Jewishness was segregated from German identity. In West Germany, Jews were defined by past victimhood and expropriated to Israel. In East Germany, the antisemitism of the Stalin years in the early 1950s reduced both the number and visibility of Jews, while general disapproval of religion exacerbated the invisibility of Jewish communities.

After the war, the majority of Jewish Holocaust survivors, about 400,000, went to Palestine in its final years as a British Mandate or to the new state of Israel,⁴⁷ while about 140,000 emigrated to the US.⁴⁸ Very few survivors originally from Germany, Austria, or countries further east were willing or felt able to return to their original homes, and many of those who did were met by hostility and violence.⁴⁹ It is worth considering the complications Germany escaped through this mass emigration. A population trained for decades in a virulent antisemitism and that had largely participated in genocide against Jews could not have been enthusiastic about integrating survivors on a massive scale into either of the new German states. Stolen Jewish real estate had been redistributed when it still stood after bombing campaigns. I have repeatedly

diversity of some type is presupposed in any society and need not constitute discrete, parallel societies. The article, however, also exposes the limits of this argumentation in its repeated return to commitments said to be shared by all religions (50) to supply the common norms and affection in question and in its reliance on a retreat to a minimal, shared core. While I agree that members of a society need to agree to respect the constitution of the state, I would suggest a more robust understanding of the way that civic affect can arise out of accepted multiplicity and diverse kinds of contact.

44 A concerted attempt to change the language of race in this passage failed in February 2024.

45 It is instructive that in a speech on the occasion of a Holocaust Memorial Gathering at Bergen-Belsen on February 2, 1960, Konrad Adenauer spoke of the categories of *Volk*, *Nation*, *Rasse*, and *Glauben* to indicate Jewish identity; cf. Konrad Adenauer: “Gedenken an die Opfer des Terror-Regimes”, 02 Feb. 1960, https://www.konrad-adenauer.de/media/Adenauer/Quellen/Reden_und_Erklarungen/Reden/1960-02-02_Rede_Bergen-Belsen.pdf.

46 Israel facilitated and continues to facilitate this understanding by envisioning and representing itself as the homeland for Jewish people. The relationship between this national conception of Judaism, on the one hand, and religious or cultural understandings, on the other hand, remains contested within Israel, however, while Jews who live in other places may feel various degrees of connection to Israel without understanding Jewish identity as national.

47 Dalia Ofer lists 373,852 Holocaust survivors immigrating to Israel between its founding on May 8, 1948 and the end of 1952 and 100,000 immigrating between 1946 and the founding, but other figures in the article suggest some overlap between the two numbers and comprehensive statistics are otherwise hard to come by. Ofer notes some of the reasons for this; cf. Dalia Ofer: “Holocaust Survivors as Immigrants: The Case of Israel and the Cyprus Detainees”, *Modern Judaism* 16 (1996), pp. 1–23, <https://muse.jhu.edu/article/21994>.

48 Cf. Beth Cohen: *Case Closed: Holocaust Survivors in Post-war America*, New Brunswick, N.J./London 2007.

49 Cf. Arieh J. Kochavi: *Post-Holocaust Politics: Britain, the United States, and Jewish Refugees, 1945–1948*, Chapel Hill/London 2001.

heard Germans characterize Palestinians, who were driven from their homes in 1948 by Jews seeking a homeland, as unwelcoming or unempathetic towards these Jewish refugees, echoing the language of *Ver-gangenheitsbewältigung* discussed above. It would be reasonable to ask how either Germany would have reacted to a proposal to establish a Jewish homeland in, for example, Bavaria or Saxony, driving an equal number of residents—approximately 750,000—out of homes and off property. Or how either state would have reacted to a reparations program that functioned by distributing properties scattered throughout their territories to Jewish survivors. Such a plan would have been more directly justified, however, than dislocating Palestinians—even in the absence of the violence that actually accompanied it. It is worth contemplating, in other words, that the establishment of Israel directly relieved Germans from territorial losses and retributive violence by subjecting Palestinians to these losses and to this violence instead. When Palestinians hold signs at demonstrations in Berlin that read “Free Palestine from German guilt” their reasoning is indisputable.⁵⁰

The embrace of Israel as a new state, as the proper place for Jews, and as a designation for Jewish identity solved a number of problems for Germans at once: material, psychological, and conceptual. It allowed for continuity in the idea of Jews as a people distinct from Germans and other Europeans, as inassimilable, and as essentially foreign. Moreover, supporting Israel’s right to exist was fully reconcilable with antisemitism of any degree, while nonetheless allowing the supporter to claim the high ground within a West German milieu.⁵¹ Seeing any remainder of Jewish identity outside of Israel as anything other than an Israeli diaspora (rather than a European one), was fundamentally threatening to this newly established set of linked understandings. Two seemingly unrelated and pernicious consequences follow from this constellation, first, the antisemitism of denying Jews their multiple identities, and second, the anti-Palestinianism of refusing to acknowledge the Nakba.

The mistaken identification of Jewishness as a nationality, which equates being Jewish with being Israeli, is a form of antisemitism, as noted in both the

Jerusalem Declaration on antisemitism and the IHRA Working Definition of antisemitism.⁵² This conflation segregates Jews from their fellow citizens in whatever country other than Israel they happen to live, and calls into question this national identity—as Germans, for example, or as Americans; it raises suspicions about their loyalty and undermines their rights. It is conceptually related to the much harsher Nazi laws stripping Jews of their German citizenship. Moreover, the deep internalization of this equation and the decades-long societal investment in support for Israel as a kind of alibi has led to a situation that can only be described as extremely dangerous for the security of democracy in Germany and exclusionary for the approximately 200,000 Palestinians living in Germany. Most immediately, by supporting Israel with money, arms, and—still more significantly—international legitimacy, Germany carries complicity for Israel’s current and ongoing mass killings of Palestinian civilians.

IV. ANTISEMITISM, RESTRICTED SPEECH, AND SECOND-DEGREE GERMAN GUILT

The crowds that greeted Syrian refugees in the early days of the Syrian civil war make visible the pressure under which many non-Jewish Germans live to exteriorize their desire for exculpation. Such a desire is by no means a bad thing. On the contrary, I have a great deal of respect for it. In the United States, we could do with much more widespread consciousness of the national atrocities of genocide against Native Americans and of enslavement, accompanied by an attempt to grapple ethically with its ongoing consequences. While others have expressed concerns about the performativity of memory culture in Germany, I would affirm that no ethical engagement is entirely free of the desire also to be perceived as ethical, nor is there a reason to condemn this desire, a point Adam Smith already made in his 1759 *Theory of Moral Sentiments*.

50 Cf. Charlotte Wiedemann: “Nakba und deutsche (Un-) Schuld”, in: *taz*, 14 Jul. 2022, <https://taz.de/Erinnerungskultur/15864163/>; Sarah El Bulbeisi/Julia Neumann: “Wir haben es mit Tabus zu tun”, in: *taz*, 27 Nov. 2023, <https://taz.de/Palaestinerinnen-in-Deutschland/!5972938/>.

51 Of course, there were leftist West German milieus which were anti-Israeli, but neither the pro nor con position ruled out antisemitism, just as neither entailed it.

52 The main weaknesses of the IHRA definition lie (1) in a form that is vague (“certain perception...which may be”), (2) in its location of antisemitism in a perception rather than a reality (“Antisemitism is a certain perception of Jews, which may be expressed as hatred toward Jews”), and (3) in a too broad expansiveness about when critique of Israel crosses over into antisemitism. The Jerusalem Declaration is both conceptually clearer and allows explicitly for political considerations of justice in the region of Israel and Palestine; cf. Stefanie Schüler-Springorum/Uffa Jensen: “Der Dissens in der Antisemitismusforschung”, in: *Frankfurter Allgemeine Zeitung*, 26.05.2022, <https://www.faz.net/aktuell/karriere-hochschule/politisierte-wissenschaft-der-dissens-in-der-antisemitismusforschung-19732243.html>.

Memory culture becomes problematic, however, when the self-oriented nature of performance and self-righteousness overtakes the difficult work of understanding the political and historical realm in which one acts. We see repeatedly what Michal Bodemann has called *Gedächtnistheater*, commemoration theater, and Max Czollek has referred to as *Versöhnungstheater*, reconciliation theater.⁵³ It is a small but significant and problematic step from participating in this theater to policing its mechanisms. If supporting Israel fulfills this psychological and social need, for example, then any disruption of the understanding of Israel’s role will immediately threaten the attainment of relief from guilt involved in the support. Should the public view of Israel’s ethical status sink, the psychological payoff of voicing support also sinks and, in the most extreme case, the self-evaluation of one’s investment of support over a lifetime threatens to reverse its valance. In other words, the cost to the self-perception of many Germans in confronting Israel’s current war crimes is very high, so high that they find themselves disinviting Jewish intellectuals, revoking prizes awarded to Jews, and accusing Jews of antisemitism so as not to have to relinquish the regimented identifications on which their own self-understanding as anti-fascist and anti-antisemitic are based.⁵⁴

The antisemitic undertones of the German equation of Jews with Israelis have broken out into the public realm in two different ways since October 7th, 2023. First, many Germans who recognize Israeli war crimes extend blame to Jews who are not Israeli through conflation of the two groups. This kind of antisemitism is sometimes visible in pro-Palestinian, left-wing demonstrations, although it would be wrong to assume that it is a dominant position or that its presence excuses society from considering the moral issues involved in the military campaign in Gaza. This form of antisemitism also exists more quietly when Germans ask Jews to defend Israeli policy simply because they are Jewish. Meanwhile, the mainstream of German society represented by the political parties, the media, the granters of prizes, fellowships, and visiting residencies, namely, those who refuse to acknowledge or who underplay war crimes being

committed in Gaza, are treating Jewish opponents of Israel’s actions to a uniquely German form of hostility all the more vicious for being so conceptually confused. Even before the statements that have led to her most recent vilification in Germany, Judith Butler described the situation so:

“I find that the press coverage is aggressive and actually anti-Semitic towards me. Because many Germans believe that unconditional support for Israel is full and final proof that they themselves are not anti-Semitic, they attack anyone who stands for justice in Palestine. The Jewish anti-Zionist is thus open season for anti-Semitism. Some Germans give themselves full permission to treat me as Jew in sadistic and disdainful ways, including gross caricatures, because I am not a Zionist. It is as if I am exempt from the German self-prohibition on antisemitism because I am not a Zionist, and they are excited to have permission to attack a Jew. In other words, this Jew is one that Germans feel free to hate.”⁵⁵

I would argue that Butler’s interpretation conflates two different strands of antisemitism. In one case, classic German antisemitism continues to exist alongside a pro-Zionist perspective, enabling German antisemites to feel that they have honorably washed their hands of the past and to enjoy social acceptance.

55 Anna-Lena Scholz: “Unease over Judith Butler”, *Zeit Online*, 24 Nov. 2023, <https://www.zeit.de/kultur/2023-11/judith-butler-israel-hamas-university-english/komplettansicht>. Disapproval of Judith Butler has grown even stronger in Germany since she called the Hamas attacks “an uprising” and “an act of armed resistance” on March 3rd, 2024 in a lecture in France; cf. Vincent Noce: “Judith Butler pulls out of Pompidou lectures after Israel-Hamas comments”, *The Art Newspaper*, 04 Apr. 2024, <https://www.theartnewspaper.com/2024/04/04/judith-butler-pulls-out-of-pompidou-talks-after-israel-hamas-comments>. Some excerpts from the event are posted online as well; cf. Judith Butler: “October 7 was an act of armed resistance”, *Middle East Eye*, 06 Mar. 2024, <https://www.youtube.com/watch?v=wFjYFonN3ZI>. It is worth calling attention to the fact that in this same speech, she called the October 7th attacks “anguishing” and she earlier wrote at length about her grief over them; see Scholz: “Unease over Judith Butler” (fn. 55). She has also referred to Hamas’s actions as “atrocities.” For hostile responses to Butler in the German press see Jürgen Kaube: “Kindermord als Form des Freiheitskampfes”, *Frankfurter Allgemeine Zeitung online*, 03 Mar. 2024, <https://www.faz.net/aktuell/feuilleton/debatten/judith-butler-beschoenigt-hamas-massaker-kindermord-als-freiheitskampf-19568312.html> and Matthias Trautsch: “Adorno-Preise ist Judith Butler wohl nicht zu nehmen”, *Frankfurter Allgemeine Zeitung online*, 04 Apr. 2024, <https://www.faz.net/aktuell/rhein-main/frankfurt/adorno-preis-ist-judith-butler-trotz-antisemitismus-vorwurf-wohl-nicht-zu-nehmen-19631090.html>.

53 The two terms have different emphases, but both illuminate the centrality of public displays of contrition for purposes that extend from an experience of personal exculpation to international signals of responsibility; see Michal Bodemann: *Gedächtnistheater. Die jüdische Gemeinschaft und ihre deutsche Erfindung*, Hamburg 1996; Max Czollek: *Versöhnungstheater*, München 2023.

54 I will return below to this series of attacks on Jewish intellectuals and organizations.

For such a person, it's open season on anti-Zionist Jews, as Butler notes. Others, however, may have poured themselves more deeply into the intent of combating antisemitism and used Zionism as a way to do so. Such Germans are sincere and may feel that they deserve recognition for good behavior, if not in fact appreciation and gratitude, from the Jews they encounter. In both of those cases, it is the proscribed role of real, live Jews to confirm for these Germans their successful atonement, to certify their moral rectitude. The experience of confronting Jews who instead seek from Germans acknowledgement that Israelis are perpetrating mass murder, a set of war crimes that a significant number of Jewish critics are willing to call a genocide in its own right, is profoundly disorienting.⁵⁶ It elicits shock and hostility. This reaction is a form of antisemitism, because it delegitimizes Jews as independent judges of the world around them, understanding them instead in terms of group allegiance. Moreover, it subordinates Jews to the paternalistic protection of non-Jewish Germans who claim custodianship over Jewish lives while acting out their own psychological need. Both the protective attitude towards Israel and the hostility towards its Jewish critics are patronizing and turn Jews into means for self-serving ends.

Justice not only towards Palestinians, but also towards Jews, would require a different approach, namely an honest appraisal of the situation. Se'ed Atshan and Katharina Galor record in findings from their 2017–2018 interviews of Germans, Palestinians, and Israelis in Berlin that “while many Germans believe that Palestinians should be excluded from the German political imagination and sense of moral responsibility, this is changing with time. More Germans, particularly young Germans, are open to alternatives that create space for Palestinian sensibilities and viewpoints.”⁵⁷ Of course, there has been German engagement with injustice towards Palestinians in the past as well. East Germany supported a Palestinian state and never officially recognized Israel, while leftists of the '68 generation, like current student protesters, viewed

Palestinians as victims of Israeli colonialism. Then as now, critique of Israel was susceptible to being combined with antisemitism, without being so in all cases. More recently, Germany has been one of the largest donors of humanitarian aid to the Palestinian territories for decades alongside its support for Israel. Nonetheless, Atshan and Galor found that “the majority of Germans [they] spoke to, including highly educated and informed individuals, were unfamiliar with the term or concept of ‘Nakba’”⁵⁸ and that there was a great deal of disagreement over any kind of German moral responsibility towards Palestinians.⁵⁹

Beyond the basic responsibilities towards human rights, any argument about special German responsibility towards the Palestinians would seem at first glance to run through Germany's relationship to Israel, both in terms of current support and in terms of the history of its founding. Germany's support of Israel takes the form both of arms—Germany is the second largest supplier of arms after the United States—and, very significantly, of public international justifications of Israeli policies. Moreover, while Jewish Zionism and the British Balfour Declaration of intent to create a Jewish and a Palestinian state on the territory of the British Mandate of Palestine predate the Holocaust, Israel's actual creation in 1948 represented both an international and a Jewish reaction to the genocide and mass displacement of the Holocaust. In this sense, the current intractable competition for land, water, and legitimacy is a direct outgrowth of Nazi genocide.⁶⁰

There is, however, another salient connection between the Holocaust and Israeli policy towards Palestinians that has been entirely neglected in German considerations of Israel/Palestine. This argument is not geopolitical but follows the temporal logic of trauma. It requires recognizing the Holocaust as a phenomenon that exists on a time axis that extends into the present and the future. Actions do not cease to have consequences when those actions cease, and the Holocaust continues to generate repercussions in the current moment. As William Faulkner wrote, “The past

56 Jewish critique of the massive destruction of life, health, and homes in Gaza is not a sign of amnesia about the Holocaust. On the contrary, the history of the Holocaust has more than one effect on descendants and on other Jews. I have pointed out that for some, “never again” is a defensive stance; it can also be directed towards combatting injustice against other populations, or both simultaneously. The fact that fellow Jews are carrying out the military operations against Palestinians brings the familiar German imperative into play, *Wer schweigt, stimmt zu*.

57 Atshan/Galor: *The Moral Triangle* (fn. 15), p. 82

58 *Ibid.*, p. 19.

59 Cf. *ibid.*, pp. 85–87. The Nakba, Arabic for “catastrophe”, refers to the often violent displacement of Palestinians as Israel became a state. In addition to the 750,000 Palestinians who lost their homes, massacres were committed against Palestinians and villages emptied and destroyed; cf. Pappé: *The Ethnic Cleansing of Palestine* (fn. 13) and Masalha: *Expulsion of the Palestinians* (fn. 13).

