

1998 : “ISRAEL-PALESTINE : GLOBALISATION AND MICRONATIONALISMS” – A MODERN DEMOCRACY WITH A BIBLICAL FOUNDATION

Excerpt from from *Israël-Palestine, Mondialisation et micro-nationalismes* (1998) – Éditions Acratie

Historian Elie Barnavi defines Israel as “a modern parliamentary democracy with a biblical foundation”¹. On 14 February 1949, the Constituent Assembly held its first session. A transitional law was to establish the structures of the state until the assembly drafted a constitution. This constitution never saw the light of day due to opposition from religious parties, which are essential partners in any government coalition. In fact, the electoral system that was adopted is strictly proportional, based on lists presented by the parties, with the entire country considered as a single electoral district. This system places small parties, especially religious ones, in a position of power. For these parties, the constitution of the State of Israel already exists: it is the Torah.

The ambiguity of the situation lies in the fact that, on the one hand, the Zionist project, which is fundamentally secular in nature and to which religious groups were fiercely opposed, was carried out by socialist and atheist pioneers, but on the other hand, the State of Israel sees itself as the state of the Jewish people.

In theory, there is no state religion, as the law considers all religions to be equal. A Ministry of Religious Affairs is responsible for ensuring the smooth running of religious services in the various communities. However, public transport is paralysed on the Sabbath, telegrams do not reach their recipients, factories close, with few exceptions, and dietary rules must be observed in public institutions, even though two-thirds of the Jewish population does not practise.

The involvement of religion in public life goes further: the personal status of citizens, whether believers or atheists, is governed by religious courts. “All matters relating to the marriage or divorce of Jews in Israel, whether nationals or residents, fall exclusively within the jurisdiction of the rabbinical courts,” stipulates a 1955 law. Similarly, “marriages and divorces of Jews shall be performed in Israel in accordance with the law established by the Torah”. Two years later, a law conferred the status of civil servants on judges of religious courts.

Births, marriages, deaths, all official acts of life are monopolised by the ultra-Orthodox Chief Rabbinate. Birth certificates must mention the child’s religion, even if the parents are atheists. Identity cards mention the religion and ethnicity of the person concerned. Certain particularly retrograde provisions remain theoretically in force: a bastard born to a Jewish mother and all his descendants cannot marry. The union of a Jew and a non-Jew is impossible; the non-Jew must necessarily convert – and conversion takes two years, unless an “arrangement” is made with the religious authorities. A man could not be buried next to his wife because he was not Jewish. A childless widow must marry her husband’s brother, unless he grants her freedom through a humiliating ceremony.²

¹ Elie Barnavi, *Une histoire moderne d’Israël*, Champs, Flammarion.

² The ceremony is known as *halitza*. According to Jewish law, if a man dies without children, his widow is required to marry the deceased’s brother under the law of levirate marriage (*yiboum*). If the brother does not wish to marry the widow, he may grant her release through *halitza*.

The *halitza* ceremony involves several steps, the main ones being:

The Supreme Court – accused by the Orthodox of being a “non-Jewish body” because of its pro-secular stance – must intervene to resolve these specific cases, which are admittedly few in number. Couples of different faiths enter into “private marriages” that are systematically registered by the Supreme Court, or go to Cyprus to get married. Sometimes delicate cases are resolved “by legal quibbles, often without panache, used by the Chief Rabbinate to ‘resolve’ politically sensitive cases,” says Elie Barnavi.

Curiously, it was the very creation of the state that transformed Judaism into a church and rabbis into civil servants. “And it is the existence of the state that has posed the whole problem of Jewish national identity in new terms,” says E. Barnavi.

150,000 Israelis who declare themselves to be Jewish are not Jewish enough in the eyes of the Chief Rabbinate to get married. They are therefore denied certain social benefits available to married couples. On 11 February 1997, the second television channel revealed that two journalists, one posing as a Jew and the other as his non-Jewish wife, had paid 80,000 francs³ to Rabbi Michael Dushinsky, a senior official in the Ministry of Social Affairs, to obtain the young woman’s “conversion” on an urgent basis, a conversion that would normally have taken two to three years... The investigation revealed that Dushinsky and another “doctor of the faith,” Rabbi Benyamin Bar-Zohar, had converted at least a dozen people in this manner. After the broadcast, dozens of people came forward to testify that they had had the same experience. According to the *Jerusalem Post*, this phenomenon appears to be widespread⁴...

