

Introduction

A tourist arriving in 2018 to Jerusalem – the declared but internationally unrecognized capital of Israel – might visit the Knesset, the Israeli parliament. Here, the tourist might encounter Member of Knesset (MK), Hanin Zouabi, an Arab-Palestinian citizen of Israel who has represented the Arab party Balad for almost a decade. As a member of this party – many of whose members openly declare their sympathy with those Israeli Jews perceive to be Israel's most intransigent enemies – Zouabi participated in the 2010 Marmara Flotilla that sought to defy the Israeli blockade of the Hamas-controlled Gaza Strip. Accused by Jewish MKs of being a traitor, numerous attempts were made to oust her from the Knesset and prevent her and the Balad party from reelection. These efforts were blocked by the Supreme Court and Zouabi was reelected in both 2013 and 2015. Her political activities are not, however, limited to the conflict, and her feminist agenda challenges the exclusive authority over personal status held by the religious (Jewish and Islamist) courts that undermines gender equality. Despite her strong political commitment, Zouabi did not run in the April 2019 elections, but her Balad party continued to take part in the elections.

Continuing eastward from the Knesset, our visitor enters East Jerusalem, a territory Israel occupied from Jordan in 1967 and subsequently annexed – an area that is also designated as the future capital of the Palestinian state. At present, the majority of East Jerusalem Palestinians – around 37 percent of the city's population – are not Israeli citizens. Just over one-third of the residents of the self-proclaimed “united capital” of Israel are thus excluded from citizenship, lacking the right to vote for the Israeli parliament which is located in their city. Wandering around East Jerusalem, the tourist will pass by areas with a strong visible presence of the Israeli state and neighborhoods beyond fences and walls with scant manifestation of the state. Proceeding on the tour, our visitor then reaches territory that

challenges the definition of Israel as a democracy even more significantly: the West Bank. Occupied in 1967, about 40 percent of this region has been under the (partial and limited) control of the Palestinian Authority since the 1990s, while the remaining 60 percent continues to be directly governed by Israel, albeit not formally annexed like East Jerusalem. In the West Bank, there is a dual legal system: one for Jewish settlers as Israeli citizens and another for Palestinians as subjects, challenging the classification of Israel as a democracy yet more. However, while strolling around the West Bank and passing through Israeli checkpoints and meeting the Palestinian Authority police, the visitor might find it hard to understand where Israel begins and where it exactly ends.

What is our tourist to make of these circumstances? On the one hand, the reactions to Zouabi's views and actions demonstrate just how far short Israel falls with respect to one of the fundamental requirements of established liberal democracies, namely, political tolerance. On the other hand, despite efforts to disqualify her, Zouabi was twice reelected and her party is still part of the Knesset. Although framed as a traitor and constantly struggling for her seat in the Knesset, she remains within the Israeli parliamentary system. Her citizenship enables her to be elected to the Knesset, while the Palestinians in Jerusalem are denied this right and the Palestinians in the West Bank are denied both civil and political rights. Having traveled the country, our visitor will likely find it very difficult to decide whether Israel is a democracy or not, given that the regions visited, the people met, and the institutions and practices encountered provide evidence of diverse types of regimes with inherent contradictions.

If a political scientist, our visitor might wonder what can explain such a close intertwining of democratic and undemocratic, liberal and illiberal elements, and possibly even ponder whether democracy is a relevant concept for analyzing the Israeli regime at all. This political scientist might even question where exactly Israel is, noticing that the state lies beyond the regular constitutional or juridical order in which there is a political entity with clear borders. Is the Israeli regime limited only to the territory over which it holds formal sovereignty or does it include the entire territory under its various forms of control and influence? The visitor's first challenge in the attempt to make sense of what is seen in this tour has two components: how to classify the Israeli

regime in light of these contradictory elements and how to decide on the borders of the Israel regime. If the visitor stays in Israel for a longer period, questions might also emerge concerning what factors shape the regime and how, despite the inherent tensions and contradictions, the regime remains fairly stable.

This book is an attempt to address such wonderings by focusing on three questions:

1. How can the Israeli regime be classified?
2. What are the borders of the Israeli regime?
3. What are the key factors that shape the regime and support its relative stability?