60 Cf. Wiedemann: “Nakba und deutsche (Un-)Schuld” (fn. 50)

is never dead. It’s not even past”,⁶¹ a quote echoed by Christa Wolf as the opening line of *Kindheitsmuster*: “Das Vergangene ist nicht tot; es ist nicht einmal vergangen.”⁶² My claim here is that the specific contours of Israeli militarism towards the Palestinians belong in a direct chain of responses to the horrors of the Holocaust. This argument cannot be equated with the view of many Israelis that the Holocaust provides a justification for the necessity of a Jewish state, nor with the view that the Holocaust justifies the most extreme measures in responding to terrorism by extreme Palestinian groups. These claims have been labelled by critics an instrumentalization of the Holocaust for political purposes. Here, I want rather to call attention to the roots of the mindset that governs Israeli political and military decisions within the geopolitical situation of Israel/Palestine. In doing so, I do not seek to excuse or exculpate, but to understand both in the interest of knowledge and in the hopes that knowledge can facilitate change. Given the current imperviousness of the Israeli government and a majority of Israelis themselves to concern for the safety of Palestinian civilians, I believe change needs to proceed through international pressure, which Israel’s strongest allies, namely Germany and the US, are in the best position to apply.

A third of the members of Israel’s founding generation were Holocaust survivors, and another 10 % had fled Germany between 1933 and 1939.⁶³ Israel was

therefore founded to a significant degree by people deeply traumatized by having experienced torture and expulsion themselves, by the murder of their families, and by the destruction of their communities, often with the participation not only of foreign units, but also of their own neighbors. During the Holocaust, there were courageous Jewish uprisings and Jewish participation in partisan fighting against German units, but such armed action existed in stark disproportion to German military strength. There was no realistic prospect for Jews to successfully protect themselves or each other. Not only the direct trauma inflicted on survivors, in other words, but what we often call survivors’ guilt was endemic in the new state of Israel. This psychological state is often shrugged aside, but the experience of helplessness—the inability to save loved ones—lingers as extreme, existential insecurity. The tenet *never again*, which in Germany refers at its most explicit level to a promise not to repeat antisemitic genocide, became for many Jewish founders of Israel a commitment never to be caught unprepared to defend oneself and one’s community with lethal force, never to be surprised by an unexpected attack. As Gilad Erdan told the UN Security Council on October 30th, 2023, “We walk with a yellow star as a symbol of pride, a reminder that we swore to fight back to defend ourselves.”⁶⁴ This commitment includes a resolve to act with as much advanced intelligence and advanced violence as necessary to prevent threats against Israelis from being enacted in the first place, although this intention clearly failed on October 7th, 2023. While this offense-as-defense disposition was a response to the actions of Germans, it has not been deployed against Germans. Rather, the threat of retribution, of difficult integration, or of aggression understood as self-defense was removed from Germany with the departure of the survivors, relieving the perpetrators of many of the possible consequences of their actions. In the new context of the state of Israel, threats came from an entirely different population. And yet the Israeli response was primed by their recent trauma. From the very beginning, Israelis redirected their hostility towards Germany against the Palestinian population whose legitimate desire to protect their own homes, their communities, and their own lives stood in direct contradiction to the desire of Israelis to consolidate a Jewish majority in the new country.⁶⁵

61 William Faulkner: *Requiem for a Nun. Novels, 1942–1954*, New York 1994, pp. 471–664, here p. 535.

62 Christa Wolf: *Kindheitsmuster*, Darmstadt/Neuwied 1979, p. 9. Czollek also turns to this quote by Wolf and also connects it to American race relations, in his case by putting it in dialogue with James Baldwin; cf. Czollek: *Desintegriert euch!* (fn. 21), p. 20 f. Noticing that Wolf is quoting Faulkner brings in the interesting twist that both quotes Czollek discusses originate in the US context, which means that Wolf herself has already embedded her novel on *Vergangenheitsbewältigung* in this international conversation. The withholding of an explicit citation on Wolf’s part demonstrates that productive analysis can simultaneously fit distinct situations on their own terms while they also weave together aspects of their contexts. We could also note here that multidirectional memory, to draw on Michael Rothberg’s concept, does not begin with the Holocaust, but rather that human atrocities that can be put into dialogue stretch further back and range across the globe.

63 Nazi Germany originally facilitated Jewish emigration to Palestine; cf. Jewish Virtual Library: “Haavara”, *Jewish Virtual Library*, <https://www.jewishvirtuallibrary.org/haavara>. Beginning after the formation of the State of Israel and the Arab-Israeli war that followed hundreds of thousands of Jews were expelled from Arab countries, many of whom fled to Israel. The number of Jew who settled in Israel after fleeing Arab lands exceeded the number of Holocaust survivors and made up 30 % of the Israeli population by 1951;

cf. Ada Aharoni: “The Forced Migration of Jews from Arab Countries”, in: *Peace Review* 15 (2003), pp. 53–55.

64 Cf. “UN Security Council meets on Israel-Palestine crisis; nowhere safe in Gaza”, *UN News*, 30 Oct. 2023, <https://news.un.org/en/story/2023/10/1143002>.

65 Cf. Pinsker: “On Jewish Revenge” (fn. 13); Bashir Bashir/

The founding of Israel, known to Palestinians as the *Nakba*, the catastrophe, displaced more than 750,000 people from their lands and homes and was accompanied by Israeli massacres of Palestinians in several towns, as well as the destruction of hundreds of Palestinian villages. There has been violence and hatred on both sides, and they have currently reached an unprecedented level. But Germany has a responsibility to understand that not only the geopolitical situation in which both groups find themselves, but also the psychological disposition from which Israeli Jews have made and continue to make choices in responding to the neighbors whom they dispossessed, are both direct outgrowths of the violence imposed upon them by Germany. Palestinians are the victims of Israelis, but they are also the secondary victims of the German genocide against Jews. German *Vergangenheitsbewältigung*, in becoming *Gegenwartsbewältigung*, must extend to these present consequences of the German past and to the present German attitudes for which it is responsible.⁶⁶

Instead, Germany has recently witnessed an attempt at state reeducation and the repression of free expression. The clearest victims of state repression have been the approximately 200,000 Palestinians living in Germany, who have found their marches in solidarity with family members in Gaza sometimes forbidden and, when allowed, lined with police in full riot gear.⁶⁷ Arrests of those who chant or carry signs deemed to be “volksverhetzend” are common, although what counts as such is not consistent or

predictable. News coverage, when the protests are covered at all, has focused on the most controversial signs and chants, or on outbreaks of violence, however small the proportion of demonstrators participating in it. Palestinians, who have been criminalized for concern over the very lives of their family members, have also represented the least visible and least contested targets of state control.

On the other hand, demonstrating students and the faculty members supporting their right to demonstrate have been the most contested targets of state repression. When students were arrested in May for occupying an area of the Freie Universität Berlin, several hundred faculty members signed an open letter in support of their right to protest. The letter carefully abstained from taking a position on the war in Gaza itself. News coverage after the incidents was primarily devoted to diverse views on the intervention of university faculty, and secondarily on the student demonstrations themselves. The faculty who signed the letter found themselves targeted by the Ministry for Education, which attempted to find ways to criminalize their support for free speech and looked into whether signatories could be de-funded. After emails were leaked to the ARD television program *Panorama*, the Minister of Education Bettina Stark-Watzinger fired the State Secretary Sabine Döring rather than assuming responsibility herself and in spite of the fact that the emails leaned heavily on her own criminalizing language towards the signatories.⁶⁸ The number of links in this chain shows just how deeply censored not only support for the Palestinian population is, but even support for those who support the rights of others to support the rights of the Palestinian population. Public debate demonstrates increased acceptance at each step up this chain. In other words, as vulnerability to police intervention increases, the willingness of the media to report and of the population to show support decreases. Or, stated differently, attention and support is disproportionately directed towards those least likely to have a recent family background of immigration. The slight stirrings in the frozen debate occur not at the level of expressing ideas about the Israeli military activities in Gaza, and civilian violence against Palestinians in the West

Amos Goldberg: “Introduction”, in: idem (eds.): *The Holocaust and the Nakba. A New Grammar of Trauma and History*, New York 2019, pp. 8–14, on the tendency of Israelis in the period immediately after the expulsion of Palestinians to recognize echoes of their own, different expulsion from their communities in Europe.

66 The term was first used by Daniel Kahn to emphasize that it was various futures that were lost in the Holocaust, and their loss that needs to be dealt with in the present; cf. Daniel Kahn: “Gegenwartsbewältigung. Getting Drunk on the Past in Berlin and Sobering up in Yiddishland”, in: Charlotte Misselwitz/Cornelia Siebeck (eds.): *Dissonant Memories Fragmented Present: Exchanging Young Discourses between Israel and Germany*, Bielefeld 2009. Max Czollek made the term more familiar through his books *Desintegriert euch!* (fn. 21) and *Gegenwartsbewältigung*, München 2020, in which he argued that *Vergangenheitsbewältigung* was always a way of blaming a previous generation rather than taking responsibility for current manifestations of anti-semitism and racism. I am here expanding on both of these thoughts to suggest a need to deal with current consequences of the Holocaust as well as continuities of ideology in the widest sense.

67 Cf. El Bulbeisi/Neumann: “Wir haben es mit Tabus zu tun” (fn. 50).

68 Cf. Emma Tries: “Stark-Watzinger stark in der Kritik”, in: *taz*, 11 June 2024, <https://taz.de/Reaktionen-auf-veroeffentlichte-E-Mails/!6013421/> and BMBF: “Abschrift des internen Mailverkehrs im BMBF”, *NRD Panorama*, 11 June 2024, <https://www.ndr.de/fernsehen/sendungen/panorama/download1200.pdf>.

Bank, but rather at the level of whether, where, and how such debate should be permitted.⁶⁹

To understand just how irrational German insistence on consensus on this issue has become, one need only look at the Jewish public thinkers who have been defamed as antisemitic by the press, by public institutions, and by private institutions. It is in this bizarre manifestation, in which culturally Christian Germans attack Jews in the press for antisemitism, including direct descendants of Holocaust victims, often vehemently and with personal vitriol, that the full failure of *Vergangenheitsbewältigung* becomes clear. Those treated in this way include the diverse thinkers Masha Gessen, Judith Butler, Jonathan Glazer, Susan Neiman, Michael Rothberg, and Nancy Fraser. While I do not agree with every individual claim or argument made by the thinkers above (each of whom makes their own distinct arguments), I will insist that not one of them can be called antisemitic under any reasonable definition of that term. Many non-Jews have also been targeted in inappropriate ways for criticizing Israel, including Adania Shibli (discussed in Ivana Perica’s article in this issue), Kamila Shamsie, Sharon Dodua Otoo, Ghassan Hage, and others. I mention the Jewish thinkers here first not in order to elevate their voices on this issue above those of Palestinians, but because the accusations that these Jews are antisemitic, with its concomitant insistence that the *descendants of the perpetrators* have a greater right to define antisemitism than Jews themselves do, illuminates the particular failures of *Erinnerungskultur*. The policing of views on the war in Gaza represents most problematically a failure to recognize war crimes perpetrated against a vulnerable and enclosed Palestinian population denied even the opportunity to remove themselves from the line of fire. It has also legitimated an increase in Islamophobia and anti-immigrant hostility in Germany, expressed both in policy and in culture at large. And, as I hope has become clear, this reaction to the Gaza war also represents a nation-wide outbreak of antisemitism of a uniquely German sort, one that equates Israel with Judaism, and in the process both delegitimizes Jewish voices by purporting to speak for and instead of them for their own good, and fails to grant Israelis themselves agency by refusing to credit the facts

69 These discussions can be quite insightful, as in Teresa Kolumbia Beck: “Sprechen in Zeiten des Gaza-Kriegs: Welche Aufgaben haben Kultur- und Wissenschaftsinstitutionen?,” *Deutschlandrundfunk Essay & Diskurs*, 07 July 2024, <https://www.deutschlandfunk.de/sprechen-in-zeiten-des-gaza-kriegs-100.html>.

as they unfold, by refusing to acknowledge Israeli decisions for what they in fact are.

V. CONCLUSIONS

I began by asking why Germany embraced a conflation between the October 7th attacks by Hamas and the Holocaust. I have argued that this slippage allows a deflection of German guilt and responsibility for the Holocaust onto a third party—Palestine outside of Germany and immigrants and migrants at home—relieving Germans of that guilt in the process. This mechanism is enabled by a failure to sufficiently distinguish Israeli identity from Jewish identity. This failure reveals problematically genealogical understandings of nationality and facilitates an avoidance of memory work in favor of the easier gesture of automated support for a specific, faraway nation. Finally, the culture onto which German guilt is deflected, namely Palestinian culture, is itself conflated with all Muslims, so that the censure of Hamas can be weaponized against Muslims in Germany, whatever their background or beliefs, allowing a continuity in policing the boundaries of a homogenous German identity.

In rejecting the claims of equivalency that I have traced here, I would not endorse a strict moratorium on drawing connections between discrete atrocities. There is a difference between a totalizing and unhistorical equation such as “Hamas are the new Nazis,” on the one hand, and careful and specific analogies, on the other. “Never again” is a useless mantra if memory cannot allow us to resist new configurations of violence through the recognition of shared elements and hence shared ethical responsibilities. Analogies are always partial and are productive for that reason. In this case in particular, Michael Rothberg’s insistence that “histories are implicated in each other” so that the “only way forward is through their entanglement” needs to be heeded.⁷⁰ This process is essential if complacent memory culture is to become effective memory work.

Germany is undoubtedly in a complicated situation when it comes to criticizing a majority Jewish country that defines itself as the Jewish homeland. However, I argue that Germany has an obligation to undertake a more comprehensive engagement with those unsavory elements of the past that it has so far left out of

70 Michael Rothberg: *Multidirectional Memory. Remembering the Holocaust in the Age of Decolonization*, Stanford, Calif. 2009, p. 313.

its memory work, elements that therefore continue to mold its present in problematic ways. These include nationalist definitions of both German and Jewish identity, ongoing exclusions of groups other than Jews, and an insufficient tolerance for dissensus. Not only new thinking, but also new social and political practices are called for. Germany's current stance endangers the future safety of Israelis, makes it complicit in the deaths of Palestinians, provokes antisemitism, and weakens its own democracy.

THE DOUBLE BIND OF THE CIVIC OPPOSITION TO THE ISRAELI GOVERNMENT

Alma Itzhaky

FOREWORD

When writing about current affairs for academic platforms, one runs the risk of being outdated even before publication. A series of dramatic developments have taken place since I concluded the writing of this article in September 2024: Israel invaded Lebanon, eliminating much of Hezbollah's military capacities; the Assad regime in Syria was toppled; and Donald Trump was re-elected President of the USA. The cumulative effects of these events, along with ongoing diplomatic efforts, finally enabled the signing of a ceasefire and hostage exchange agreement, whose first stages are being implemented as I write these lines. Throughout these eventful months, however, astoundingly little has changed in the political dynamics inside Israel, which is the main concern of this article.

The hope that the ceasefire holds beyond its initial six-week phase remains tenuous. The terms of the agreement signed January 17th, 2025 are not fundamentally different from the one Israel rejected in May 2024, lending credence to prevalent claims that Netanyahu's persistent refusal of the deal was driven by considerations of political gain.¹ Netanyahu's refusal served not only his political survival but also the expansionist and authoritarian aspirations of his coalition, which used these long months to tighten its grip on the levers of power. Even as the government approved the ceasefire, it announced a new military campaign in the West Bank as part of the war's objectives—effectively declaring that the state of war continues despite the ceasefire.

This article examines the domestic political gains secured by Netanyahu's government during this period, particularly the ongoing erosion of democratic institutions and civil liberties within Israel and the accelerated progress towards annexation in the West Bank. These anti-democratic measures might seem marginal when compared to the scale of atrocities in Gaza, yet they have played a contributing role in pushing Israel's retaliation to the October 7th massacre to such monstrous extremes. This role should not be overstated, as Israel's current conduct is in line with its decades-long policy in Gaza and similar war crimes committed in the past. Nevertheless, the scale and totality of what we have witnessed in the past 15 months are unprecedented and should be seen in the context of the current government's extreme-right ideology and authoritarian tendencies. Understanding these inner political processes, which preceded the war and accelerated significantly since its onset, is important for assessing the war's influence on Israeli society and the possibility of any future change.

The scale of the devastation in Gaza is well known, but it bears repeating here: as of January 22th, 2025, according to OCHA, Israeli forces killed more than 47,161 people—including 13,319 children—with more than 10,000 reported missing. Almost all homes in the Gaza Strip were destroyed or damaged, along with most schools, hospitals, water and sanitation facilities, and other critical infrastructure. Almost two million people have been displaced or left without shelter, and hundreds of thousands have been subjected to deliberate starvation and water deprivation.² Reports from international organizations have concluded that

1 In a recent opinion survey, almost 40 % of the poll believed this to be the case. Journalists report similar opinions among the negotiation teams and heads of the military; cf. Tamar Hermann/Lior Yohanani/Kaplan Yaron: "לשחרור חטופים", *The Israel Democracy Institute*, 04 Sept. 2024, <https://www.idi.org.il/articles/55806> (All cited online sources last accessed on 27 Jan. 2025.).

2 The figures are taken from OCHA report, and do not include casualties from indirect causes such as diseases, lack of medical treatment, starvation and extreme weather—which are estimated to be much higher still; cf. "Reported impact snapshot | Gaza Strip (22 January 2025)", *OCHA*, 22 Jan. 2025, <https://www.ochaopt.org/content/reported-impact-snapshot-gaza-strip-22-january-2025>.

Israel committed extensive war crimes and crimes against humanity, with many experts asserting that these acts amount to genocide.³

Throughout these months, Israeli society has remained largely silent, complicit, and willfully ignorant of these crimes. This silence paradoxically prevailed even as large segments of the public campaigned for a hostage deal and led vigorous public struggles against the government. My aim in this article is to clarify the moral and political contradiction underlying this position and point to its self-defeating consequences.