On 14 February, *The Jerusalem Post* revealed that applications for conversion from people who live in secular kibbutzim or who refuse to send their children to ultra-Orthodox schools are systematically rejected by the Chief Rabbinate. Rabbi Dushinsky will no doubt find some theological reason to explain his action. A form of opposition to the decaying secular state, perhaps.

As a result, a number of restaurant owners have decided to organise themselves to denounce what the *Jerusalem Report* magazine calls “pure racketeering”, namely the process of obtaining a kosher, strictly kosher or scrupulously kosher certification, which costs between 800 and 5,000 francs per month. Every day, a swarm of rabbis and yeshiva students descend on hotels, restaurants, canteens and food factories to check compliance with kashrut rules. They fine establishments that are open on Saturdays in secular cities such as Tel Aviv, Beer Sheba and Kfar Saba.

According to strict compliance with divine prescriptions, dishes must be prepared by Jewish hands and even the stoves must be lit by Jewish cooks... which prevents restaurateurs from employing foreign labour. Some men in black have taken it upon themselves to force restaurant owners to buy their produce from farmers considered strictly kosher, particularly in a Jewish settlement in the Gaza Strip. Other inspectors have threatened to withdraw the kosher licence of restaurant owners who allow their customers to celebrate New Year’s Eve. The activities of the Cashrout department are, according to the *Jerusalem Report* in February 1993, “a veritable state racket with a turnover of more than \$200 million a year”. Is this a

The Presentation: The widow and the brother of the deceased appear before a rabbinical court (*beth din*).

The Removal of the Sandal: The brother must remove his sandal and give it to the widow. This act symbolises his renunciation of his right to marry the widow.

The Declaration: The widow makes a declaration stating that she does not wish to marry her husband’s brother and that he is thus released from this obligation.

This ceremony is often considered humiliating for both parties. Once the *halitza* has been performed, the widow is free to remarry whomever she wishes.

³ 17.000 euros today.

⁴ Cf. « Le grand rabbinat contesté », *Le Monde*, Dossiers et documents, juillet-août 1993, p. 9. – *Le Monde*, “Israël découvre avec indignation un marché noir de conversions au judaïsme”, *Le Monde*, 16-17 février 1997.

coincidence? It so happens that Rabbi Dushinsky – him again – is the head of this Cashrout department.

Beyond the sometimes anecdotal nature of religion's hold on the daily life of the population, this hold has a real political dimension: the religious orthodox propose a model of society that clashes with Israeli civil society.

The ultra-Orthodox claim that the state has no legitimacy: divine law, expressed of course by the rabbis, is the only legitimate law. They condemn the "soft morality of Western culture"⁵. Their plan is to create, through the establishment of settlements in the occupied territories, "a model of Israel as it should be. We will build a complete spiritual edifice, including Jewish education, Jewish culture, a Jewish judicial system, a Jewish economy, and social and public morality rooted in the Torah"⁶. Rabbi Ya'ir Dreyfus complains that peace with the Palestinians will lead the Ministry of Education to increase the number of encounters between Jews and Arabs, "as an integral part of the education of young people in Israel. From there, it is only a short step to assimilation and the definitive loss of Jewish identity." The only way to remain Jewish, therefore, is through total separation from the outside world.

A new type of state, "Palestinian-Canaanite" (as opposed to the Jewish-Zionist state), is being formed. "Those who are leading this process are no longer worthy of being defended." National-religious leaders will have to understand that from now on "we are in opposition, not to a government, but to a state. Gone are the days of unquestioning submission to its decrees. The time has come for a tough fight against the new Palestinian-Canaanite entity"⁷.