The question of how the Israeli regime can be classified is not new. There are various conflicting classifications of Israel. While it is frequently regarded and analyzed as a democracy (Lijphart 1984; Sprinzak and Diamond 1993), it is also classified as undemocratic (Jeenah 2018), an “ethnocracy” (Yiftachel 2006), a “*herrenvolk* democracy” (Benvenisti 1988), or an “apartheid regime” (Greenstein 2012). Between these extremes, it is variously labeled as a limited type of democracy, an “ethnic” (Smootha 1990) or “illiberal” democracy (Peleg 2007). This book is not looking to suggest the correct classification of the Israeli regime; instead, I argue that the Israel case illustrates the analytical weakness of the concept of democracy in the context of disputed regimes. There is an inherent challenge in the classification of a regime as a whole in cases that deviate from the model of established liberal democracies or rigid authoritarianism, which undermines the efficacy of the concept of democracy as an analytical tool for studying regimes.

Using the Israeli case to illustrate this, I follow the approach that calls for disaggregating democracy into specific dimensions (Coppedge et al. 2011). The term “democraticness” is the pivot for this approach; neither a typology nor a classification of a specific form of regime, democraticness describes a continuum along which are situated more and less democratic systems of government. By looking at diverse aspects of the Israeli regime, it seeks to determine the level of democraticness exhibited rather than classifying the regime as a whole. This shift of focus from a “closed” definition of democracy to the disaggregated examination of levels of democraticness across different dimensions provides better analytical leverage, allowing an

exploration of both the thin minimalist components and the more extensive thick elements of democracy. These are analyzed across three dimensions: (1) political contestation – the procedural and institutionalized arrangements for political competition for power; (2) protection – the defense of citizens against arbitrary state activity; and (3) coverage – the extent to which the entire population can participate in political processes and enjoy protection from the state without segmentation or sectorization. The levels of democraticness of these dimensions are used to sketch the Israel regime, offering a disaggregated view of the regime that also illustrates a novel perspective on the third question, namely, the key factors shaping the regime and supporting its stability.

The question regarding the borders of the Israeli regime is also not new. The bulk of the existing scholarly literature has addressed what is termed Israel proper – a unit that does not include the Occupied Territories (Sasley and Waller 2017). This approach is also in line with the classifications of Israel in cross-national regime indexes. Though less common, the Israel/Palestine definition is offered as a critical alternative to the focus on Israel proper (Azoulay and Ophir 2012; Ghanem et al. 1998). The location of Israel's borders defines the unit of analysis, and that definition determines how the regime is classified; in other words, determining the unit of analysis as Israel proper or as Israel/Palestine establishes the nature of the regime as a democracy/diminished democracy or a type of non-democracy, respectively. I argue that the justifications advanced for the choice of borders are rather limited. This flawed approach can be rectified by a conceptual discussion on the notions of state and regime – a discussion that will lead to an alternative classification of the unit of analysis. A conceptual elaboration shows that the units of Israel proper or Israel/Palestine cannot be used to define the borders of the regime. I propose instead a spatial analysis that divides the Israeli regime into different zones of control at different time periods.

The first two questions focus on the question of the classification of the Israeli regime, namely, what is the appropriate notion for describing the regime. Much less attention has been given in the existing literature to the third question. Most studies that focus explicitly on the Israeli regime have overlooked this question of the key factors shaping the regime and supporting its stability, while comparative studies of regimes rarely include the case of Israel. I suggest moving

away from just debating regime classification, i.e., naming the dependent variable, toward examining independent variables that shape the regime and explain its stability.

There are dozens of potential explanations of the Israeli regime. The major distinction between such explanations in the literature is between actors and macro factors (see Linz and Stepan 1996). Actors in the case of Israel could be institutions like the military and the Supreme Court or politicians like David Ben-Gurion or Benjamin Netanyahu. Macro factors could be economic development, political culture, geostrategic environment, and others. This book does not offer a complete account of all the factors that shape the Israeli regime; a comprehensive inspection would require several books. Instead, I focus on just two key contextual factors: the conflict and state capacity. I illustrate how the Arab–Israeli conflict shapes the regime in order to demonstrate how the disaggregated view offers new insights for the link between the conflict and the regime – insights overlooked by previous accounts that analyzed the regime as a whole. I suggest that the relative stability of the regime as well as some changes in the levels of democraticness and zones of control can be explained by state capacity and offer an outline of how the ability of the state to “get things done” via coercive and administrative capabilities sustains the regime’s stability despite the various challenges.

This book thus provides a comprehensive account of the Israeli regime according to a comparative politics framework on regimes. It contributes to the field by providing a better understanding of the Israeli case, its inherent contradictions notwithstanding. Beyond the specific Israeli case, it also illustrates the pros and cons of this framework for analyzing disputed regimes.

A Note on the Method

In order to answer the aforementioned three questions, this book adopts a comprehensive outlook which is based primarily on previous studies on regime and on Israel. The book does not explore new archival sources, interview key actors, or generate any novel data. The answers to the three questions are instead grounded on the theoretical framework, and the conceptual discussion is based on reviews of previous accounts of the regime.