I write this analysis not from my position as an academic with a certain expertise, but as someone involved in civil struggles for more than 25 years. My perspective here stems less from theorizing and more from a long practical familiarity with the political dynamics within Israel. In this respect, the account given here is also a chronicle of bitter defeat. In writing, I have tried to avoid two opposite tendencies: on the one hand, I do not wish to diminish the responsibility of civic society in Israel for the crimes of its government or depict it as a helpless hostage of this government—a view all too common among Israeli liberals these days. On the other hand, I have tried not to oversimplify the complex processes and power struggles that have brought the inner-Israeli opposition to this point of weakness and complicity, as is often the case in left-wing critiques.

I. BACKGROUND: THE STRUGGLE OVER THE JUDICIAL OVERHAUL BEFORE OCTOBER 7TH

Hamas's attack on October 7th, 2023, struck Israel in the midst of one of the most severe internal conflicts in its history, described as a constitutional crisis.⁴ Netanyahu government's proposed judicial overhaul was perceived by large segments of the public as a breach in the nation's 'social contract' or even an attempted

coup d'état.⁵ Accordingly, it triggered fierce public opposition across a political spectrum, reaching a peak during the spring and summer of 2023 with the largest demonstrations in the country's history:⁶ hundreds of thousands of protesters took to the streets weekly, employing tactics of disruption and civil disobedience such as protest strikes, roadblocks, disrupting Knesset activities, and more. The goal of the still-pending judicial overhaul is to reduce the power of the judiciary and weaken the structural checks on the government, steps that Justice Minister Yariv Levin presents as correctives to the supposedly excessive power that the Supreme Court has taken for itself.

The proposed changes to the judicial system focus on four main areas: altering the composition of the Judicial Selection Committee to strengthen political influence, limiting the Supreme Court's authority of judicial review (through an override clause, among other means), weakening the status of the Attorney General, and making Legal Advisor to the Government political appointees, subordinate to the ministers.⁷ Moreover, the government also sought to legislate against the "standard of reasonableness,"⁸ which the Supreme Court uses to review government decisions—although the Supreme Court struck down this law, which resulted in a constitutional impasse. According to the opponents of the reform, as well as numerous legal experts, its implementation would grant the executive branch unlimited power—especially as the system of government in Israel is already highly centralized. The overhaul will, therefore, strengthen authoritarian elements and lead Israel further away from a liberal-democratic order.⁹ The protesters also opposed a number of other anti-democratic measures, including the establishment of a National Guard directly subordinate to National Security Minister Itamar Ben-Gvir,¹⁰ attempts to shut

3 "Israel/Occupied Palestinian Territory: 'You Feel Like You Are Subhuman': Israel's Genocide Against Palestinians in Gaza", *Amnesty International*, 05 Dec. 2024, <https://www.amnesty.org/en/documents/mde15/8668/2024/en/>; "Extermination and Acts of Genocide: Israel Deliberately Depriving Palestinians in Gaza of Water", *Human Rights Watch*, 19. Dec. 2024, <https://www.hrw.org/report/2024/12/19/extermination-and-acts-genocide/israel-deliberately-depriving-palestinians-gaza>.

4 Malcolm N Shaw/Yuval Shany/Yaël Ronen: "Introduction", in: *Israel Law Review* 56 (2023) pp. 289–291, <https://doi.org/10.1017/S0021223723000298>.

5 Ibid.; Tamar Hostovsky Brandes: "The Constitutional Overhaul and the West Bank: Is Israel's Constitutional Moment Occupied?", in: *Israel Law Review* 56 (2023), pp. 415–425, https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4578689.

6 "The Opposition to the Judicial Overhaul: A Review", *Institute for National Security Studies*, 2024, <https://www.inss.org.il/publication/reform-spotlight/>.

7 Yaniv Roznai/Rosalind Dixon/David E. Landau: "Judicial Reform or Abusive Constitutionalism in Israel", in: *Israel Law Review* 56 (2023), pp. 292–304, <https://doi.org/10.1017/S0021223723000171>.

8 Ibid.

9 Ibid.; Barak Medina/Ofra Bloch: "The Two Revolutions of Israel's National Identity", in: *Israel Law Review* 56 (2023), pp. 305–319, <https://doi.org/10.1017/S0021223723000225>.

10 "Israeli government approves far-right minister's proposal

down the Public Broadcasting Corporation,¹¹ and widespread government corruption. While the 2023 protests were preceded by waves of protest over Prime Minister Netanyahu's investigation and indictment on several corruption and bribery cases, the planned overhaul and opposition to it tied the struggle against Netanyahu's leadership and autocratic governance to more fundamental questions about Israel's system of government and public sphere.

The protest movement against the judicial reform and related measures comprised a broad and heterogeneous spectrum of groups and organizations, ranging from ideological left-wing groups seeking to link the fight against the reform with the struggle against the occupation and structural racism, to liberal right-wing organizations whose stance on the Palestinian conflict is no less hawkish than that of the Netanyahu government. The sociological profile of the protesters was, however, more uniform, as most came from the upper- and middle-class, predominantly Ashkenazi Jewish population, with a strong presence of public and private sphere organizations representing this elite.¹² In an unusual move within Israeli society, numerous figures from the military and security elite publicly voiced their opposition to the overhaul. Among them were former IDF chiefs of staff and generals, former heads of Mossad and Shin Bet, former police commissioners, and organized groups of officers, fighter pilots, and reservists.¹³ Many of them called for civil disobedience and declared they would refuse reserve duty if the overhaul were to pass.¹⁴

Responses to the protests tended to frame them as an internal Israeli or even internal Zionist struggle, unrelated to the occupation and the Palestinian struggle. The protest leaders were the first to endorse this view, presenting the opposition to the judicial coup as a patriotic national mission transcending political factionalism. Accordingly, various efforts were made to marginalize the voices of anti-occupation activists within the protest. By the same token, many members of the Palestinian public in Israel were suspicious of a struggle to "save democracy" that sanctified the Zionist legacy and ignored the deep-seated injustice and racism of the Israeli regime.¹⁵ Similarly, many voices on the left criticized the hypocrisy and double standards of Israel's liberal camp, which was quick to defend its own rights while collaborating with the oppression and dispossession of the Palestinians in the Occupied Territories.¹⁶ These critics considered calls to save democracy and the rule of law as a farce, as long as one law applies to Israeli citizens and another—or no law at all—to the Palestinians in the Occupied Territories.¹⁷

These criticisms of the liberal Zionist stance are justified, but like the liberal position itself, they tend to obscure the long-term purpose of the judicial overhaul, which Justice Minister Levin declared years ago:¹⁸ the full annexation of the West Bank and the removal of the legal barriers—few and weak to begin with—that limit Jewish settlement there.¹⁹ While Netanyahu and his associates aimed to weaken the judiciary in

of national guard", in: *The Guardian*, 02 Apr. 2023, <https://www.theguardian.com/world/2023/apr/02/israel-government-approves-national-guard-itamar-ben-gvir>.

11 "Why Israel's Government Is Attacking Its Public-Broadcasting System?", in: *The New Yorker*, 13 June 2023, <https://www.newyorker.com/news/daily-comment/why-israels-government-is-attacking-its-public-broadcasting-system>.

12 These included the General Organization of Workers in Israel (Histadrut), the Israeli Medical Association, the heads of universities and public colleges, as well as many other senior academic figures, economists, industry leaders, high-tech managers and investors. For more on this class aspect, see Nimrod Flaschenberg: "The radicalization of the Israeli elites", in: *+972 Magazine*, 14 Feb. 2023, <https://www.972mag.com/radicalization-israeli-elites/>.

13 Meron Rapoport: "Bibi is unmoved by air force refusers—the occupation doesn't need them", in: *+972 Magazine*, 22 Aug. 2023, <https://www.972mag.com/netanyahu-air-force-refusers-occupation/>.

14 Bethan McKernan: "Israeli military reservists refuse to train in protest at far-right government", in: *The Guardian*, 07 Mar. 2023, <https://www.theguardian.com/world/2023/mar/07/israeli-military-reservists-refuse-train-protest-far-right-government>.

15 Sami Abu Shehadeh: "The Fight Over Israel's Judicial Reform Neglects Palestinian Rights", in: *Jacobin*, Sept. 2023, <https://jacobin.com/2023/08/israel-judicial-reform-netanyahu-palestinian-rights-apartheid>; Sawsan Zaher: "The Impact of Israel's Judicial Reforms on Palestinians – A Legal Perspective", *Rosa Luxemburg Stiftung, Regional Office Palestine and Jordan*, 29 Mar. 2023, <https://www.rosalux.ps/the-impact-of-israels-judicial-reforms-on-palestinians-a-legal-perspective-7482/>.

16 Shehadeh: "The Fight Over Israel's Judicial Reform" (fn 15); Sami Abu Shehadeh: "Defending the rule of law, enforcing apartheid – the double life of Israel's judiciary", *Amnesty International*, 13 Sept. 2023, <https://www.amnesty.org/en/latest/news/2023/09/defending-the-rule-of-law-enforcing-apartheid-the-double-life-of-israels-judiciary/>.

17 Jacob Batinga: "Israel's Violations of International Law Are Bigger Than Netanyahu", in: *Jacobin*, 26 Mar. 2023, <https://jacobin.com/2023/03/israel-palestine-occupation-international-law-violation-liberals-netanyahu-american-left>.

18 Michael Schaeffer Omer-Man: "Why Israel's opposition won't talk about the real goal of judicial overhaul", in: *+972 Magazine*, 21 Feb. 2023, <https://www.972mag.com/judiciary-annexation-levin-zionism/>.

19 Ibid.; David Kretzmer: "The 'Constitutional Reform' and the Occupation", in: *Israel Law Review* 56 (2023), pp. 397–414, <https://doi.org/10.1017/S0021223723000109>.

hopes of evading prosecution for corruption, Levin and the ideological right-wing promoted the overhaul for other, even more nefarious reasons. The reform was intended to tip the balance in the tense status quo that has prevailed in the Occupied Territories since the collapse of the Oslo Accords and dispel the legal ambiguity surrounding the settlements in favor of full inclusion under Israeli law. Since the 1967 occupation, the Israeli Supreme Court has avoided ruling on the legal status of the settlements.²⁰ Over the years, the Supreme Court explicitly or implicitly authorized virtually all of the government policies in the Occupied Territories (though sometimes contesting their application to particular cases), effectively granting legal legitimacy both to the expansion of the settlements and to the military control and repression mechanisms that made it possible.²¹ However, the court also acted to curb the most blatant violations of international law, for instance, in disqualifying the “Regulation Law,” which aimed to retroactively legalize homes and outposts built on privately owned Palestinian land. This legal ambiguity suited the “conflict management” policy of Netanyahu and his predecessors, whose basic strategy was playing for time. While Netanyahu repeatedly declared his support for the settlements and the “rights” of the Jewish people to all of the land “from the river to the sea,” all the previous governments under his leadership had refrained from annexing the West Bank or taking other drastic steps to change the status quo, understanding that a “temporary” situation of military occupation—having lasted for over 57 years now—was a safer strategy for Israel in the international arena.²² As long as Israel’s judicial system remained strong, independent, and at least nominally committed to international law and covenants, Israel could fend off international criticism and sanctions for its actions in the Territories.

The most cynical among the opponents of the judicial overhaul did not hesitate to point out that weakening Israel’s judiciary would play into the hands of those calling for international intervention on behalf of the Palestinians, including boycotts and sanctions. This consideration was undoubtedly clear to many in the liberal camp, yet its representatives generally avoided

the subject altogether, focusing instead on more consensual topics like fighting corruption, upholding liberal values, and protecting the civil rights of Israeli citizens. This deliberate oversight was probably convenient for Levin and other supporters of the overhaul, who spun populist arguments in favor of majoritarian democracy while downplaying their expansionist plans.

But Levin’s collaborators from the extreme-right Bezalel Smotrich (National Religious Party–Religious Zionism) and Itamar Ben-Gvir (Otzma Yehudit) are less diplomatic in articulating their ambitions. These are summarized in what Ben-Gvir calls the “decisive plan”: a unilateral ending of the conflict through the annexation of the West Bank, ethnic cleansing, and the crushing of Palestinian resistance with unbridled military force. The weakening of the judiciary system was supposed to be an important step on their path when public pressure threatened to halt it. Instead, the genocidal war in Gaza and concomitant measures in Israel and the West Bank fulfilled many of these aspirations.

II. JUDICIAL OVERHAUL AND SILENT ANNEXATION UNDER THE COVER OF WAR

In the months since October 7th, many of the right wing’s ambitions have become a reality, and numerous objectives of the judicial overhaul have been achieved behind the scenes with little public resistance. NGOs and journalists report that despite the suspension of most of the legislation connected with the overhaul, the government has proceeded to undermine the judiciary and other democratic “gatekeepers” (the Attorney General, the press, the academy, and the civic public sphere) by other means, more dispersed and clandestine but no less aggressive.²³

23 Unless stated otherwise, all the data in this section is drawn from reports by The Association of Civil Rights in Israel (ACRI): “The Judicial Overhaul in the Shadow of the War: Attack on Democracy and Human Rights Continues”, *ACRI – English*, 20 Dec. 2023, <https://www.english.acri.org.il/post/the-constitutional-coup-in-the-shadow-of-the-war-attack-on-democracy-and-human-rights-continues>, and The Israeli Democracy Institute (Anat Thon Ashkenazy/Daphne Benvenisty: “The Judicial Overhaul and Anti-Democratic Initiatives”, 02 May 2024, <https://en.idi.org.il/articles/53878>; Anat Thon Ashkenazy/Daphne Benvenisty: “The Judicial Overhaul and Anti-Democratic Initiatives – Part II”, 30 June 2024, <https://en.idi.org.il/articles/54800>. For an overview see also Chen Maanit et al.: “Israel’s Democratic Decline Hasn’t Stopped during the Gaza War. In Many Ways, It’s Gotten Worse”, in: *Haaretz*, 16 Jan. 2024, <https://www.haaretz.com/israel-news/2024-01-16/ty-article-magazine/>.

20 *Ibid.*, pp. 401 f.

21 *Ibid.*; David Kretzmer/Yaël Ronen: *The Occupation of Justice: The Supreme Court of Israel and the Occupied Territories*, 2nd ed., Oxford 2021; Hostovsky Brandes: “The Constitutional Overhaul and the West Bank” (fn. 5).

22 Noam Sheizaf: “One or two states? The status quo is Israel’s rational choice”, in: *+972 Magazine*, 25 Mar. 2012, <https://www.972mag.com/one-or-two-states-the-status-quo-is-israels-rational-third-choice/>.

Particularly disconcerting is the accelerated politicization of the police and other security forces and the escalation of the already severe settler violence in the West Bank. Finally, the utter destruction of the Gaza Strip and the displacement of over a million people from north Gaza and the areas near the border reopened the door to plans for Jewish resettlement—which have not been on the agenda since Israel’s unilateral withdrawal from the Gaza Strip in 2005.²⁴ These intertwined processes have brought the far-right to a position to pursue its expansionist ambitions with minimal opposition.

Before elaborating on the repression of free speech, I should note that the “spontaneous” support for the attack on Gaza among the Jewish public was nearly unanimous in the first weeks and months of the war, and it remains high—although at present, large parts of the public support a ceasefire agreement as part of a hostages deal (more on that later). In this light, it is doubtful whether wide protests would have materialized even without suppression. As is to be expected, horror, shock, and rage over Hamas’s massacre and the kidnapping of Israelis overshadowed all political disagreements in the first weeks of the war, with calls for wartime unity heard from all sides. There was wide military as well as civic mobilization for the war effort, accompanied by calls for vengeance, hate speech, and incitement—which in many cases amounted to calls for genocide. At this point in time, the opposition to the war was limited to a core of left-wing and human rights organizations and activists, a handful of independent media outlets, and some of the representatives of the Palestinian public in Israel.²⁵ The militant mood encouraged “zero tolerance” toward war opponents or even towards anyone who expressed empathy for the suffering of the people of Gaza, leading to a wave of persecution against Palestinian

citizens of Israel and providing support for state violence.

I should also stave off in advance the notion that Israel or parties inside it planned ahead or initiated the war. The war began with the Hamas attack, which, by all indications, caught Israel completely unaware (though this surprise itself attests to the severe dysfunction of the state). However, it cannot be denied that Israel’s military response has played directly into the hands of the settler right-wing, a fact that its less subtle representatives have openly acknowledged. The Minister of “Settlements and National Missions” Orit Strook, for instance, had the audacity to describe the months of war as a “miraculous period” when “the red light suddenly turns green,” and there is a window of opportunity to “achieve as much as possible.”²⁶

POLITICAL TAKEOVER OF THE POLICE²⁷

Among the anti-democratic measures mentioned earlier, perhaps the most alarming trend is the politicization of the police under the resigning Minister of National Security, Itamar Ben-Gvir. This trend, too, began before October 7th, but has escalated since. During his term office, Ben-Gvir implemented a series of measures aimed at bringing the police forces under his direct authority and undermining professional command structures.

In January 2023, Ben-Gvir changed the name of the Office for Internal Security to the “Office for National Security”—which in Israel carries clear connotations of Jewish nationalism. In the same month, the Government passed a law amendment transferring many of the powers previously held by the Police Commissioner to the Minister, including the authority to set “general policy.” Shortly afterward, Ben-Gvir began a series of political appointments to senior police positions, dismissing commanders who opposed his agenda and empowering loyalists²⁸—

premium/the-gaza-war-hasnt-stopped-israels-democratic-decline-in-many-ways-it-made-it-worse/0000018d-0dd4-d71c-ad9f-4fd64c7b0000.

24 Sam Sokol: “Far-right MKs announce formation of Knesset caucus to push resettlement of Gaza”, in: *Times of Israel*, 17 June 2024, <https://www.timesofisrael.com/far-right-mks-announce-formation-of-knesset-caucus-to-push-resettlement-of-gaza/>.