These rabbis explain to the young people they are training that the secular state and army are falling apart. They are doing a real job of infiltrating the army. "They are preparing young people to be military leaders. According to a real division of labour, they distribute Talmudic school students among commandos or elite units, right up to officer positions. When it was time to do my military service, I wanted to join the paratroopers. But my school directed me to the commandos of the elite Golani unit. I was destined for a specific role. And I went, of course⁸." These are the words of a reserve lieutenant colonel in the Israeli army. He had warned Yitzhak Rabin about this movement.

Ultra-Orthodox rabbis issue "prescriptions" or decrees calling for civil disobedience. Among these prescriptions, settlers are urged to choose death rather than evacuate a settlement. With regard to the commandment "Thou shalt not kill", a distinction must also be made between "Jewish blood" and "goy blood"; Absolution is given to any Jew who has damaged Arab property; murderers of Palestinians, described as "oppressors", will be purified; it is forbidden to provide medical assistance to a Palestinian on the Sabbath, etc.⁹. Rabbi Israel Ariel, of the

⁵ Nadav Shagraï, du journal *Ha'aretz* de Tel-Aviv, mentionne l'article d'Azriel Ariel, « L'Argoudat Israël [mouvement des ultra-orthodoxes non sionistes] avait-elle raison ? », paru dans *Neqoudah*, revue des colons religieux nationalistes. – Cité par *Courrier international*, 5-9 mars 1994.

⁶ *Ibid.*

⁷ *Ibid.* A book by Amnon Kapeliouk shows how the assassination of Yitzhak Rabin fits into the politics of Jewish fundamentalism and what he calls ideological delinquency: *Rabin, un assassinat politique, religion, nationalisme et violence en Israël*, Le Monde éditions.

⁸ Cf. Cemil Cigerim dans *Yediot Aharonot*, Tel-Aviv, cité par *Courrier international*, 7-13 décembre 1995.

⁹ *Ibid.* In Israel, the provision of medical assistance on the Sabbath (Shabbat) is governed by Jewish law, which generally prohibits certain types of work. However, there are exceptions for saving lives. According to Jewish law, providing medical assistance is permissible if it is necessary to save a life, regardless of the patient's identity. However, there may be instances where individuals or organizations have different interpretations or practices, and there can be complex political and social dynamics that affect the provision of medical care.

Temple Institute, which seeks to build the Third Temple, has openly declared that the commandment “Thou shalt not kill” does not apply to Arabs... Rabbi Dov Lior, of the Kiryat Arba settlement near Hebron, wrote: “If it is possible to conduct experiments on deficient human beings who have been sentenced to death by a state governed by the rule of law, it must be done.”¹⁰

The latest idea of some Israelis is the creation of three states: one for the Palestinians, another for secular Jews and a third for the ultra-religious. They base this on a historical precedent, when the heirs of David and Solomon, unable to agree, created the Jewish kingdoms of Israel and Judea and shared the Holy Land with the Philistines. Today, this demand comes not from religious leaders, but from secular Jews “who are fed up with the violence and intolerance of their Orthodox brethren.”¹¹

Yoram Peri wrote in *Davar* (25 March 1994) that “there is a serious danger that the division between two irreconcilable Israeli Jewish political cultures could develop into a rift with sufficient mutual exasperation to spark a small civil war. This civil war will pit ‘Israel’ against ‘Judea’.”

Baruch Kimmerling, meanwhile, wrote in *Haaretz* (21 January 1994) that the evacuation of certain settlements could meet with armed resistance from some Jewish settlers in the occupied territories, “to the point of developing into a full-blown civil war”. “In such circumstances, settlers and their supporters in Israel, all armed to the teeth and well organised, will fight both the Palestinians (which they are already doing) and the Israeli authorities (...). There is no certainty that in such circumstances the entire army will support the elected government to the last man.”

A rabbi, Ovadia Yossef, declared that those who desecrate the Sabbath, by driving a car, for example, “will be killed”. Fan clubs for Baruch Goldstein, the man who massacred twenty-nine Muslims in a mosque, and Yigal Amir, who assassinated Rabin, have been formed in religious schools. A poll in December 1997 revealed that 47% of Israelis believe that the opposition between secular and religious Jews will lead to civil war...

