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**Eva Geulen**  
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**LEIBNIZ-ZENTRUM  
FÜR LITERATUR- UND  
KULTURFORSCHUNG**

**Leibniz-Zentrum für Literatur- und Kulturforschung**  
Pariser Straße 1 | 10719 Berlin  
T +49 (0)30 20192-155 | F -243 | sekretariat@zfl-berlin.org

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# 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When writing about current affairs for academic platforms, one runs the risk of being outdated even before publication.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.<sup>1</sup> 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.<sup>2</sup> Reports from international organizations have concluded that

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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.).

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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.<sup>3</sup>

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.<sup>4</sup> 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.<sup>5</sup> 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:<sup>6</sup> 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.<sup>7</sup> Moreover, the government also sought to legislate against the "standard of reasonableness,"<sup>8</sup> 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.<sup>9</sup> 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,<sup>10</sup> 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](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,<sup>11</sup> 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.<sup>12</sup> 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.<sup>13</sup> Many of them called for civil disobedience and declared they would refuse reserve duty if the overhaul were to pass.<sup>14</sup>

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.<sup>15</sup> 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.<sup>16</sup> 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.<sup>17</sup>

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:<sup>18</sup> 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.<sup>19</sup> While Netanyahu and his associates aimed to weaken the judiciary in

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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.<sup>20</sup> 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.<sup>21</sup> 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.<sup>22</sup> 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.<sup>23</sup>

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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*, 2<sup>nd</sup> 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.<sup>24</sup> 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.<sup>25</sup> 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.”<sup>26</sup>

### POLITICAL TAKEOVER OF THE POLICE<sup>27</sup>

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 loyalists<sup>28</sup>—

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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.<sup>29</sup> 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.<sup>30</sup>

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.<sup>31</sup> 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.<sup>32</sup> 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.<sup>33</sup> 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.<sup>34</sup> 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.<sup>35</sup>

### 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](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.<sup>36</sup> Courts approved detention until the end of proceedings in 80 % of the cases (according to the prosecution),<sup>37</sup> 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.<sup>38</sup> 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.<sup>39</sup>

Meanwhile, Palestinian journalists who work for Israeli and international media have reported arrests, interrogations, threats, confiscation of equipment, and violence by police officers.<sup>40</sup> 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.<sup>41</sup>

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.<sup>42</sup>

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,<sup>43</sup> 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).<sup>44</sup> 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](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](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.<sup>45</sup>

### 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.<sup>46</sup> 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.<sup>47</sup>

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.<sup>48</sup> 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 BANK<sup>49</sup>

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.<sup>50</sup> 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).<sup>51</sup> 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.<sup>52</sup> 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.<sup>53</sup>

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.<sup>54</sup> 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.<sup>55</sup> 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.<sup>56</sup> 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.<sup>57</sup> 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.<sup>58</sup> 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).<sup>59</sup> 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.<sup>60</sup> 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.<sup>61</sup> 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.<sup>62</sup> 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.<sup>63</sup> 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.<sup>64</sup>

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.<sup>65</sup> 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 Rapoport<sup>66</sup> 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.<sup>67</sup> 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.

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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>.