25 Within this small minority, I must note the voices of a few prominent activists from the “Gaza Envelope” settlements who survived the massacre or lost family members. Even as their world fell apart, they publicly pleaded against blind vengeance; cf. Katerina Alexandridi: “Maoz Inon: Warum Deutschlands bedingungslose Unterstützung Israel schadet”, in: *Berliner Zeitung*, 17 Nov. 2023, <https://www.berliner-zeitung.de/politik-gesellschaft/maoz-inon-deutschlands-israel-politik-sollte-nicht-auf-fakten-von-vor-80-jahren-beruhen-li.2159222>.

26 Toi Staff/Sam Sokol: “Far-right minister extols ‘miracle period’ of settlement expansion”, in: *Times of Israel*, 07 July 2024, <https://www.timesofisrael.com/far-right-minister-extols-miracle-period-of-settlement-expansion/>.

27 In addition to the sources quoted above, this section relies on Noa Levy: “Ben-Gvir: Building a National Israeli Militia – Evolve”, 02 Sep. 2024, <https://evolve.reconstructingjudaism.org/ben-gvir-building-a-national-israeli-militia/>; Guy Lurie: “Fear of Politicization of Police Prosecution: A Sign to Separate from the Police”, *The Israel Democracy Institute*, 17 Sept. 2024, <https://en.idi.org.il/articles/56016>.

28 Josh Breiner: “How Far-right National Security Minister Itamar Ben-Gvir Took over Israel’s Police”, in: *Haaretz*, 13 June 2024, <https://www.haaretz.com/israel-news/2024-06-13/>

including a new commander of the Tel Aviv District (who is in charge of policing the central demonstrations against the government), a new Prison Service Commissioner, a new Police Commissioner, and dozens of other senior officers. Journalists report that these appointments bypassed regulations and judicial oversight, advancing officers with histories of brutality, disciplinary issues, and outspoken right-wing views.²⁹ Voices within the police force also challenged these appointments, with many officers resigning or threatening to do so. According to police officers, Ben-Gvir and his Chief of Staff, Hanamel Dorfman, began directly meeting with and commanding police officers, bypassing their superiors and undermining the chain of command.³⁰

After October 7th and under Ben-Gvir's authority, a massive distribution of weapons to civilians began. He approved relaxed criteria and an expedited process for obtaining a gun license, so that between October 7th and the end of March 2024, approximately 100,000 new gun licenses were issued, a 64 % increase in the overall number of private firearm holders.³¹ A special "command center" for firearm licensing was established in Ben-Gvir's office, staffed by his aides and National Service volunteers. Recently, a police investigation was launched against four of Ben-Gvir's office staffers suspected of distributing gun licenses without authority and prioritizing licenses to associates and supporters of his party. According to some estimates, between 12,000 to 14,000 gun licenses were issued illegally, and the head of the Firearms Licensing Division resigned following the

investigation.³² This massive increase in privately owned weapons is bound to flow into criminal organizations and aggravate the severe gun violence crises in Palestinian society in Israel that Ben-Gvir has allowed to fester in other ways as well.

At the same time, some 900 "Emergency Response Units" composed of civilian volunteers were established in cities and towns across the country, with Ben-Gvir often participating in person in the weapon distribution ceremony, handing out assault rifles to volunteers.³³ These hastily assembled Response Units were created without a training program, structured discipline, or a regulated command and oversight mechanism within the police. The outgoing Police Commissioner, Kobi Shabtai, criticized this procedure, saying that it poses a danger of armed conflicts between civilians.³⁴ While such Response Units existed before the war, they operated mostly in border towns and settlements. Many of the new units are operating in central cities and towns, including mixed Jewish-Palestinian cities, and in East Jerusalem, where tensions and conflicts between settlers and Palestinian families over homes and land are already prevalent. Journalists report that the National Security Office has refused for months to provide data to the Knesset about the protocols, workforce, or guns and ammunition quotas and regulations.³⁵

SUPPRESSION OF THE FREEDOM OF EXPRESSION AND PROTEST

Under wartime emergency regulations, the directive requiring the police to obtain the State Attorney's approval for opening an investigation into speech-re-

ty-article-magazine/premium/how-national-security-minister-ben-gvir-took-over-the-police/00000190-1245-db28-a995-57ddcf390000.

29 "Israel's Politicized Police Are the Real Lawbreakers", in: *Haaretz*, 04 Sept. 2024, <https://www.haaretz.com/opinion/editorial/2024-09-04/ty-article-opinion/israels-politicized-police-are-the-real-lawbreakers/00000191-b972-db99-a1d1-bd7e984b0000>.

30 Josh Breiner: "It's Unclear Who Manages Whom": Ben-Gvir's Right-Hand Man Has an Iron Grip over the Police", in: *Haaretz*, 19 Mar. 2023, <https://www.haaretz.com/israel-news/2023-03-19/ty-article/premium/ben-gvirs-chief-of-staff-routinely-interferes-with-police-work-senior-officials-say/00000186-f680-dd8e-a7d7-f7ef6eba0000>.

31 Ben-Gvir declared in a Facebook post in March that some 100,000 new licenses had been issued. According to the Movement for Freedom of Information, 54,984 new licenses were issued during 2023, most of them between October and December; cf. The Movement for Freedom of Information: "ישראל מתחמשת: התנועה חושפת כמה כלי נשק חדשים יש בישראל", *התנועה לחופש המידע*, 22 Jan. 2024, <https://www.meida.org.il/15550>.

32 Journalists also report that this investigation was stalled for many months, as the police were reluctant to investigate Ben-Gvir's people; cf. Anat Tahon Ashkenazi/ Daphni Ben-venisti: "המוקד החדש: תמונת מצב בתום מושב החורף של הכנסת, אפריל 2024", *The Israel Democracy Institute*, 09 Apr. 2024, <https://www.idi.org.il/articles/53512>.

33 According to an emergency regulation, the volunteers are allowed to carry their rifles at all times; cf. Miri Lavi/Yael Litmanovitz: "גבולות הגזרה של כיתות הכוננות העירוניות", *The Israel Democracy Institute*, 17 Apr. 2024, <https://www.idi.org.il/articles/51612>.

34 Josh Breiner: "Israel's Top Cop Warns Ben-Gvir's Mass Distribution of Weapons Could Put Them in Wrong Hands", in: *Haaretz*, 10 Nov. 2023, <https://www.haaretz.com/israel-news/2023-11-10/ty-article/premium/israels-top-cop-warns-ben-gvirs-mass-weapons-distribution-could-put-them-in-wrong-hands/0000018b-b85c-dea2-a9bf-f8ded92c0000>.

35 Amir Kurz: "הממשלה מסתירה בשיטתיות את מצבן של כיתות הכוננות", *calcalist*, 07 May 2024, https://www.calcalist.co.il/local_news/article/b1g00iuug0.

lated offenses (such as expressing support for terrorist organizations) was partially revoked. As a result, hundreds of citizens, the vast majority of them Palestinian, have been arrested and interrogated, mostly for statements made on social media—including expressions of empathy for the suffering of the people of Gaza.³⁶ Courts approved detention until the end of proceedings in 80 % of the cases (according to the prosecution),³⁷ and many of the suspects remained in detention for weeks and months, reporting abuse, violence, and harsh conditions. Some of the detainees were classified as administrative detainees—a measure rarely applied to Palestinian citizens of Israel—resulting in the complete revocation of their prisoners' rights.³⁸ A lawyer working for the State Attorney prided himself in an interview on the fact that several female detainees were exchanged for Hamas-held hostages in December—practically admitting that the state took these citizens hostage and used them as bargaining chips.³⁹

Meanwhile, Palestinian journalists who work for Israeli and international media have reported arrests, interrogations, threats, confiscation of equipment, and violence by police officers.⁴⁰ In May 2024, Prime Minister Netanyahu and Communications Minister Shlomo Karhi approved the closure of the Al-Jazeera channel in Israel by special order. The channel's broadcasts in Arabic and English in Israel were halted, access to the channel's website was restricted, and its office was raided. In September, the network's office in Ramallah was similarly raided and shut down.⁴¹

Many Palestinian citizens were also harassed, doxed, and threatened by right-wing groups or fellow citizens, who often incited violence against “terror supporters” and called for boycotts and vandalism of businesses. Many workers were illegally fired from their jobs after their social media posts were reported to their employers. Such harassment was particularly widespread in universities and other academic institutions, where Palestinian students suffered threats and persecution in students' social media groups, often silently condoned or tolerated by institutions. Dozens of Palestinian students were suspended from their studies due to statements or activities opposing the war or identifying with the Palestinian struggle.⁴²

Professors at higher education institutions who spoke out against the war also faced harassment and threats from students, politicians, and the media. Some were fired or suspended from their positions,⁴³ such as professor Nadera Shalhoub-Kevorkian, who was, furthermore, arrested, detained, and investigated for her comments in a podcast as well as for the content of her academic publications. These police harassments followed a campaign against her by the heads of the Hebrew University, who demanded her resignation and suspended her from teaching (though were later forced to rescind this suspension).⁴⁴ In other instances, University officials publicly “condemned” statements by professors but were forced to acknowledge that they were protected under the freedom of speech. Dissatisfied with this state of affairs, the National Student Union, currently headed by a member of the far-right *Im Tirtzu* movement, promoted a law banning “support for terrorism” in academic institutions, which would allow the Ministry of Education to order the dismissal of professors and to cut budgets for institutions that do not abide by the censorship. The Education Minister announced that he would promote the law, which

36 According to the Association for Civil Rights in Israel, by mid-November 2023, 267 investigations were opened, 86 indictments were served; cf. ACRI: “The Judicial Overhaul in the Shadow of the War” (fn. 23).

37 Amir Kurz: “לדין גם אנשים נורמטיביים. אפס סובלנות לתומכי טרור”, *calcalist*, 13 May 2024, https://www.calcalist.co.il/local_news/article/ryzhcr0g0.

38 Btzelem: “Welcome to Hell: The Israeli Prison System as a Network of Torture Camps”, *B'Tselem*, 25 Aug. 2024, http://www.btselem.org/publications/202408_welcome_to_hell.

39 Kurz: “לדין גם אנשים נורמטיביים. אפס סובלנות לתומכי טרור” (fn. 37).

40 “Israel: Mounting Pressure and Harassment of Journalists since the War in Gaza Started”, *International Federation of Journalists*, 09 Nov. 2023, <https://www.ifj.org/media-centre/news/detail/article/israel-mounting-pressure-and-harassment-of-journalists-since-the-war-in-gaza-started>.

41 Vicky Wong: “Al Jazeera office raided as Israel takes channel off air”, *BBC*, 05 May 2024, <https://www.bbc.com/news/world-middle-east-68961753>; Jacqueline Howard: “Israel orders 45-day closure of Al Jazeera West Bank Office”, *BBC*, 22 Sept. 2024, <https://www.bbc.com/news/articles/c8rd5z17px4o>.

42 Mariam Farah: “Israeli academia joins the crackdown on dissent”, in: *+972 Magazine*, 03 Dec. 2023, <https://www.972mag.com/israeli-academia-crackdown-palestinian-students/>.

43 For a detailed report on the condition of Academic Freedom in Israel during the war; cf. “Violations of Freedom of Expression in Israeli Academia since October 7th, 2023”, *Academy for Equality report for the UN Special Rapporteur on Freedom of Expression*, 15 July 2024, <https://www.academia4equality.com/en/post/academy-for-equality-report-for-the-un-special-rapporteur-on-freedom-of-expression>.

44 Shahrazad Odeh: “The Orchestrated Persecution of Nadera Shalhoub-Kevorkian”, in: *+972 Magazine*, 30 Apr. 2024, <https://www.972mag.com/nadera-shalhoub-kevorkian-israeli-academia/>.

has passed a preliminary vote, but the Association of the Heads of Universities (VERA) declared they would fight against it.⁴⁵

III. UNDERMINING THE ATTORNEY GENERAL AND THE JUDICIARY

In a letter addressed to the Prime Minister, exceptional in the severity of its tone and content, Attorney General Gali Baharav-Miara warned of systematic irregularities and flawed processes in the government's work.⁴⁶ She states that crucial decisions are made against regulations in a manner that prevents the Attorney General's Office and other civil servants from fulfilling their duties and that the government frequently relies on private or unauthorized legal consultancy. Such was the case with a decision of "serious ramifications in the security realm" from July 31st, 2024—possibly alluding to the order to assassinate Ismail Haniyeh, which was executed on the same day. This letter follows several earlier warnings of such irregularities, stating that the government is unduly using emergency regulation to bypass protocols. In several cases, the government simply ignored the Attorney General's opinion and brought to vote decisions and laws that the latter deemed illegal.

Journalists and legal scholars also warned that the Minister of Justice Yariv Levin is regularly interfering with the Judicial Selection Committee, refusing to bring before the committee nominees he opposes, refusing to summon the Selection Committee for Supreme Court Judges and blocking the nomination of a new Head of the Supreme Court.

IV. SELECTIVE ENFORCEMENT AND IMPUNITY FOR HATE CRIMES

In sharp contrast to the zero-tolerance policy toward "supporters of terrorism," there has been practically no enforcement of actions regarding hate crimes by right-wing groups. Despite the tidal wave of incitement and hate speech on social media and elsewhere, as well as physical attacks on Palestinians, only a handful of incidents were investigated, and no charges were pressed—compared to hundreds of investigations and numerous charges pressed against Palestinian citizens. In the course of the war, as protests in favor of a hostage deal grew, threats and attacks against protesters and even against the hostages' families themselves became common.

For months, the police also failed to intervene efficiently as right-wing groups violently blocked humanitarian aid trucks passing to Gaza, setting up road blockades and sometimes throwing stones and attacking truck drivers. These attacks occurred regularly for months, and the former Police Commissioner informed the Attorney General that Ben-Gvir instructed the Commissioner Deputy not to secure the convoys.⁴⁷

A specific incident illustrates the tolerance toward right-wing lawbreakers and the generally precarious status of law enforcement. At the end of July, the Military Police arrested several soldiers serving as guards at the notorious Shde Teiman detention facility (see below), on suspicion of severe abuse and rape of a Palestinian prisoner. In protest against the arrests, dozens of demonstrators, including coalition Knesset members along with masked and armed individuals, stormed the military facility, shouting slogans against the Military Police and the Chief Military Prosecutor.⁴⁸ The soldiers stationed at the base unsuccessfully attempted to fend off the protesters, while the police arrived late and in limited numbers. These events repeated themselves later that day at another military base where the detainees had been taken. In the aftermath of the incidents, Knesset members and

45 Emma Graham-Harrison/Matan Cohen: "Draft Israeli law to limit academic speech labelled 'McCarthyite'", in: *The Guardian*, 21 July 2024, <https://www.theguardian.com/world/article/2024/jul/21/draft-israeli-law-to-limit-academic-speech-labelled-mccarthyite>; Mical Raz/Lior Sternfeld: "Israeli Student Activists Are the Foot Soldiers of Their Right-Wing Government", in: *Haaretz*, 14 Jun. 2024, <https://www.haaretz.com/opinion/2024-06-14/ty-article-opinion/highlight/israeli-student-activists-are-the-foot-soldiers-of-their-right-wing-government/00000190-1220-d1a8-abbe-93e97e6d0000>.

46 Elivav Breuer: "Attorney-General slams Netanyahu's government for flawed decision-making and lack of oversight", *Jerusalem Post*, 06 Aug. 2024, <https://www.jpost.com/israel-news/politics-and-diplomacy/article-813585>.

47 Cf. "Peace activists protect aid convoys to Gaza from attacks", *Forum ZFD*, 17 June 2024, <https://www.forumzfd.de/en/peace-activists-protect-aid-convoys-gaza-attacks>; Jeremy Sharon/Toi Staff: "Police chief to AG: Ben-Gvir pushed to prevent police from guarding Gaza aid convoys", in: *The Times of Israel*, 13 June 2024, <https://www.timesofisrael.com/police-chief-to-ag-ben-gvir-pushed-to-prevent-police-from-guarding-gaza-aid-convoys/>.

48 Oren Ziv: "A riot for impunity shows Israel's proud embrace of its crimes", in: *+972 Magazine*, 01 Aug. 2024, <https://www.972mag.com/sde-teiman-beit-lid-protests-detainees/>.

Ministers publicly lashed out against the Chief Military Prosecutor, calling her a traitor and a fifth column.

V. EXPANSION OF THE SETTLEMENTS IN THE WEST BANK⁴⁹

Meanwhile, in the West Bank, police and soldiers have been actively assisting an unprecedented wave of settler violence. According to human rights organizations, there has been a sharp increase in settler violence and attacks on Palestinians in the West Bank since October 7th (compounding the record-high levels of the months prior), committed under the protection of the police and the military, and sometimes with their active participation. From October 7th, 2023, until the end of May 2024, approximately 900 violent attacks were recorded, some involving hundreds of rioters. At least 31 Palestinians were killed in incidents related to settler violence.⁵⁰ According to activists, the fact that many settlers were recruited as reserve soldiers to locally stationed battalions or joined the above-mentioned Emergency Response Units makes it impossible to clearly distinguish between settlers and soldiers. During 2023, 18 herding communities in Area C of the West Bank were expelled and dispossessed of their lands as a result of these attacks. Attacks against left-wing activists who joined in defending these communities also occur regularly. This violence is carried out with near-total impunity: in most cases, investigations are not even opened, and 94 % of the investigations that are opened do not lead to indictments.