An organisation called Am Hofshi was created by Arnon Yekutieli, a city councillor and member of Meretz, to defend the interests of secularists. Its members belong not only to Meretz but also to the Labour Party, and even prominent Likud figures who are fed up with the Orthodox have joined. In the June 1996 coalition agreement between Benjamin Netanyahu and the Orthodox parties, the candidate pledged to pass a law guaranteeing the Orthodox monopoly on conversion, marriage and divorce and excluding representatives of other denominations from local religious councils, provoking outrage among non-Orthodox Jewish communities, which are in the majority, particularly in the United States. Such a law would create an unprecedented crisis between Israel and the diaspora.

Tension between secular and religious Jews increased with the publication in January 1998 by the Jerusalem Institute for Israel Studies of a socio-economic study revealing that 60% of ultra-Orthodox men do not work and are not looking for work, compared to 10% of the rest of the population, and that most of them, even the oldest, pretend to be “religious students” – in Muslim countries they are called Taliban – and receive public benefits. Social subsidies account for 12% of the income of citizens from non-orthodox families, while the families of the “men in black” (400,000 people), which are on average twice as large, receive 51% of subsidies.

The antagonism between secular and orthodox Jews has increased considerably since Netanyahu came to power. A growing number of ultra-Orthodox young people are evading military service, according to the Ministry of Defence. The

¹⁰ Quoted by Maxime Ghilan, *Israel & Palestine political Report*, p. 15, January-February 1996.

¹¹ *Time*, 20 January 1997, p. 25.

three religious parties hold the very survival of the government in their hands and impose their will to finance their institutions. Public education is controlled by an ultra-Orthodox minister, and public housing is run by an ultra-Orthodox deputy minister. Religious coercion is increasing with the “Shabbat police” handing out heavy fines to Jewish shopkeepers who remain open on Saturdays.¹²

The outlook is bleak, and in Israel and the occupied territories, a similar trend is emerging. *The methods used by Jewish fundamentalists and Hamas to establish themselves are strangely similar*, consisting of expanding their social base and ideological influence through social and educational services that the civil authorities are unable or unwilling to provide, aided by neoliberalism. While the government and local authorities – as everywhere else – are cutting social spending and eliminating hot meals for poor children in public schools, fundamentalist schools provide this service to children, offering them extra lessons and transport. As a result, the number of religious schools is constantly growing, and they are even attracting children from secular families. There is a noticeable return to faith among the population, which is taking on considerable proportions.

Israel Shahak wrote in April 1994: “It is symptomatic of the appallingly poor quality of reporting on Israeli affairs (even poorer than that on the Territories) that none of the facts discussed in this report [‘The Influence of Xenophobic Ideologies on Israeli Jews’] or in Report 136 [‘Will there be a civil war between Israeli Jews?’], has so far filtered through to the ‘experts on Israeli affairs’ or to the media, including the quality press. Instead, both the experts and the media are concerned only with diplomatic platitudes about the ‘peace process’. I reiterate that for Israelis (but also for all Middle Easterners), nothing could be more important than the looming conflict between Jewish supporters and opponents of religious fundamentalism.”

Shahak also writes:

¹² The term “Shabbat police” in Israel refers to unofficial groups or individuals who monitor and enforce the observance of Shabbat (the Jewish Sabbath) in public spaces. These groups often consist of Orthodox Jewish volunteers and are particularly active in areas where there is a significant religious population. They may patrol neighbourhoods to ensure that businesses, public transportation, and other activities are not operating in violation of Shabbat laws, which prohibit work and certain types of activities from Friday evening until Saturday evening. In some cases, they may approach individuals or businesses that are perceived to be violating Shabbat prohibitions, urging them to stop their activities or adhere to the religious laws. The presence of these groups can create social pressure within communities to conform to Shabbat observance, especially in mixed or secular neighbourhoods. The “Shabbat police” are not official law enforcement and operate independently, which can lead to tensions between different segments of Israeli society, particularly between secular and religious communities. Their actions sometimes spark debates about religious freedom and the role of religion in public life in Israel.