The answer to the question concerning the classification of the Israeli regime follows an overview of what can be termed the local debate on the topic. It shows that very few studies have provided explicit descriptions of the assumptions and premises on which their arguments rely. In addition, the majority of studies have made rather limited use of the literature on regime conceptualization and classification, and their primary goal appears to have been determining whether or not Israel is a democracy. Beyond the local debate, I show how cross-national regime indexes, the benchmark for studying regimes, cannot be used to circumvent the challenges of Israel's classification. Once challenges to the definition of democracy are taken into account, the debate of the general classification of the Israeli regime can never be conclusively resolved. Instead, conflicting interpretations of the Israeli regime can be bypassed by following the current trend in studies of regimes: disaggregated analyses of different levels of democraticness across different dimensions. The conceptual discussion is therefore used here to offer an alternative outlook on the Israeli regime.

In a similar way, the question of the unit of analysis, namely, borders, is based on a discussion about the concept of state and regime. This conceptual elaboration shows that the units of Israel proper or Israel/Palestine cannot be used to define the borders of the regime; instead, a spatial analysis is required, which divides the Israeli regime into different zones of control at different time periods. The description of the regime, the discussion of the impact of the conflict, and the elaboration of state capacity as key explanations for the regime's relative stability are all based on ideas gathered from previous studies conducted by prominent scholars of Israel. My added value here is the integration of these perspectives into a general discussion of the regime through theoretical lenses.

The discussion of the key factors which shape the regime also follows the theoretical framework from the existing literature on regimes and democratization. Its inherent limitations should therefore be clear from the outset. Explanations for democraticness are limited. Despite the fact that political regimes have been studied for decades, it is clear that the knowledge in this field is "partial, probabilistic, conditional and forever, and always provisional" (Coppedge 2012: 326). The only thing that is clear by now is that there is no general theory for regimes and that even the most common explanations, like economic development, are subject to debate (Morlino 2012). Furthermore, part

of the debate on the explanations of democratization is caused by the challenges to defining and measuring democracy that are emphasized when discussing the Israeli case. Therefore, it should be understood that any attempts to offer definitive explanations of the Israeli regime's levels of democraticness are limited.

A Note on the Israeli Case

One glance at the academic literature on the Israeli regime and our wandering tourist might be even more confused. Not only can the regime be classified along an extensive spectrum that is anchored by liberal democracy on one end and proceeds through different types of partial or diminished democracy before reaching the opposite end of the spectrum that is occupied by non-democracy, but there are different frameworks for understanding Israel from the very start. According to one approach, Israel should be analyzed as a so-called normal state that doesn't differ much from countries elsewhere. Put differently, there is no need for a special framework to analyze Israel, and issues like the place of the Palestinian citizens of Israel in the state can be analyzed from the perspective of general majority–minority relations that can be found across many countries. This approach is common among many Israeli scholars and can be found in journals like *Israel Studies* as well as key publications by political scientists (see, for example, Lijphart 1984; Sprinzak and Diamond 1993). Not surprisingly, this approach tends to view Israel as a democracy. A completely different approach proposes that the colonial/postcolonial framework is a more suitable way of studying Israel and Palestine. Israel should be understood as a settler colonial society (Busbridge 2018), and therefore the Palestinian citizens of Israel should not be analyzed from the perspective of majority–minority relations but as part of an ongoing colonial situation. This approach can be found mainly among Palestinian and Arab scholars (see, e.g., Rouhana and Huneidi 2017) and in journals such as *Settler Colonial Studies* and *Journal of Palestine Studies*. According to this approach, only wide-scale decolonization can transform the Israeli non-democratic apartheid regime into a democracy. These two perspectives differ fundamentally and are subject to methodological and epistemological polemics across various disciplines (see, e.g., Ghanim 2018; Peled 2017; Sternberg 2016; Zureik 2016). Beyond

such debates, however, they don't usually engage with one another as they exist in isolated academic circles.

These opposing perspectives are not just manifestations of a theoretical debate; after all, the classification of the regime has broad political implications. A country's definition as a democracy or non-democracy can have far-reaching effects on its internal and external legitimization. Regime classification has thus evolved into a highly politicized discussion (Munck 2009), and for countries that are neither clearly democratic nor authoritarian, this issue is fiercely contested. Israel's categorization as a democracy could therefore be viewed as promoting the legitimization of its regime; defining it as a non-democracy, on the other hand, may call its legitimacy into question while indicating the need for a radical regime change. Categorization as a democracy is beneficial to many states but for Israel it is especially crucial given its alliance with the United States and its use of "the only democracy in the Middle East" slogan for international legitimization.