This violent rampage follows structural and administrative changes that paved the way for the de-facto annexation of the settlements. Under the coalition agreement of the current government, Bezalel Smotrich was put in charge of the Civil Administration and COGAT (Coordinator of Government Activities in the Territories)—the two bodies governing all civil life in Area C in the West Bank. Since October 7th, he has been making full use of the responsibilities entrusted to him to promote the displacement of Palestinian communities and the expansion of settlements. By April, 2024 was already a record year in the declaration of lands in the West Bank as “state lands,” marking

them for future settlement building—11 square kilometers in all, 8 of them in the Jordan Valley, the area from which most herding communities have been expelled. The approval rate for new building plans and attempts to retroactively legalize illegal outposts and houses, some of which are on private Palestinian lands, has also reached a new high.

VI. INCREASE IN ARRESTS AND ABUSE OF PALESTINIAN PRISONERS

In the course of the war, thousands of Palestinians were arrested or taken captive in Gaza, and there has also been a steep increase in the number of arrests in the West Bank. Approximately 40 % of prisoners are classified as “administrative prisoners” (indefinitely held without trial and without indictments pressed against them).⁵¹ These mass arrests are accompanied by severe deterioration in the conditions of prisoners, who report daily abuse and violence. Palestinian prisoners and human rights organizations report extreme overcrowding in prisons and detention facilities, lack of basic hygiene, deprivation of food, water, sleep, and exercise, denial of the rights to legal consultancy and contact with family members, and routine physical violence. Even more extreme cases of abuse, torture, and death have been reported at the Sde Teiman Detention Facility, where detainees and captives from the Gaza Strip are held.⁵² The above-mentioned arrests on suspicions of abuse took place only after many months of reports in local and international media on systematic torture based on the testimonies of Israeli medical officers.⁵³

49 Information in this section is taken from Efrat Shir et al.: “State of the Occupation – Year 57: A Joint Situation Report (June 2024)”, *Reliefweb*, 25 July 2024, <https://reliefweb.int/report/occupied-palestinian-territory/state-occupation-year-57-joint-situation-report-june-2024-enhe>.

50 Ibid.

51 As of May 2024, 7800 Palestinian prisoners and detainees from East Jerusalem and the West Bank are held in Israeli facilities, a 200 % increase compared to September 2023. 2000 prisoners from Gaza were detained in Israel on that date, another 1500 had been released before May. Thousands of workers from Gaza who were staying with permits in Israel as the war broke out were also detained for weeks and later released; cf. *ibid*.

52 Btzelem: “Welcome to Hell” (fn. 38).

53 Cf. among others: Hagar Shezaf/Michael Hauser Tov: “Doctor at Israeli Field Hospital for Detained Gazans: ‘We Are All Complicit in Breaking the Law’”, in: *Haaretz*, 04 Apr. 2024, <https://www.haaretz.com/israel-news/2024-04-04/ty-article/premium/doctor-at-idf-field-hospital-for-detained-gazans-we-are-all-complicit-in-breaking-law/0000018e-a59c-dfed-ad9f-afdfb5ce0000>.

VII. THE OPPOSITION TO THE GOVERNMENT SINCE OCTOBER 7TH

All these developments have unfolded under the smoke-screen of war, with many citizens recruited to service, or simply too anxious and distracted to protest. Organized opposition groups, in the meantime, have been caught between criticizing the government and supporting the war. As mentioned earlier, fear and rage over the Hamas's terror attack and the desire to restore security at all costs has had an immediate effect of "rallying around the flag," with very high support for a lethal retaliation in Gaza. At the same time, whatever little trust people still had in their government dissipated over the severe military and political lapses that made the attack possible, as well as the failures in response and aid mechanisms and the continued refusal of the political leadership to take responsibility for these disasters.⁵⁴ Given such conflicting motives, the opposition soon reorganized around a single issue: the return of the hostages.

Netanyahu's government is held responsible for the failure to anticipate and prevent the massacre of October 7th, with much of the information regarding the government's functioning in the weeks leading up to the attack not yet investigated. Nevertheless, there is already clear evidence that the government received intelligence warning of a large-scale attack but ignored it.⁵⁵ Moreover, the military's slow and inadequate response on the morning of the attack has been partly attributed to the fact that large forces had been relocated to the West Bank to secure settlers near Huwara village, where a shooting incident and a retaliation lynch mobbing occurred two days earlier.⁵⁶ Multiple reports also suggest that the Israeli military

took recourse to the infamous "Hannibal Directive," a protocol authorizing the use of any force necessary to prevent the abduction of soldiers, resulting in the death of soldiers and possibly civilians from IDF fire.⁵⁷ These faults were compounded by a meltdown in emergency and aid mechanisms in the days and weeks following the beginning of the war, with evacuation and rescue forces, missing persons units, and information centers unable to handle the number of victims and survivors.⁵⁸ Anger and mistrust in the government soared, yet calls for unity prevailed in light of the acute crisis—resulting in the creation of an emergency government with the National Unity Party joining the coalition.

Furthermore, critical voices accuse Netanyahu of his long-standing policy of propping Hamas's rule in Gaza in order to sustain the internal division between Hamas and Fatah, which he considered to be a strategic asset to Israel. Specifically, since the Palestinian Authority halted its payment to public workers in Gaza in 2017, Netanyahu has been mediating the transfer of Qatari funds directly to Hamas, mostly in cash money and bypassing the supervisory mechanism that Israel itself set up in previous agreements (according to estimates, over a billion Dollars were transferred in cash).⁵⁹ The foolhardy hope that this flow of funds would buy Hamas's docility was shattered on October 7th and triggered a wave of anger and accusations against Netanyahu.

After this initial phase of shock, protests against the government began to consolidate and center on the issue of the hostages. Since October, displays of soli-

54 Idan Landau: "The State's Betrayal of Its Citizens", in: Lihi Ben Shitrit (ed.): *The Gates of Gaza: Critical Voices from Israel on October 7 and the War with Hamas*, Berlin 2024, pp. 25–40, <https://doi.org/10.1515/9783111435046-005>.

55 Dan Sabbagh: "Egypt Warned Israel of Hamas Attack Days Earlier, Senior US Politician Says", in: *The Guardian*, 12 Oct. 2023, <https://www.theguardian.com/world/2023/oct/12/israel-hamas-war-egypt-warned-foreign-affairs-gaza>; Amos Harel: "Chilling Warnings Picked Up by Israeli Intelligence Months Before October 7 Massacre", in: *Haaretz*, 27 Nov. 2023, <https://www.haaretz.com/israel-news/2023-11-27/ty-article/premium/chilling-warnings-picked-up-by-israeli-intelligence-months-before-october-7-massacre/0000018c-1261-dd2e-a5ae-d36ba6240000>; Robert Dover: "Why Israel's intelligence chiefs failed to listen to October 7 warnings – and the lessons to be learned", *The Conversation*, 07 Dec. 2023, <http://theconversation.com/why-israels-intelligence-chiefs-failed-to-listen-to-october-7-warnings-and-the-lessons-to-be-learned-219346>.

56 Landau: "The State's Betrayal of Its Citizens" (fn. 54).

57 Yaniv Kubovich: "IDF Ordered Hannibal Directive on October 7 to Prevent Hamas Taking Soldiers Captive", in: *Haaretz*, 07 July 2024, <https://www.haaretz.com/israel-news/2024-07-07/ty-article-magazine/premium/idf-ordered-hannibal-directive-on-october-7-to-prevent-hamas-taking-soldiers-captive/00000190-89a2-d776-a3b1-fd-be45520000>.

58 Here, several of the organizations involved in the anti-government protest proved themselves heroes of the day by swiftly repurposing their communication and logistics networks into support systems, providing crucial services such as a missing persons headquarters or childcare for the evacuees. I am stating this fact mostly to indicate the resourcefulness of the movement in the immediate aftermath of the events in comparison to its slow decline since.

59 Yaniv Ronen: "What Is Hamas? Facts and Analysis", in: Lihi Ben Shitrit (ed.): *The Gates of Gaza: Critical Voices from Israel on October 7 and the War with Hamas*, Berlin 2024, pp. 47–50, <https://doi.org/10.1515/9783111435046-007>; Mark Mazzetti/Ronen Bergman: "'Buying Quiet': Inside the Israeli Plan That Propped Up Hamas", in: *The New York Times*, 10 Dec. 2023, <https://www.nytimes.com/2023/12/10/world/middleeast/israel-qatar-money-prop-up-hamas.html>.

clarity with the hostages' families have been growing, aiming initially to rally public opinion in Israel and abroad for the hostages' release and to cry out against the crime of their abduction. However, following the first hostage exchange deal that secured the release of 105 hostages but left the rest in captivity, public pressure increasingly reverted to protests against the government and its policy of continuing the war and the destruction of Gaza at the expense of another hostage deal. At this stage, the opposition found itself in yet another double bind: although it was evident that a hostage deal could only be reached in exchange for a permanent ceasefire and the withdrawal of all military forces from Gaza, most of the opposition groups could not bring themselves to fully advocate a ceasefire and an end to the war.⁶⁰ The ceasefire and military withdrawal were presented by all sides in the debate merely as a price that must or must not be paid for the hostages' return rather than an objective in its own right. Against this ambivalent stance of the opposition, government mouthpieces could easily portray the struggle for the hostages' release as irrational, irresponsible, and defeatist. This tactic allowed Netanyahu to reclaim his favored position as a "tough negotiator" vis-a-vis both Hamas and the United States—and regain support in public opinion polls.

Needless to say, my intention is not to criticize the campaign for the hostage's release, and even less so their families who are doing everything they can to rescue their loved ones; but opposition organizations and leaders can be expected to have a wider political outlook and strategy. The opposition's reluctance to call for a ceasefire, contrary to their own understanding of Israel's interests, reflects the profound dehumanization of Palestinians, as well as the loop of guilt and self-justification that Israelis are trapped in, and, finally, the severe myopia of the liberal camp in Israel. As several commentators noted, the levels of apathy that the Israelis have been showing towards the slaughter, starvation, and terrorizing of civilians in Gaza are unprecedented, even in Israel's long history of bloody wars.⁶¹ In Israel's previous wars—e. g., the

Six-Day War, the Lebanon War, and the First and Second Intifada—there was a lively public debate (particularly among veterans and reserve soldiers) about the harm inflicted on civilians, the abuse of power, and war crimes.⁶² This discourse may have been limited and hypocritical ("shooting and crying" was the common expression), but at least it existed and indicated some moral limits, as opposed to the psychopathic attitudes and calls for genocide that have now been normalized in the public sphere during the war.⁶³ This profound dehumanization of the people of Gaza was not born after October 7th but stems from decades of lockdown and siege, in which the Gaza Strip became something of a shadow land in Israeli consciousness: a place of absolute evil and danger, of which most people know next to nothing, and with which there is not and cannot be any communication.⁶⁴

Admitting at this stage that the war has been unjustifiable—that it has neither brought back the hostages, nor eradicated Hamas, nor secured Israel's borders and the safety of its citizens—would force Israelis to finally face the enormity of the destruction and death that they inflicted, horrific by any historical comparison.⁶⁵ While none of these motivations can justify war crimes in the first place, it is clear that Israelis are holding on to them to avert guilt and responsibility. As noted by Orly Noy and Miron Rapoport⁶⁶ in response to the massacre at the Al-Atabin School, the indiscriminate killing seems to be propelled by inertia and tautology: everyone killed must have deserved to die,

60 An exception in this case is Yair Lapid, who has been explicitly calling to end the war for some months now. Yet he is overshadowed by more militaristic figures in the opposition camp, such as Beni Gantz.

61 Meron Rapoport: "Israeli society's dehumanization of Palestinians is now absolute", in: *+972 Magazine*, 23 Aug. 2024, <https://www.972mag.com/dehumanization-moral-abyss-israelis/>; Omer Bartov: "As a former IDF soldier and historian of genocide, I was deeply disturbed by my recent visit to Israel", in: *The Guardian*, 13 Aug. 2024, <https://www.theguardian.com/world/article/2024/aug/13/israel-gaza-historian-omer-bartov>.

62 The moral discourse about the occupation and the abuse of power also gave birth to some important NGOs and anti-occupation movements, including Peace Now, Warriors for Peace, and Breaking the Silence.

63 Ibid.

64 Dotan Halevy/Omri (Hannah) Ben Yehuda: *Israel's Heterotopia: Gaza in Israeli Politics and Culture*, Tel Aviv 2023 [Hebrew]; Yagil Levy: "Entmenschlichung durch Ignorieren", *Rosa Luxemburg Stiftung, Israel Office Blog*, 14 Feb. 2024, <https://www.rosalux.org.il/artikel/entmenschlichung-durch-ignorieren>.

65 Oxfam: "Daily death rate in Gaza higher than any other major 21st century conflict", *Oxfam International*, 21 Feb. 2024, <https://www.oxfam.org/en/press-releases/daily-death-rate-gaza-higher-any-other-major-21st-century-conflict-oxfam>; Nir Hasson: "The Numbers Show: Gaza War Is One of the Bloodiest in the 21st Century", in: *Haaretz*, 14 Aug. 2024, <https://www.haaretz.com/middle-east-news/palestinians/2024-08-14/ty-article-magazine/premium/the-death-toll-in-gaza-is-bad-even-compared-to-the-wars-in-ukraine-iraq-and-myanmar/00000191-50c6-d6a2-a7dd-d1decf340000>.

66 Meron Rapoport: "Israeli society's dehumanization of Palestinians is now absolute" (fn. 61).

and the justifications for the killing must persist as long as the killing continues.

This self-justification has the effect of isolating Israeli opposition in an international context. One could have imagined that the worldwide public, legal, and diplomatic pressure to end the war would provide a much-needed backwind for the local struggle for the release of all remaining hostages. I am not naive enough to suggest that pro-Palestinian grassroots movements and Israeli opposition groups could see eye to eye, but that should not disguise the fact that much of the diplomatic and legal pressure on Israel is entirely in line with what the opposition is demanding. Still, most of the liberal camp in Israel regard this pressure as hostile and anti-Israeli, even antisemitic—perceptions fueled by biased and sensationalistic media coverage. The opposition has thus been caught up in an impossible contortionist act: outwardly defending Israel's war on Hamas while inwardly trying to stop a rampaging, lawless government and the extremist factions supporting it.

Beyond the dehumanization of Palestinians, the opposition's hesitation to call for a ceasefire stems from the absence of any alternative political vision. Israelis are rightly terrified of returning to the pre-October 7th situation in Gaza. Most of them know that the promise to topple Hamas is unrealistic and that keeping military forces in Gaza—not to mention rebuilding settlements—means endless attrition warfare. Yet, no one is offering other solutions. Although many now criticize Netanyahu's policy of allowing Hamas to rule over the besieged enclave, none of the other Zionist parties have offered any alternatives for 20 years. The reconciliation declaration signed between Hamas and Fatah in Beijing might open prospects for a solution, even though Israel's assassination of Ismail Haniyeh renders its implementation questionable. In the Declaration, Hamas and Fatah agreed to form an interim government supported by all 14 Palestinian parties to jointly govern and rebuild the Gaza Strip after the war under the framework of the PLO. Hamas also agreed to the principle of establishing an independent Palestinian State based on the relevant UN resolutions, thereby essentially accepting the premise for negotiations with Israel.⁶⁷ Even before Haniyeh's assassination, there were doubts about the

seriousness of the declaration, and it is, of course, not free of dangers for Israel, but it is still better than any other available solution. Real solutions for the situation in Gaza—rebuilding, lifting the siege, and gradually opening its borders through regional agreements and Palestinian self-determination—were not on Israel's agenda before October 7th, and they certainly are not on the agenda now.

In all the arenas I reviewed here—the occupation and apartheid in the West Bank, the undermining of democratic institutions in Israel, and the genocidal war in Gaza—the centrist opposition has nothing else to offer but returning to a shattered status quo that was deeply flawed to begin with and contained the seeds of the full-fledged catastrophe we are living through now. Meanwhile, the extreme right government is pushing on with its expansionist and authoritarian work plan. Many in Israel look upon these plans with horror and are well aware of their implications, but they are paralyzed by fear and constrained by militaristic and nationalistic frames of mind. If there is any glimmer of hope, it is that Israeli liberals finally realize that it is not only the lives and freedom of Palestinians that are at stake in finding another peaceful, just, and democratic vision for Israel/Palestine but also their—our—own lives and freedom.

ACKNOWLEDGMENTS

I would like to thank Nimrod Flaschenberg, Gilad Nir, and Alon Sahar for their helpful reading and comments on this paper. I would also like to thank Noa Levy for sharing her knowledge about the current situation in the Israeli Police, and my colleagues at the Academy for Equality for providing information and for their work to sustain academic freedom in Israel/Palestine and elsewhere.

67 Karin A. Gerster/Jan Turowski/Katja Hermann: "Is the Beijing Declaration an Opportunity for Palestine?", *Rosa-Luxemburg-Stiftung*, 09 Aug. 2024, <https://www.rosalux.de/en/news/id/52380/is-the-beijing-declaration-an-opportunity-for-palestine>.

KEINE NEBENSACHE: ADANIA SHIBLIS POLITISCHER ROMAN

Ivana Perica, Gabriel Schmitt, Ella Uebachs*

Es war nicht die einzige, aber wohl die größte deutsche Literaturkontroverse des Jahres 2023: die ausgesetzte Preisverleihung an Adania Shibli für ihren 2022 erschienenen Kurzroman *Eine Nebensache*. Der Roman hätte auf der Frankfurter Buchmesse mit dem LiBeraturpreis ausgezeichnet werden sollen, doch dann erfolgte der Anschlag der Hamas auf Israel am 7. Oktober 2023. Nach der Ankündigung der Verschiebung (die im Juli 2024 zu einer Aussetzung werden sollte) entlud sich die öffentliche Aufregung in einer Reihe von Stellungnahmen von Literaturkritiker*innen.