The “Shabbat police” in Israel do not have official legal authority to impose fines, as they are not a formal law enforcement body. However, there are a few ways in which individuals might feel pressured to comply with demands made by these groups. In religious neighbourhoods, there can be significant social pressure to conform to community norms. Individuals may choose to pay fines or comply with demands to avoid social ostracism or negative repercussions from their community.

In some cases, the actions of the “Shabbat police” can lead to involvement from local authorities or municipal enforcement, which do have the legal authority to impose fines for violations of municipal regulations (such as operating a business on Shabbat). If a fine is issued by an official body, then the individual is legally obliged to pay it.

In instances where individuals refuse to comply, the matter may escalate to legal action, where fines may be pursued through the courts if they are backed by municipal regulations. Sometimes, individuals may choose to negotiate or settle with the “Shabbat police” to avoid further conflict or potential legal issues.

“The widespread misconception that Israel, even without considering its regime in the Occupied Territories, is a true democracy arises from the refusal to confront the significance of the term ‘a Jewish state’ for non-Jews. In my view, Israel as a Jewish state constitutes a danger not only to itself and its inhabitants, but to all Jews and to all other peoples and states in the Middle East and beyond. I also consider that other Middle Eastern states or entities which define themselves as ‘Arab’ or ‘Muslim’, like the Israeli self-definition as being ‘Jewish’, likewise constitute a danger. However, while this danger is widely discussed, the danger inherent in the Jewish character of the State of Israel is not.”¹³

Note 2025

The question of whether Israel can be described as a democracy had already been raised before the massacre of 7 October 2023, which led the government to undertake the destruction of the Gaza Strip, the mass displacement and indiscriminate massacre of its population. One might wonder about the coincidence between the mass demonstrations in Israel against the Netanyahu government before 7 October and the mass demonstrations in the Gaza Strip against Hamas, motivated by discontent with the economic situation and difficult living conditions, as well as frustrations with Hamas’ governance. These protests have been violently suppressed by the Hamas authorities.

A possible electoral defeat for Netanyahu after a cessation of hostilities in Gaza will not change the situation: before the bombing of Gaza began, the political debate in Israel was dominated by legal reforms that Netanyahu wanted to implement. These reforms, which aimed to reduce judicial independence, restrict the independence of NGOs and limit press freedom sparked major protests.

Benjamin Netanyahu faces several charges and accusations:

a) He is implicated in several corruption cases, including charges of fraud, bribery and breach of trust. In particular, he is accused of accepting gifts from wealthy donors and attempting to obtain regulatory advantages for companies in exchange for favours.

b) His corruption trial began in May 2020 and is ongoing, with regular hearings. Netanyahu has denied all charges and considers the trial a political plot against him.

c) His handling of the war and conflicts with Gaza has also been criticised, particularly with regard to military decisions and the protection of civilians. Critics accused him of not taking sufficient measures to prevent the conflict from escalating.

These charges and criticisms weigh heavily on him as he attempts to maintain his power and manage the political and security situation in Israel. It cannot be ruled out that Benjamin Netanyahu may attempt to maintain a state of tension, particularly due to the conflicts with Gaza, in order to divert attention from his legal problems. Some analysts believe that by creating or exacerbating security crises, he may be seeking to strengthen his popular support and justify his continued hold on power, which could have an impact on his ongoing legal cases.

Since 7 October 2023, with the intensification of the conflict in Gaza, the religious character of the Israeli government has been reinforced. Netanyahu’s government is composed of religious and nationalist parties that advocate a religious vision of Israeli politics. These parties have often called for policies that reinforce Israel’s Jewish identity, and the current situation may give them more

¹³ Israel Shahak, *Jewish History, Jewish Religion, The Weight of Three Thousand Years*, Pluto Press 1994, p. 3.

weight in political decisions. In times of crisis, religious and nationalist sentiments can grow stronger among the population. This can translate into increased support for policies that emphasise Jewish identity and religious values. Finally, violent events can also prompt leaders to adopt more radical positions and reinforce religious rhetoric to mobilise support from their base.