This book has chosen to follow insights from previous studies regardless of whether their framework is based on the assumption that Israel is a normal state or a settler colonial society. I have used a tight conceptual discussion following studies from both approaches to provide a comprehensive account of the Israeli case. I do not advance any claims about the legitimacy or illegitimacy of the Israeli regime, preferring to use theoretical lenses for a better understanding of the three overarching questions. Nor do I have any claims about the social groups mentioned in the analysis. For example, Palestinian citizens of Israel, Palestinian subjects, and the Jewish settler movement are all framed as potential challenges to the stability of the Israeli regime in the discussion on state capacity. Combining these three groups is not based on any normative argument about their actions and motivations nor is there any implicit assumption that they should be viewed on a parallel level; they are simply used to emphasize the functions of state capacity.

Outline of the Book

The attempt to answer the question about the classification of the Israeli regime starts with a comprehensive review of previous classifications. Chapter 1 reviews these classifications while focusing on two fundamental questions: the definition of democracy and the

parameters of the unit of analysis. It provides a detailed description of the local dispute among students of Israel and examines the way in which Israel is categorized in cross-national regime indexes. It thus exposes the limits of attempts to classify the Israel regime, arguing that this debate can never be conclusively resolved.

An attempt to bypass the inherent limitations in the debate about classification takes place in Chapters 2 and 3. Chapter 2 maintains that the way in which the concept of democracy is usually employed limits its potential analytical leverage and argues for the need to shift the focus from classification to a multidimensional understanding of democraticness with three proposed dimensions. It demonstrates that the use of disaggregated regime dimensions to classify different types of democracies overcomes the inherent limits of the whole-regime classifications that have been used in former analyses of Israel and other disputed cases. A comparative analysis demonstrates that only regimes whose levels of democracy are not contested can be classified in toto. Chapter 3 moves to the question of the unit borders, arguing for the need for a spatial analysis of the Israeli regime across diverse zones of control. It reviews the answers given to the question of the Israeli regime's borders to date and points to their flaws in analyzing the Israeli regime. The changes that have occurred since the 1990s also challenge clear divisions, especially when distinguishing between control and influence. Rather than examining Israel proper or Israel/Palestine, Chapter 3 proposes three spatial zones: the 1949 borders (1949–2019), Israel and the Occupied Territories from the Jordan River to the Mediterranean Sea (1967–1994), and Israel and parts of the Occupied Territories (1994–2019). Chapter 4 provides a comprehensive description of the regime across the three regime dimensions and zones of control via a short historical overview combined with several indexes that reflect different components of the regime. It shows that in Israel proper the highest levels of democraticness are in political contestation followed by protection, while the levels of coverage are much more limited. The regime in Israel proper is, overall, fairly stable despite some increase in democraticness after state consolidation and some more recent signs of possible decline in protection and coverage. In the Occupied Territories, on the other hand, the levels of democraticness are minimal in the dimension of political contestation and coverage and highly limited in the area of protection. The regime in the Occupied Territories is not as stable as the regime in Israel proper due to changes in the zones of control.

Chapters 1 to 4 are thus the attempts to offer an alternative perspective on the classification and borders of the Israeli regime. This perspective is subsequently used to discuss the key factors which shape the regime in Chapters 5 and 6. Chapter 5 explains the function of the conflict in shaping the regime's democraticness across different dimensions and the ways it influences the regime's zones of control via a review of the main theoretical frameworks for understanding conflicts and regimes. As this specific conflict has external and internal dimensions, I inspect both, before outlining the main elements of the conflict, explaining how these dimensions are interlinked and offering an explanation of how the conflict has shaped the regime. Despite the conflict and the potential for instability, the regime is, by and large, quite stable. Changes in the levels of democraticness have been fairly modest, and the gaps between the different dimensions of democracy are also quite stable; the major change in the regime has been in its zones of control. Chapter 6 outlines state capacity as a possible explanation for this general stability and emphasizes the importance of the state in explaining the regime. After clarifying the concept of state capacity and its relationship with regime stability and reviewing the historical origins of the Israeli state capacity, it discusses the ways that state capacity sustains the regime despite the various challenges. Three such challenges are discussed: the internal aspect of the conflict, the challenge to state authority from political tensions among Jews, and the ways that the zones of control shifted under the limited ability of state capacity to ensure direct control of the entire Occupied Territories. In the conclusion, I highlight the book's contribution to understanding Israel as well as other disputed cases, including a discussion on the implications of the key arguments.