Die Kontroverse lässt sich selbst gut ein Jahr danach nicht mehr aus der Welt schaffen, und gewiss nicht dadurch, dass man sich in der Literaturwissenschaft über das Thema ausschweigt. Die Kontroverse um Adania Shibli verpflichtet uns nicht nur zum Sprechen, sie ist auch ein Lehrstück für all diejenigen, die über die gesellschaftliche Funktion zeitgenössischer Literatur nachdenken. So zeigt diese Kontroverse zum Beispiel, dass die Verhärtung der politischen Fronten eine unvoreingenommene Lektüre von Literatur als Literatur und nur als Literatur nahezu unmöglich macht. Sie zeigt außerdem, dass sich politische Literatur, die wieder gefragt ist, nicht auf das fiktionale Als-ob reduzieren lässt, das ansonsten für die ästhetische Sphäre als konstitutiv gilt. Die Politik der Literatur ist viel unmittelbarer: Wann immer ein Text durch kontroverse öffentliche Reaktionen politisch wird oder

geworden ist, wird der geschützte Raum des literarischen Als-ob nicht mehr ausschließlich von jenen aufgesucht, die sich für Nuancen der Wortwahl interessieren. Vielmehr wird ein solcher Roman zwangsläufig von einander feindlichen Lagern buchstäblich zerrissen, die jeweils behaupten, sein Programm und die Gefahren, die von diesem ausgehen, durchschaut zu haben.

Es hat durchaus löbliche Versuche gegeben, *Eine Nebensache* wegen seines herausragenden ästhetischen Wertes zu verteidigen. Doch obwohl dieser Wert unbestritten ist – ohne ihn würden wir das Buch nicht diskutieren –, stellten nur wenige Kritiken die ästhetischen Qualitäten des Romans in den Vordergrund. In Deutschland ist der Ruf seiner Verfasserin durch deren kritische Einstellung zur Politik des Staates Israel, die ihr das Etikett einer »BDS-Unterstützerin« und sogar »engagierten BDS-Aktivistin«¹

* Dieser Text entstand infolge des Seminars »Der politische Roman in Europa«, das im Wintersemester 2023 am Institut für Kulturwissenschaft der Humboldt-Universität veranstaltet wurde. Die Autor*innen bedanken sich bei Alma Itzhaky für das im Vorfeld der Shibli-Sitzung stattgefundenes Gespräch und die anschließende kritische Lektüre dieses Textes. Großer Dank geht auch an Beatrice Faßbender vom Berenberg Verlag, die die Endfassung dieses Textes auf Richtigkeit der Fakten überprüft hat.

1 Carsten Otte: »Schatten auf der Buchmesse«, in: *taz*, 10.10.2023, taz.de/Debatte-um-Autorin-Adania-Shibli/!5965811/ (alle zitierten Onlinequellen, sofern nicht anders angegeben, zuletzt aufgerufen am 06.11.2024). Der ursprüngliche Wortlaut der Anschuldigung hieß »engagierte BDS-Aktivistin«, was nach einer Welle an Kommentaren zu »BDS-Unterstützerin« abgeändert wurde. Spuren des ursprünglichen Wortlauts sind noch in den Kommentaren unterhalb des Artikels zu finden. Die Redaktion gibt an: »Der Artikel wurde an einer Stelle nachträglich geändert.« Shiblis Lektorin Beatrice Faßbender vom Berenberg Verlag hatte erklärt, dass Otte diesen Vorwurf aus dem Facebook-Post eines AfD-Politikers übernommen habe, ohne seine Quelle überprüft zu haben; vgl. Nora Karches: »Vorwürfe gegen Adania Shibli: Warum wir Romane wie ›Eine Nebensache‹ brauchen« (Gespräch mit Shiblis deutscher Lektorin Beatrice Faßbender), *Deutschlandfunk Kultur*, 12.10.2023, <https://www.deutschlandfunk.de/beatrice-fassbender-zu-adania-shibli-eine-nebensache-dlf-ae4b12c1-100.html>. Für diese Übernahme, geschweige denn für eine AfD-Nähe, liegen allerdings keine Belege vor und Frau Faßbender hat sich daraufhin beim Autor entschuldigt. Den Aktivismusvorwurf gegen Shibli gibt es schon länger: Jakob Augstein nannte Shibli bereits im Mai 2022 eine »politische Aktivistin« (Jakob Augstein: »Das Literarische Quartett«, 26.05.2022, *Deutschlandfunk Kultur*, www.deutschlandfunk-

einbrachte, schwer erschüttert worden.² Nachdem der Autorin und ihrem Roman Parteilichkeit vorgeworfen worden war, war das, was wir lesen, nicht mehr literarische Fiktion, sondern wurde nach außerliterarischen Maßstäben beurteilt. Der Fall Shibli zeigt: So sehr wir uns bemühen, literarischen Text und politischen Kontext zu unterscheiden, kann ein Text unter den Bedingungen einer Kontroverse um ihn zumindest für eine gewisse Zeit von seinen Kontexten nicht mehr isoliert werden. Recht besehen ist es wohl überhaupt erst diesem aufgeladenen Zusammenspiel von literarischem Gegenstand, (Fehl-)Interpretationen und Diffamierungen zu verdanken, dass manche Bücher, manche Romane politisch werden.

Diejenigen, die den besonderen literarischen Wert von *Eine Nebensache* betont haben, sahen die herausragende Leistung des Romans in seinem »existentialistischen Duktus«, der »viel näher an Albert Camus als an autofiktionaler Zeugnisliteratur« liege.³ Um die Autorin gegen den Vorwurf der (antiisraelischen) Propaganda in Schutz zu nehmen, begründete Ilija Trojanow seine Anerkennung mit folgenden Zeilen: »Selten habe ich einen Text gelesen, bei dem Nationalität und Religion der Figuren eine so geringe Rolle spielen.«⁴ Eine weitere Verteidigungsstrategie bestand darin, den besonders kühnen Blick des Romans auf die Sexualisierung von Gewalt in Kriegszeiten hervorzuheben: »*Eine Nebensache*«, so Nora Karches, »ist ein Roman darüber, dass im Krieg und bei militärischen Missionen der Körper der Frau zum Schlachtfeld wird, zum Kriegsschauplatz. Sexualisierte Gewalt gegen Frauen ist integraler Bestandteil kriegerischer Auseinandersetzungen. Sei es in der Ukraine, im Bosnienkrieg der 1990er-Jahre, im Kontext der Kriegsverbrechen der Terrormiliz Boko Haram. Oder eben in Israel, von wo uns die jüngsten Bilder vergewaltigter Frauen erreichen.«⁵

Den Roman als »eine Nahaufnahme der Erniedrigung und Zerstörung von Frauen, die mit dem Krieg einher-

geht«,⁶ zu lesen, spricht für den Roman, nicht gegen ihn. Aber dessen ungeachtet wurden Shibli differenzierte Darstellung von sexualisierter Gewalt und ihre vermeintlich antisemitischen Darstellungen gegeneinander ausgespielt. Carsten Otte begrüßte zwar in seinem Artikel in der *taz* die Würdigung der Jury, der Roman sei ein »streng durchkomponiertes Kunstwerk, das von der Wirkmacht von Grenzen erzählt und davon, was gewalttätige Konflikte aus Menschen machen«,⁷ fügte aber schnell hinzu: »Doch das ist nur die halbe Wahrheit.«⁸ Schließlich (ver-)urteilte Otte, dass Israel von Shibli als »Mordmaschine«⁹ und die Israelis als »anonyme Vergewaltiger und Killer«¹⁰ dargestellt würden, während die Palästinenser*innen und Beduin*innen als Opfer erschienen.

I. DIE ROMANHANDLUNG

Der Roman *Eine Nebensache* von Adania Shibli wurde erstmals im Juni 2017 in Beirut in arabischer Sprache unter dem Titel *Tafsīl Tānawī* veröffentlicht. Er gliedert sich in zwei Teile: Der erste Teil basiert auf einem tatsächlich geschehenen und dokumentierten Verbrechen.¹¹ Die Geschichte, die sich in der Wüste Negev (hebr. für »Wüste«) bzw. Naqab (arab.) abspielt, beginnt im Sommer 1949 nach der Vertreibung und Entrechtung palästinensischer Zivilist*innen während des Palästina-Krieges bzw. des Israelischen Unabhängigkeitskrieges (1947–1949).¹² Eine Einheit der Israeli-

6 Trojanow: »Lob des Universalismus« (Anm. 3).

7 Otte: »Schatten auf der Buchmesse« (Anm. 1).

8 Ebd.

9 Ebd.

10 Ebd.

11 Vgl. Aviv Lavie/Moshe Gorali: »I Saw Fit to Remove Her From the World«, in: *Haaretz*, 29.10.2003, web.archive.org/web/20230512034211/https://www.haaretz.com/2003-10-29/ty-article/i-saw-fit-to-remove-her-from-the-world/0000017f-db62-d856-a37f-ffe2fa5b0000.

12 Diese Ereignisse werden von Palästinenser*innen als »Nakba« (Katastrophe, Unglück) erinnert. Bis dahin war Palästina ein Staat mit einer Vielzahl verschiedener Ethnien und Kulturen. In den 1930er Jahren kam es jedoch vermehrt zu Spannungen zwischen der arabischen und der jüdischen Bevölkerung. Dies lässt sich auf den Zuzug jüdischer Zuwanderer zurückführen, die ihre Heimat in Europa aufgrund von Verfolgung und Ausgrenzung verlassen hatten, oder weil sie als Anhänger der zionistischen Bewegung in Palästina einen jüdischen Staat aufbauen wollten; vgl. »The Question of Palestine«, Website der Vereinten Nationen, www.un.org/unispal/about-the-nakba/. 1947 verabschiedeten die Vereinten Nationen in einer Generalversammlung schließlich den Entwurf, Palästina in zwei Staaten zu teilen, einen jüdischen und einen arabischen Staat. Die arabische Seite lehnte dies jedoch ab, da sie sich in ihren Grundrechten angegriffen sah und es zudem als Verstoß

kultur.de/literarisches-quartett-mai-22-102.html).

2 BDS ist die von Palästinenser*innen gegründete transnationale Bewegung bzw. Kampagne für »Boycott«, »Desinvestitionen« und »Sanktionen« gegen den Staat Israel.

3 Ilija Trojanow: »Lob des Universalismus«, in: *taz*, 17.10.2023, taz.de/Kontroverse-um-Autorin-Adania-Shibli/15963724/.

4 Ebd.

5 Nora Karches: »Kommentar zu Adania Shibli: Eine wichtige Stimme gegen Kriegsgewalt«, *Deutschlandfunk Kultur*, 13.10.2023, www.deutschlandfunk.de/adania-shibli-nebensache-liberaturpreis-100.html.

schen Armee ist mitten in der Wüste stationiert, um zu verhindern, dass arabische Eindringlinge versuchen, in ihre Dörfer zurückzukehren oder das Land erneut zu besiedeln. Auf einer ihrer Erkundungsfahrten stoßen sie auf eine Gruppe von Beduin*innen, die an einer Oase rastet. Ohne zu zögern, erschießen die Soldaten die männlichen Mitglieder der Gruppe sowie ihre Kamele, nehmen ein Beduinenmädchen gefangen und verschleppen es auf Geheiß des Kommandanten (durch dessen Augen dieser erste Teil fokalisiert ist) in ihr Lager. Dort gipfeln die Misshandlungen des Mädchens in einer Gruppenvergewaltigung und enden schließlich mit seiner Ermordung und dem Verscharren der Leiche im Wüstensand.

Im zweiten Teil des Romans reist eine Ich-Erzählerin genau 25 Jahre nach dem Tod dieses Mädchens an den Tatort. Sie räumt ein, dass sie rücksichtslos mit Grenzen umgeht, oft in Dinge eindringt, die nicht verletzt werden sollten, und gegen Normen rebelliert, die nicht anzutasten sind. Angespornt von der Lektüre eines Zeitungsartikels¹³ begibt sie sich in der nordwestlichen Negev-Wüste auf die Suche nach den Spuren des von den israelischen Soldaten am Beduinenmädchen verübten Verbrechens. Da sich die Landschaft in den Jahrzehnten seit dem Krieg stark verändert hat, ist der Ort nur noch schwer zu finden. Unter anderem besucht die Erzählerin ein Historisches Museum der Israelischen Verteidigungsstreitkräfte (IDF), kann dort aber keine Dokumentation der am 13. August 1949 begangenen Gewalttat finden: »Eigentlich brauche ich nicht länger in dieser Stadt zu bleiben, denn solche offiziellen Museen bringen mir in Bezug auf die Perspektive des Mädchens keine

gegen geltende UN-Chartas wahrnahm. Dies führte dazu, dass jüdische Milizen palästinensische Dörfer angriffen und tausende Einwohner*innen zur Flucht zwangen. Da der von der UN empfohlene Teilungsplan Palästinas jedoch trotz allem angenommen wurde, zog sich Großbritannien, das bis zu diesem Zeitpunkt das Mandat über Palästina hatte, am 15. Mai 1948 aus dem Gebiet zurück und gab das Mandat ab. Israel verkündete noch am gleichen Tag seine Unabhängigkeit, die prompt von den Weltmächten USA und der Sowjetunion anerkannt wurde. Am 16. Mai erfolgte die Antwort auf diese Unabhängigkeitserklärung in Form eines Krieges, an dem auch die benachbarten arabischen Länder beteiligt waren. Die neugegründete israelische Armee eroberte im Zuge dieses Krieges 40 % des Landes und vertrieb über 750.000 Menschen, was etwa 80 % der palästinensischen Bevölkerung entsprach; vgl. Internetredaktion LpB BW: »Dossier: Geschichte Palästinas von seinen Anfängen bis heute«, Website der Landeszentrale für politische Bildung Baden-Württemberg, www.lpb-bw.de/geschichte-palaestinas.

13 Es handelt sich höchstwahrscheinlich um den Text von Aviv Lavie und Moshe Goral (Anm. 11).

Erkenntnisse von Wert, nicht einmal beiläufige.«¹⁴ Nahe der Siedlung Nirim, die vordem den Namen Dangour trug, wird sie von einer älteren Frau auf ein Militärgelände geführt, wo sie von den Soldaten, die die Grenze bewachen, gesehen wird. Als sie mit der Hand nach einer Kaugummipackung greift, um sich zu beruhigen, wird sie erschossen: »Plötzlich durchbohrt eine Art Stichflamme meine Hand, dann meine Brust, gefolgt von einem Geräusch von Schüssen in der Ferne.«¹⁵

In *Eine Nebensache* geht es um Grenzen, ihre Überschreitung und die von ihnen ausgehende Gefahr. Die Rezeption verdeutlicht aber, dass es in dem Roman nicht nur um israelisch-palästinensische Grenzen oder politische Grenzen im Allgemeinen geht, sondern – wie Nils Minkmar in seinem Rückblick auf einen anderen berüchtigten und vor mehr als 20 Jahren sogar verbotenen Roman, nämlich Maxim Billers *Esra* (2003), formuliert – auch um die »Grenze zwischen Leben und Literatur«.¹⁶ Anders formuliert: Sobald Literatur unser soziales und politisches Miteinander zu verhandeln beginnt, überschreitet sie den abgegrenzten Bereich des »ästhetischen Staates« (so Josef Chytry, wenn er von Friedrich Schillers idealer Sphäre spricht, in der nur die Herrschaft autonomer ästhetischer Formen zähle¹⁷). Scheinbar exklusiv ästhetische Verhandlungen erweisen sich dann plötzlich auch den Regeln des Lebens in einem Staate im konventionelleren Sinne des Wortes unterworfen – einem Gemeinwesen, in dem Diskursregeln vorgeben, was erzählt werden kann und wie es erzählt werden darf. Doch bevor wir uns mit dem Staat in diesem Sinne befassen, wollen wir einen Blick darauf werfen, wie der Roman von denjenigen bewertet wurde, die ihn vor der Zuspitzung der politischen Verhältnisse – vor dem Oktober 2023 – gelesen haben.

II. DIE KRITIK IM RÜCKBLICK

Im englischsprachigen Raum wurde *Minor Detail* (übersetzt von Elisabeth Jaquette, London 2020)

14 Adania Shibli: *Eine Nebensache. Roman*, übers. von Günther Orth, Berlin 2022, S. 89.

15 Ebd., S. 117.

16 Nils Minkmar: »20 Jahre Verbot des Romans ›Esra‹: Alles könnte anders sein«, in: *Süddeutsche Zeitung*, 02.02.2023, www.sueddeutsche.de/kultur/20-jahre-verbot-des-romans-esra-alles-koennte-anders-sein-1.5743558?reduced=true.

17 Josef Chytry: *The Aesthetic State: A Quest in Modern German Thought*, Berkeley/Los Angeles/London 1989, S. 70–105.

überwiegend positiv rezipiert. Auf Goodreads hat der Roman bei über 17.000 Bewertungen eine Durchschnittsbewertung von 4,19/5. Auf Amazon wird er sogar mit 4,4/5 bewertet, und 97 % der Google-Nutzer*innen würden das Buch weiterempfehlen. Betrachtet man die Bewertungen renommierterer Literaturkritiker*innen, so ergibt sich ein ähnliches Bild. In der *Chicago Review*, im *Guardian* oder in der *Los Angeles Review of Books* erschienen positive Rezensionen, und der Roman schaffte es auf die Shortlist für den amerikanischen National Book Award (2020) und die Longlist für den International Booker Prize (2021).¹⁸

Für den deutschsprachigen Raum ergibt sich auf den ersten Blick ein ähnliches Bild. Die Bewertungen für *Eine Nebensache* (übersetzt von Günther Orth, Berlin 2022) auf den Seiten von Amazon (4,1/5), Thalia (4,8/5) oder auch Osiander (4,8/5) entsprechen in etwa denen der englischsprachigen Ausgabe. Ein erster Unterschied ist jedoch bei der Anzahl der Kritiken zu erkennen. Während im englischsprachigen Raum mehrere tausend Bewertungen abgegeben wurden, sind es im deutschen Raum bei Amazon lediglich 116, und bei Thalia und Osiander jeweils sechs (Stand August 2024). Immerhin weisen diese Leseerfahrungen auf eine generell positive Rezeption hin.