Several Israeli leaders and commentators have raised the possibility of civil war or escalating internal tensions in Israel, especially in the context of rising tensions between different groups within Israeli society. Among those who have expressed concerns about this are members of the opposition, including former politicians, who have warned of the consequences of growing polarisation and tensions between different communities, particularly between Israeli Jews and Arabs. One notable example is Yair Lapid, former Prime Minister and leader of the Yesh Atid party, who has often warned against rising tensions and the need to preserve social cohesion in Israel.

Another example is Benny Gantz, former Minister of Defence and leader of the National Unity political alliance. Gantz has expressed concerns about internal security and the need for dialogue with Israeli Arab communities. Merav Michaeli, leader of the Labour Party, has also raised alarms about polarisation and advocated for a more inclusive approach to avoid escalating tensions. Ayman Odeh, leader of the United Arab List (Hadash-Ta'al), has often spoken about the challenges facing Israeli Arabs and highlighted the growing tensions between communities. Finally, Tzipi Livni, former Foreign Minister and a leading figure in the opposition, has expressed concerns about the dangers of increased division within Israeli society.

We can also mention former heads of security services or the army who have expressed concerns about Israel's internal stability, pointing out that violence and divisions could lead to internal conflicts. Among them is Gadi Eisenkot, former Chief of Staff of the Israel Defence Forces (IDF). Eisenkot has warned against the growing polarisation of Israeli society and highlighted the dangers to national security. Amos Yadlin, former head of military intelligence (Aman), has often addressed security issues and raised the risks of escalating internal tensions in Israel. Dan Halutz, former chief of staff, has expressed concerns about the growing divisions within Israeli society and their repercussions on security. Finally, Yaakov Amidror, former national security adviser, spoke of the dangers of social polarisation.

These figures, with significant experience in the fields of security and the military, have expressed their concerns about the need to maintain social cohesion in order to guarantee Israel's stability. Can we see an analogy here with the situation on the eve of the collapse of the USSR, when it was the members of the security and intelligence services who were at the forefront of assessing the situation and predicting disaster?

Finally, many political analysts, commentators and security experts have addressed the issue, pointing out that increasing social and political tensions could create an environment conducive to internal conflict. Among them is Shmuel Rosner: A political analyst and commentator, Rosner has written about the implications of social divisions in Israel and their effects on national cohesion. Matti Friedman, a journalist, has often discussed internal tensions in Israel and the challenges the country faces due to increasing polarisation. Eli Lake, a commentator and security analyst, has addressed the issue of internal tensions and warned of the dangers of increased division within Israeli society. Oren Kessler, an analyst and writer, has addressed security issues and political tensions, highlighting the risks associated with an increasingly divided society. Mira Sucharov, a professor of political science, has written about tensions between Israeli Jews and Arabs and the need for inclusive dialogue to prevent an escalation of internal conflicts.

It is clear that Israeli society produces many people capable of analysing the potentially critical situation of democracy. Among these critics is Michel Warshawski, an Israeli-French intellectual, activist and writer known for his critical views on Israeli policy, particularly with regard to the Israeli-Palestinian conflict. In recent years, he has continued to speak out on these issues, participating in conferences, writing articles and taking part in public debates.

The question is, in fact, what Israel is. The designation of the country as a democracy is based on the assumption that the population has the right to vote. It is true that elections are held regularly, but since 1967 Israel has occupied the West Bank and Gaza. Between 2005 and 2023, Israel withdrew from Gaza but recently returned as an occupying force. East Jerusalem and the Golan Heights were illegally annexed. These occupied or annexed areas are not part of the criteria for assessing Israel's democratic status. What is the democratic value of a regime that occupies and subjugates another population?

While elections are held regularly in Israel, the reality is that about 5.5 million people living under Israeli control have no voting rights or citizenship. This calls into question the very definition of democracy. The treatment of Palestinians has been described as "systemic discrimination" by the International Court of Justice.

For Israel to be considered a democracy, it has two options: end the occupation or grant citizenship and voting rights to all those living under its control. Without one of these solutions, Israel cannot claim democratic status.

It goes without saying that the prospect of a social revolution remains a long way off.