Bis zum 7. Oktober 2023 wurde der Roman auch von Kritiker*innen in Deutschland einigermaßen positiv besprochen. So resümierte Katharina Teutsch in der *Frankfurter Allgemeinen Zeitung*, *Eine Nebensache* sei ein »brillant geschriebener und politischer Roman«,¹⁹ Miryam Schellbach forderte in der *Süddeutschen Zeitung*, palästinensische Literatur müsse in Deutschland mehr Beachtung finden.²⁰ Und zwar hatte der den LiBeraturpreis vergebende Verein Litprom nach der Attacke der Hamas auf Israel beschlossen, die Preisverleihung zu verschieben, teilte aber mit, dass die Verleihung des Preises an Adania Shibli an sich

»zu keinem Zeitpunkt in Frage«²¹ stand und man die »in Teilen der Presse erhobenen Vorwürfe und Diffamierungen gegen die Autorin und den Roman [...] entschieden und als inhaltlich nicht begründet«²² zurückweise. In den Medien wurde die Verschiebung der Preisverleihung in der Regel jedoch als »legitim und taktvoll«²³ bzw. »richtig«²⁴ wahrgenommen. Dass die Verschiebung »eine ›gemeinsame Entscheidung‹ mit der Autorin«²⁵ gewesen sei, hat Shibli deutscher Verlag allerdings rasch dementiert.²⁶ Obwohl Litprom sich bei der Autorin »für die Schwierigkeiten, die ihr im Zusammenhang mit der geplanten Verleihung des LiBeratur-Preises entstanden sind«, entschuldigte (und die Entschuldigung im Januar 2024 veröffentlichte),²⁷ bleibt dies ein kleiner Beitrag zur Debatte darüber, wer spricht und wer zum Schweigen gebracht wird. Auf der Website von Litprom (Stand Juli 2024) wird mitgeteilt, dass der Vorstand von Litprom e. V. der Autorin mehrere Angebote für eine Preisverleihung oder eine andere Form der Würdigung vorgeschlagen habe, aber über das Format der Preisverleihung bedauerlicherweise keine Einigung erzielt werden konnte. Aus diesem Anlass habe der Verein entschieden, »die Preisvergabe 2024 auszusetzen und das Konzept und Vergabeverfahren des LiBeraturpreises zu überdenken«.²⁸ Auf Nachfrage ergänzt Shibli deutscher Verlag, dass Adania Shibli darum gebeten habe, »die Preisverleihung so nachzuholen, wie sie ursprünglich geplant war: auf der Frankfurter Buchmesse. Das wurde von Litprom und der Buchmesse

18 Die Webseite des Verlags Fitzcarraldo Editions, in dem die englische Übersetzung erschien, listet mehr als 20 positive Wertungen für den Roman auf; vgl. <https://fitzcarraldoeditions.com/books/minor-detail/>.

19 Katharina Teutsch: »Unter der Last der Augusthitze im Negev. Brillant geschriebener und politischer Roman: Adania Shibli ›Eine Nebensache‹«, in: *Frankfurter Allgemeine Zeitung*, 25.04.2022, www.faz.net/aktuell/feuilleton/buecher/brillant-geschriebener-und-poli=scherroman-adania-shibli-eine-nebensache-17982395.html.

20 Miryam Schellbach: »Palästinensische Literatur: Adania Shibli Roman ›Eine Nebensache‹. Ein einzelnes Schicksal«, in: *Süddeutsche Zeitung*, 12.04.2022, <https://www.sueddeutsche.de/kultur/adania-shibli-eine-nebensache-roman-palaestinensische-literatur-1.5563578>.

21 Litprom: »Apology to Adania Shibli«, Website von LitProm, 15.10.2023/17.01.2024, www.litprom.de/en/best-books/liberaturpreis/the-winner-2023/, Übersetzung hier und im Folgenden, sofern nicht anders angegeben, von den Autor*innen.

22 Ebd.

23 Christiane Lutz: »Frankfurter Buchmesse: Das Dilemma«, in: *Süddeutsche Zeitung*, 22.10.2023, www.sueddeutsche.de/kultur/buchmesse-frankfurt-adania-shibli-pen-berlin-1.6291583?reducedtitrue.

24 Felix Stephan: »Jetzt nicht«, in: *Süddeutsche Zeitung*, 13.10.2023, www.sueddeutsche.de/kultur/adania-shibli-eine-nebensache-roman-literatur-nahostkonflikt-antisemitismus-1.6287219?reduced=true.

25 Philip Oltermann: »Palestinian voices ›shut down‹ at Frankfurt Book Fair, say authors«, in: *The Guardian*, 15.10.2023, www.theguardian.com/world/2023/oct/15/palestinian-voices-shut-down-at-frankfurt-book-fair-say-authors.

26 »Stellungnahme zur Verschiebung der Verleihung des LiBeraturpreises an Adania Shibli«, 21.10.2023, Website des Berenberg Verlags, <https://www.berenberg-verlag.de/news/stellungnahme-des-verlags-zu-adania-shibli>.

27 Litprom: »Apology to Adania Shibli« (Anm. 21).

28 »LiBeraturpreis 2024«, Website von LitProm, 29.07.2024, <https://www.litprom.de/beste-b%C3%BCcher/liberaturpreis/der-preis-die-jury/>.

abgelehnt. Sie hatte auch angeboten, auf einen Zeitpunkt zu warten, zu dem ihrem Wunsch entsprochen werden könnte und die Verleihung irgendwann in den nächsten Jahren nachzuholen. Auch das wurde von Litprom und der Buchmesse abgelehnt.«²⁹

Besorgniserregender als die Entscheidungen von Litprom ist allerdings die Inbrunst, mit der die Literaturkritik einhellig die Idee des ›Richtigen‹ vertritt. Die leidenschaftliche Vorstellung davon, was ›richtig‹ sei, hat nicht nur Angriffe auf Shibli's Verteidigerin Eva Menasse motiviert (aus der Feder von Maxim Biller³⁰), sondern auch die Einführung neuer politischer Maßnahmen begünstigt, wie beispielsweise die Idee der Berliner Kulturpolitik, Bewerber*innen für öffentliche Fördermittel auf möglichen Antisemitismus zu überprüfen. Mit dieser sogenannten Antisemitismusklausel hatte der Berliner Kultursenator Joe Chialo (CDU) Fördergelder an die Einhaltung einer Klausel geknüpft, wonach sich potenzielle Zuwendungsempfänger*innen »zu einer vielfältigen Gesellschaft und gegen jede Form von Antisemitismus gemäß der Antisemitismus-Definition der International Holocaust Remembrance Alliance (IHRA) und ihrer Erweiterung durch die Bundesregierung«³¹ bekennen müssen. Diese Vorgabe eines Bekenntniszwanges wurde von der Kulturszene lautstark kritisiert. Es wurde auch moniert, dass die Antisemitismus-Definition der IHRA für solche Zwecke gar nicht ausgelegt sei.³² Die Situation ist äußerst schwierig, denn natürlich möchte sich

keine Kulturorganisation in Deutschland dem Vorwurf des Antisemitismus aussetzen.

III. RECHT UND LEGITIMITÄT

Die Shibli-Kontroverse ist auch lehrreich, weil sie den Zusammenhang von Politik, Recht und Literatur beleuchtet. Zwei Rechtsfälle sind hier von Belang: zum einen die Vergewaltigung und Ermordung eines Beduinenmädchens durch das Kommando der israelischen Verteidigungsstreitkräfte in der Negev-Region im Jahr 1949, die von einem Kriegsgericht des Staates Israel verhandelt wurde; zum anderen ein Gerichtsurteil Endes des Jahres 2023, das die Verurteilung eines Romans für legitim erklärt, der dieses Verbrechen aus der Perspektive des Opfers schildert. Dieses jüngste Urteil ist das Ergebnis von Shibli's Klage gegen die *taz* (Aktenzeichen 324 O 477/23), mit der sie Behauptungen des Artikels *Schatten auf der Buchmesse* von Carsten Otte verbieten lassen wollte, in dem die Autorin u. a. als »engagierte BDS-Aktivistin«³³ bezeichnet wird. Otte hatte auch behauptet, in dem Roman seien »alle Israelis anonyme Vergewaltiger und Killer, die Palästinenser hingegen Opfer von vergifteten bzw. schießwütigen Besatzern. Die Gewalt gegen israelische Zivilisten kommt wohl auch deshalb nicht vor, weil sie als legitimes Mittel im Befreiungskampf gegen die Besatzer gilt. Das ist die ideologische und auch menschenverachtende Basis des Buchs, und so gerät auch der tödliche Romanschluss zu einer pamphlethaften Anklage, in dem sich alle Stereotype des Textes noch einmal bündeln.«³⁴

Das Gericht hielt Ottes Text für eine zulässige Meinungsäußerung, und das Urteil wurde von der *taz* daraufhin als Verteidigung der »Freiheit der Literaturkritik«³⁵ gefeiert. Denn »Literaturkritik dürfe zuspitzend werten, es könne über die Richtigkeit der Beurteilung auch kein Beweis erhoben werden.«³⁶ Mithin ist der Literaturkritiker, so darf man schlussfolgern, gar nicht verpflichtet, Beweise für die Richtigkeit seiner Einschätzungen zu erbringen. Das Gericht entschied

29 Antwortmail von Beatrice Faßbender an Ivana Perica, 8.11.2024.

30 Es handelt sich um die vorausgegangene, 2022 geführte Debatte um Shibli's ›Aktivismus‹; vgl. Augstein: »Das Literarische Quartett« (Anm. 1) sowie Maxim Biller: »Wie links ist Eva Menasse?«, in: *Süddeutsche Zeitung*, 23.07.2022, www.sueddeutsche.de/kultur/maxim-biller-eva-menasse-erwiderung-1.5626104?reduced=true.

31 Senatsverwaltung für Kultur und Gesellschaftlichen Zusammenhalt: »Senatsverwaltung für Kultur und Gesellschaftlichen Zusammenhalt führt Antidiskriminierungsklausel ein. Pressemitteilung vom 04.01.2024«, *Berlin.de*, www.berlin.de/sen/kultgz/aktuelles/pressemitteilungen/2024/pressemitteilung.1402065.php; vgl. Leonie Schwarzer: »Kulturszene und Opposition kritisieren Vorgehen des Kultursenators«, *rbb24*, 08.01.2024, <https://www.rbb24.de/kultur/beitrag/2024/01/berlin-kritik-antisemitismus-klausel-kultursenator-chialo.html>.

32 Vgl. Schwarzer: »Kulturszene und Opposition kritisieren Vorgehen des Kultursenators« (Anm. 31). Die Antidiskriminierungsklausel (so der offizielle Name) wurde nur einen Monat nach Einführung wieder ausgesetzt, vgl. Senatsverwaltung für Kultur und Gesellschaftlichen Zusammenhalt: »Antidiskriminierungsklausel kommt ab sofort nicht mehr zur Anwendung. Pressemitteilung vom 22.01.2024«, *Berlin.de*, <https://www.berlin.de/sen/kultgz/aktuelles/pressemitteilungen/2024/pressemitteilung.1407434.php>.

33 Jony Eisenberg: »Autorin Shibli scheitert mit Verbotsantrag gegen die taz«, Website der Kanzlei Eisenberg König Schork Kempgens, 23.11.2023, <https://www.eksk.legal/de/aktuelles/autorin-shibli-scheitert-mit-verbotsantrag-gegen-die-taz/>; vgl. Otte: »Schatten auf der Buchmesse« (Anm. 1).

34 Otte: »Schatten auf der Buchmesse« (Anm. 1).

35 Johannes Eisenberg: »Shibli scheitert gegen taz«, in: *taz*, 24.11.2023, taz.de/Gericht-schuetzt-Literaturkritik/15972478/.

36 Ebd.

außerdem, dass es in der Literaturkritik »wertungsabhängig« sei, »welche Handlungen erforderlich seien, um eine Person als ›engagierten Aktivistin‹ zu bezeichnen«. ³⁷ Da es in Ottos Artikel um den »Inhalt des Buches« ³⁸ gehe und nicht um »die Überzeugungen der Autorin«, ³⁹ sei nicht davon auszugehen, dass eine »innere Tatsache« ⁴⁰ behauptet werde.

Aber was genau hat Shibli getan? 2007 unterzeichnete sie einen Aufruf gegen die Auftritte der Rolling Stones in Israel. Dieser Aufruf war von der Organisation PACBI (Palestinian Campaign for the Academic and Cultural Boycott of Israel), die durch die BDS-Bewegung mitgegründet wurde, initiiert worden, und wurde auf einer BDS-Internetseite wiederveröffentlicht. ⁴¹ In dem Aufruf wurde der Staat Israel mit dem südafrikanischen Apartheid-Regime verglichen – ein Vergleich, den Otte als Paradebeispiel für zeitgenössischen Antisemitismus heranzieht. ⁴² Auch ihre Unterschrift zur Unterstützung der britisch-pakistanischen Schriftstellerin Kamila Shamsie, Autorin des gefeierten Romans *House Fire* (2017), wird von Shiblis Kritiker*innen als problematisch angesehen. Shamsie wurde 2019 mit dem Nelly-Sachs-Preis ausgezeichnet, doch der Preis wurde zurückgezogen, weil die Autorin 2015 den Kulturboykott gegen Israel unterstützt hatte. ⁴³ Dieser Brief wurde nicht vom BDS initiiert, sondern von Unterstützer*innen von Kamila Shamsie, Autor*innen und Verlagsmitarbeiter*innen. Ungeachtet wiederholter Distanzierungen stand Shibli in den Augen ihrer Kritiker*innen im Ruf, BDS-nah zu sein. Einige

wenige, dafür aber lautstarke Kritiker*innen hielten die Verleihung des Preises an sie von vornherein für inakzeptabel; der Journalist Ulrich Noller verließ die Jury des LiBeraturpreises aus Protest gegen die Entscheidung, das Buch auszuzeichnen. Andere, wie Eva Menasse, bestanden darauf, dass die Ausladung der Autorin von der Frankfurter Buchmesse »gefährlich und wirklich falsch« ⁴⁴ sei. 1.500 Unterschriften von Kulturschaffenden finden sich unter einem international verbreiteten offenen Brief zur Unterstützung von Adania Shibli; darunter die Nobelpreisträger*innen Abdulrazak Gurnah, Annie Ernaux und Olga Tokarczuk. ⁴⁵

Ohne die Einstufung des BDS als antisemitisch wären die Angriffe auf Shibli im Jahr 2019 wohl nicht so heftig ausgefallen. Zuvor gab es in den Parlamenten von Deutschland, Österreich und Tschechien Anträge, die Regierungen aufforderten, keine Gruppen zu finanzieren, die zum Boykott Israels aufrufen bzw. diesen unterstützen. Diese Anträge, wie auch die daraus hervorgehenden Beschlüsse, blieben nicht unwidersprochen. Der deutsche Beschluss – ein sogenannter »einfacher Bundestagsbeschluss« über den antisemitischen Charakter des BDS, der die Kommunen allerdings nicht verpflichtet, BDS-Unterstützer*innen auszuladen oder ihnen die Nutzung öffentlicher Räume zu untersagen ⁴⁶ – wurde von 240 jüdischen und israelischen Akademiker*innen in einem offenen Brief dahingehend kritisiert, dass er Teil eines Trends sei, der »Befürworter der palästinensischen Menschenrechte als antisemitisch brandmarkt«. ⁴⁷ Eine Reihe deutscher Kultur- und Wissenschaftseinrichtungen (u. a. Goethe-Institut, Kulturstiftung des Bundes, Deutsches Theater Berlin, Humboldt Forum, Berliner Künstlerprogramm des DAAD, Berliner Festspiele und Einstein Forum) erklärte 2019 in einem gemeinsamen Plädoyer, dass »[u]nter Berufung auf diese Resolu-

37 Ebd.

38 Ebd.

39 Ebd.

40 Ebd. Die innere Tatsache (oder subjektiver Tatbestand) bezieht sich auf die psychische Dimension der Straftat und schließt die Frage ein, ob beim Täter eine verfolgte Absicht (Wissen und Wollen) oder auch Fahrlässigkeit nachgewiesen werden kann; vgl. »Innerer und äußerer Tatbestand: Definition & Bedeutung im Strafrecht«, *Jura Forum*, 27.07.2023, <https://www.juraforum.de/lexikon/innerer-und-aeusserer-tatbestand>.

41 PACBI: »Boycott Israel – Don't Play another ›Sun City!‹«, Website des BDS, 21.05.2007, <https://bdsmovement.net/news/boycott-israel---don't-play-another-sun-city>. Detaillierte Nachweise, warum die Verbindung der Autorin mit dem BDS eine Verleumdung ist, findet man in der Stellungnahme des Berenberg Verlags vom 21.10.2023 (Anm. 26).

42 Otte: »Schatten auf der Buchmesse« (Anm. 1).

43 Alison Flood: »Kamila Shamsie's book award withdrawn over her part in Israel boycott«, in: *The Guardian*, 19.09.2019, www.theguardian.com/books/2019/sep/19/kamila-shamsies-book-award-withdrawn-over-her-part-in-israel-boycott; »Rolling Stones to play controversial first Israel gig«, *Middle East Eye*, 12.02.2015, www.middleeasteye.net/news/rolling-stones-play-controversial-first-israel-gig.

44 »Verschobene Preisverleihung an palästinensische Autorin sorgt für Kritik«, *NDR*, 27.11.2023, www.ndr.de/kultur/buch/Verschobene-Preisverleihung-an-palaestinensische-Autorin-sorgt-fuer-Kritik,shibli100.html.

45 »An Open Letter in Support of Adania Shibli's ›Minor Detail and Palestinian Literary Voices‹«, in: *Arabliti*, 16.10.2023, arabliti.org/2023/10/16/an-open-letter-in-support-of-adania-shiblis-minor-detail-and-palestinian-literary-voices/.

46 »BDS-Beschluss des Deutschen Bundestages (Drucksache 19/10191)«, Website des Bundestags, 21.12.2020, <https://www.bundestag.de/resource/blob/814894/cf6a69d010a1cc9b4a18e5f859a9bd42/WD-3-288-20-pdf-data.pdf>.

47 »Statement by Jewish and Israeli Scholars To German Parties On BDS. A Call to German Parties not to Equate BDS with Anti-Semitism«, *Scribd*, Mai 2019, <https://www.scribd.com/document/410142758/Statement-by-Jewish-and-Israeli-Scholars-to-German-Parties-on-BDS>.

tion [...] durch missbräuchliche Verwendungen des Antisemitismusvorwurfs wichtige Stimmen beiseitegedrängt und kritische Positionen verzerrt dargestellt [werden]«.⁴⁸

Selbst die wohlmeinende Kritik vermochte nicht zu sehen, dass Shibli's ›Vergehen‹ nicht nur in der Unterstützung eines Aufrufs oder einer Autorin besteht, sondern auch im Roman selbst zu suchen ist. Im Zusammenhang mit dem historischen Gerichtsurteil über den Mord am Beduinenmädchen gibt es ein bedeutsames Detail, das in den kritischen Würdigungen des Romans nicht erwähnt wird – die Tatsache nämlich, dass die israelischen Soldaten, die 1949 die Vergewaltigungen und Morde begangen haben, vor ein Kriegsgericht gestellt und zu Gefängnisstrafen verurteilt wurden, und dass dieses Gerichtsurteil im Roman nicht berücksichtigt wird, obwohl seine Erwähnung der ästhetischen Qualität des Romans gewiss keinen Abbruch getan hätte.⁴⁹ Man könnte an dieser Stelle argumentieren, mit seiner Forderung nach einer Genugtuung für ein Verbrechen, das in der Wirklichkeit rechtskonform und prompt geahndet wurde, mache Shibli's Roman einen Fall aus etwas, was schon längst kein Fall mehr sei. Und dass das Nichterwähnen der historischen Tatsache dieses gerichtlichen Strafurteils den Roman in einem anderen Licht erscheinen lasse. In dieser Perspektive könnte man zu dem Schluss kommen, dass es sich bei diesem Roman um ein »Stück Propaganda« handle (Maxim Biller fügt sogar ein entscheidendes Adjektiv hinzu: »ein nicht-literarisches Stück Propaganda«⁵⁰). Man könnte jedoch auch John Berger zitieren (obwohl auch er, seit er 2015 eine BDS-Kampagne unterzeichnet hat, wahrscheinlich nicht mehr zitierbar ist), der in dem Essay *The Historical Function of the Museum* (1969) behauptet hatte: »Wenn die Anwendung von Ideen auf das Verständnis von Kunst Propaganda

impliziert, dann ist es tatsächlich das, was ich vorschlage.«⁵¹

Uns geht es nicht um die Frage, ob dieser Roman Propaganda ist oder nicht, sondern darum, dass Werturteile über ihn offensichtlich in Befolgung staatspolitischer Vorgaben erfolgen – in diesem Fall des BDS-Beschlusses des Bundestages. Das soll nicht heißen, dass die Autorin und ihr Roman nicht auch ohne den Bundestagsbeschluss eine Kontroverse hätten auslösen können. Dennoch verleihen der Beschluss und das damit verbundene politische Druckmittel den Argumenten von Shibli's Kritiker*innen zusätzliches Gewicht. Die Autorin in die Nähe einer von weiten Teilen der Politik abgelehnten und verurteilten Kampagne zu rücken, bedeutet, ihre Chancen auf öffentliche Förderung zunichte zu machen und dem Ruf von Organisationen zu schaden, die sie zu ihren Aktivitäten einladen würden.

IV. STAATSRÄSON

Man kann sich des Eindrucks nicht erwehren, dass Rechtsfälle wie der Prozess zwischen Shibli und der *taz* mit dem zusammenhängen, was in den hitzigen Monaten nach dem Angriff der Hamas und dem Beginn des Krieges in Gaza und Israel (und anschließend auch im Libanon) von Politiker*innen, insbesondere vom Bundeskanzler selbst, im Anschluss an einen Wortgebrauch von Angela Merkel als ›deutsche Staatsräson‹ bezeichnet wurde. Dabei handelt es sich weder um ein Gesetz noch um eine Verordnung, sondern um ein Prinzip, eine Verhaltensregel. Nirgends festgelegt oder definiert, aber auch mehr als eine bloße politische Kultur, prägt die Staatsräson politische und, wie wir jetzt sehen, auch literarische Diskussionen. Marietta Auer, Rechts-theoretikerin und Direktorin für Rechtstheorie am Max-Planck-Institut für Rechtsgeschichte und Rechtstheorie in Frankfurt am Main, erläutert, Staatsräson allgemein bedeute, »das Überleben des eigenen Staates stehe über allem anderen oder werde über alles andere gestellt [...] Und das Interessante hier ist, dass stellvertretend das Überleben eines anderen Staates zur eigenen Staatsräson gemacht wird.«⁵² Zur deutschen Staats-

48 »Plädoyer der ›Initiative GG 5.3 Weltoffenheit‹«, Website des Humboldt Forums, <https://www.humboldtforum.org/de/presse/mitteilungen/plaedoyer-der-initiative-gg-5-3-weltoffenheit/>.

49 Die Hauptfigur erfährt vom Datum des Mordes durch den Zeitungsartikel von Lavie und Gorali (Anm. 11). Der einzige Kritiker, dem dies aufgefallen ist, ist Helge Meves: »Adania Shibli: Schwirrende Hitze, Krieg und Gewalt«, in: *Neues Deutschland*, 20.10.2023, www.nd-aktuell.de/artikel/1177173.frankfurter-buchmesse-adania-shibli-schwirrende-hitze-krieg-und-gewalt.html. Zwar wird die Verurteilung der Täter in diesem Zeitungsartikel erwähnt, im Roman selbst dagegen ist diese Tatsache allenfalls vermittelt über den Hinweis auf diesen Zeitungsartikel und damit so versteckt enthalten, dass er faktisch verschwiegen wird.

50 Biller: »Wie links ist Eva Menasse?« (Anm. 30).

51 John Berger: »The Historical Function of the Museum« (1969), in: ders.: *Selected Essays*, London 2001, S. 93–98, hier S. 96.

52 Markus Langenstraß/Sarah Beham: »Deutsche Staatsräson: Was bedeutet das eigentlich?«, *BR24*, 17.10.2023, www.br.de/nachrichten/deutschland-welt/deutsche-staats-raeson-was-bedeutet-das-eigentlich,TtnrdpA.

räson gehört es, die Kontinuität Israels zu bewahren:⁵³ Diese doppelte Begründung der Staatsräson hat Konsequenzen für die deutsche Rezeption von Shibli Roman.

Warum gestaltet sich dieser Diskurs, das literarische Feld einbezogen, in Deutschland restriktiver als in anderen Ländern, restriktiver selbst als in Israel? Die Antwort ist so ehrenwert, wie sie in allen Ländern, die Mitschuld am Holocaust tragen, selbstverständlich sein sollte: Dieser Diskurs gründet in der Verantwortung, die Deutschland durch den Holocaust obliegt. Doch obwohl es sich um eine angemessene Folgerung aus den Gräueltaten des NS-Regimes handelt, ist es verblüffend, wie wenig Widerspruch der politische Diskurs zulässt.⁵⁴ Als Angela Merkel 2008 und dann noch einmal 2021 »die Sicherheit Israels« zum »Teil unserer Staatsräson« und damit als handlungsleitend erklärte, fügte sie noch hinzu: »selbst wenn wir unterschiedlicher Meinung in verschiedenen Einzelfragen sind.«⁵⁵ Als Olaf Scholz diese Verpflichtung im Oktober 2023 wiederholte – »Die Sicherheit Israels ist deutsche Staatsräson.«⁵⁶ – tat er dies, ohne abweichende Meinungen zu erwähnen, obwohl das Jahr 2023 den Tiefpunkt der Rechtsstaatlichkeit in der

jüngeren Geschichte Israels markierte und deshalb von zahlreichen Bürgerprotesten geprägt war. Ein Nebeneffekt der Anschläge der Hamas bestand darin, dass jegliche Kritik an Israel, schon unter normalen Umständen schwierig, jetzt beinahe unmöglich geworden war.

V. »EINE NEBENSACHE«: EIN POLITISCHER ROMAN

Etwas optimistischer betrachtet, kann der Skandal um Shibli auch als Zeichen für die wachsende Bedeutung von Literatur für politische Aushandlungsprozesse gesehen werden. Aber man sollte die Situation nicht romantisieren, indem man unter Verweis auf autoritäre Regime behauptet, dass politischer Druck subversives Schreiben befördere. Denn sobald einem Werk vorgeworfen wird, Propaganda oder ›Canceling‹ zu betreiben, und das Werk selbst in der Folge boykottiert oder gecancelt wird, ist das Label ›politisch‹ nicht mehr reizvoll – Literatur wird ihrer materiellen Existenzgrundlage beraubt. Sie verstummt. Aufgrund dieser potentiell weitreichenden Folgen (nicht nur für Shibli) hat *Eine Nebensache* das literarische Feld polarisiert. Während Shibli Kritiker*innen behaupteten, sie sei eine BDS-Aktivistin, taten ihre Unterstützer*innen ihr Bestes, um diese Angriffe zu entschärfen; während die einen in ihrem Roman literarische Propaganda zu entdecken glaubten, bestanden die anderen auf dessen ästhetischer Qualität. Letztere wagten dabei nicht in Betracht zu ziehen, dass der Roman tatsächlich Elemente der Propaganda enthält – oder auch: Agency, je nach Standpunkt. Wir leben inmitten von Kriegen, aber das Offensichtliche wird immer noch gerne übersehen: Literatur erzeugt und vermittelt Wahrheiten – und zwar auch einander entgegengesetzte Wahrheiten.

Keiner der Streitparteien in den Wochen nach der verschobenen Preisverleihung scheint Folgendes aufgefallen zu sein: Erst wenn anerkannt wird, dass Shibli eine palästinensische Autorin ist, die einen Roman über die Nakba aus palästinensischer Sicht geschrieben hat, lässt sich über den allgemeineren Wert ihres Romans nachdenken – über einen Wert also, der über den konkreten Bezug auf Israel und Palästina hinausgeht und zu Lektüren im Sinne einer literarischen Reflexion über Gewalt, Unterdrückung, Krieg und Hass einlädt. Denn den Roman ausschließlich als die literarische Reflexion über diese großen Themen auszulegen, dazu ohne klaren Kontextbezug, hieße einer erneuten Verdrängung der Nakba

53 Die »identitätspolitische Wende in der deutschen Israelpolitik«, laut welcher das »Existenzrecht Israels« als »unser eigenes« erkannt wird, ist noch älter als Merkels Aussage und geht auf die Zeit der Zweiten Intifada zurück. Als bewaffneter Konflikt zwischen Palästinensern und Israelis brach die Zweite Intifada im Jahre 2000 als Reaktion auf das Scheitern der Oslo-Prozesse der 1990er Jahre aus, die eine Friedenslösung für Palästina und Israel bringen sollten. »Der damalige deutsche Botschafter in Israel, Rudolf Dreßler, schrieb 2005, drei Jahre vor der Rede Merkels, dass eine Lösung des Konflikts aus deutscher Sicht nur erreicht werden könne, wenn die Sicherheit Israels vor Terror gewährleistet sei – die Sicherheit Israels, so Dreßler, müsse zur deutschen ›Staatsräson‹ werden.« (Daniel Marwecki: »Israel und die deutsche Staatsräson«, *Rosa-Luxemburg-Stiftung*, 12.03.2024, https://www.rosalux.de/news/id/51786#_ftnref)

54 Vgl. hierzu den Beitrag von Stefanie Engelstein in diesem Heft.

55 »Rede von Bundeskanzlerin Dr. Angela Merkel vor der Knesset am 18. März 2008 in Jerusalem«, in: *Bulletin der Bundesregierung* Nr. 26-1, 18.03.2008, <https://www.bundesregierung.de/breg-de/service/newsletter-und-abos/bulletin/rede-von-bundeskanzlerin-dr-angela-merkel-796170>; »Merkel besucht bei Abschiedsbesuch in Israel Holocaust-Gedenkstätte und Kabinettsitzung«, *Tagesschau*, 10.10.2021, <https://www.tagesschau.de/multimedia/sendung/tagesthemmen/video-930185.html>, 00:30.

56 Olaf Scholz: »Pressestatement von Bundeskanzler Scholz zur Lage in Israel am 8. Oktober 2023 in Berlin« (Transkript), Website der Bundesregierung, 08.10.2023, www.bundesregierung.de/breg-de/suche/pressestatement-von-bundeskanzler-scholz-zur-lage-in-israel-am-8-oktober-2023-in-berlin-2228218.

Vorschub zu leisten.⁵⁷ Nur wenn wir anerkennen, dass die Autorin versucht, uns auf die Missstände aufmerksam zu machen, die palästinensisches Leben schon vor dem 7. Oktober prägten, können wir zu dem Schluss gelangen, dass ihr Roman sich durch seinen behutsamen Schreibstil einer allzu einfachen nationalstaatlichen Zuordnung entzieht.⁵⁸ Deshalb bleiben alle Protagonist*innen namenlos, und das Thema Religion wird ausgespart. Oder, wie es die Jury des LiBeraturpreises ausdrückte: Shibli bedient sich »keines anklagenden Tonfalls, sie stellt das Grässliche nicht aus«.⁵⁹ Abgesehen von den konkreten Ortsangaben hätte die Vergewaltigung und Ermordung eines jungen Mädchens an jedem Ort der Welt stattfinden können. Shibli erzielt diesen Effekt mithilfe einer Mischung aus Fiktion und historischer Nacherzählung. Damit erzählt sie den Leser*innen auf didaktische Weise von einem Leben, in dem Nebensächlichkeiten (wie die Fokussierung auf die Staubentwicklung nach einem Bombeneinschlag) dazu beitragen, sich von dem eigentlichen Geschehen (dem Tod der Nachbarn durch eben diese Bombe) abzulenken. Und es gelingt ihr wirkungsvoll, die Absurdität dieser Nebensächlichkeiten hervorzuheben und damit die eigentlichen Geschehnisse umso deutlicher in den Mittelpunkt zu stellen.

eine *politische* Wahrheit transportiert und eine entsprechende Agenda verfolgt. Diese Agenda unter Verweis auf den literarischen Wert des Romans zu leugnen und die Vorwürfe, es handele sich hierbei um Propaganda, abzuwehren, ist eine schwache Strategie. Es wäre intellektuell wie auch politisch produktiver, zuzugeben, dass Literatur politische Wahrheit hervorbringt und vermittelt. Und dass diese Wahrheit nicht eine einzige ist.

Einige eifrige Hüter*innen der deutschen Staatsräson haben erkannt, dass der Roman *Eine Nebensache*

57 Dass Bücherplünderung untrennbar mit der palästinensischen literarischen Erfahrung verbunden ist, zeigt Shibli in ihrer vor dem 7. Oktober 2023 verfassten Preisrede für die Frankfurter Buchmesse – einer Preisrede, die nie gehalten wurde. Sie wurde kürzlich aus dem Englischen übersetzt; vgl. Adania Shibli: »Das Buch als Feind«, in: *Die Wochenzeitung*, 17.10.2024, https://www.woz.ch/2442/adania-shibli/das-buch-als-feind/!ZHR77V67ZFKJ?fbclid=IwY2xjawGNfideHRuA2FibQlxMQABHYNbZO_02HXbJD2erx4Yd-Jt243eFhTtYKrtjAuT4THWvZs59V_sbq5s39w_aem_dS-nWOMJRfAfSd-xTFvVQ8g.

58 Am 18. April 2024 hat Shibli im Literarischen Colloquium Berlin aus der englischen Übersetzung ihres Romans gelesen (<https://lcb.de/programm/adania-shibli-eine-nebensache/>). Sie hat bei diesem ersten öffentlichen Auftritt in Berlin nach Ausbruch der Kontroverse dezidiert gegen den Staat als solchen Stellung bezogen. Einen Kommentar zu diesem Auftritt liefert Cedric Rehman: »Lesung in Berlin: Die Autorin Adania Shibli bricht ihr Schweigen, bleibt aber vage«, in: *Berliner Zeitung*, 19.04.2024, <https://www.berliner-zeitung.de/kultur-vergnuegen/literatur/lesung-in-berlin-die-autorin-adania-shibli-bricht-ihr-schweigen-bleibt-aber-vage-li.2207534>.

59 Sonja Fouraté: »Debatte um LiBeraturpreis 2023: Ist Adania Shiblis Roman »Eine Nebensache« antisemitisch?«, *hessenschau.de*, 14.10.2023, <https://www.hessenschau.de/kultur/debatte-um-liberaturpreis-2023-ist-adania-shiblis-roman-eine-nebensache-antisemitisch-v3,buchmesse-debatte-liberaturpreis-100.html>.