The Democratic Backsliding Debate and the Controversy over Regime Classification in Israel

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ABSTRACT: Using the 2023 controversy over Israel’s judicial overhaul as a case, this article analyzes the broader, decades-long debate about the nature of the Israeli regime. It demonstrates how conflicting assumptions about democracy and the Israeli regime underpin different interpretations of the proposed judicial overhaul. The 2023 debate contraposed majoritarian and liberal orientations, echoing previous understandings of Israel as either a liberal democracy or a diminished type of democracy like ethnic democracy. Despite their differences, both positions in this debate regard Israel as a democracy equivalent to other liberal democracies in the West and neglect the question of the regime’s borders and its implication for the regime’s classification.

KEYWORDS: democratic backsliding, ethnic democracy, Israel, judicial system, liberal democracy

The proposal by the sixth Netanyahu government of a plan to overhaul the Israeli judicial system has led to one of the most intense political disputes in Israel history. The government and its supporters have described the proposed judicial overhaul (PJO) as a set of reforms intended to reclaim democracy from an unelected clique of judges, while its opponents have described it as a coup paving the way to dictatorship. In the months following the introduction of the PJO, many mass demonstrations were held countrywide. One of most prominent themes at these events has been the idea that ‘Israel refuses to be like Hungary or Poland,’ reflecting protesters’ fear of an erosion of democracy similar to that which has occurred in Central and Eastern Europe and indicating the spillover of the democratic
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backsliding framework into the public sphere. This framework, which has recently been proposed to explain changes in various countries, including established Western liberal democracies, focuses global attention on the nature of contemporary democracies. The 2023 confrontation also led to intense public debate over the nature of the Israeli regime—a debate that had already been taking place in scholarly circles for more than three decades.

This article explores how the 2023 controversy over the PJO reflects these broader scholarly debates about the definition of the Israeli regime. It argues that describing the PJO as the first stage in a process of democratic backsliding that threatens to transform Israel from a liberal democracy into a more authoritarian regime overlooks more fundamental questions about the regime’s character prior to the PJO. Conflicting assumptions about the Israeli regime serve as the basis for different interpretations of the PJO, including some that diverge from the democratic backsliding framework. While to some extent specific to Israel, these assumptions reveal a growing understanding in the democratic backsliding literature of the tension between the democratic and liberal aspects of contemporary democracies. In addition to portraying the differences between liberal and majoritarian orientations, this article also examines similarities in the assumptions of both sides of the PJO debate.

The article starts by reviewing the democratic backsliding framework and how it was applied following the introduction of the PJO. This critical review of the 2023 debate over the PJO and assumptions about the Israeli regime is based on the concept of ‘regime imagination.’ Developed by Yaron Ezrahi (2012), this concept holds that political regimes are based on societies’ collective imaginations, which have profound impacts on individuals’ beliefs and actions. The ways in which the different sides of the PJO debate imagine the Israeli regime and their underlying assumptions are at the core of this analysis. Echoing previous discussions of Israel’s regime type, the 2023 debate contraposes majoritarian and liberal imaginations of the Israeli regime. This article demonstrates that, despite their differences, both sides in the current debate regard Israel as a democracy equivalent to other liberal democracies in the West. Both sides also imagine the relevant borders of the regime as ‘Israel proper,’ excluding the Occupied Territories.

The Democratic Backsliding Framework in Israel

In recent years, the concept of democratic backsliding has gained increasing popularity among scholars and in public discourse, reflecting a sense of growing threats to the stability of democratic regimes. The term has
been used to describe cases such as Hungary, Turkey, Venezuela, and even the United States under Trump (Haggard and Kaufman 2021). Democratic backsliding differs from earlier examples of sharp transitions from democratic to authoritarian regimes due to coups as it involves more moderate and incremental change (Levitsky and Ziblatt 2018). David Waldner and Ellen Lust (2018: 95) described it as “incremental within-regime changes . . . In democratic regimes, it is a decline in the quality of democracy.”

Changes within the regime caused by democratic backsliding reflect the fact that democratic institutions are not altered by a clear one-off event. Instead, elected politicians, such as Hungarian Prime Minister Viktor Orbán, use their power to undermine institutions and practices that restrain their power. Erosion of the rule of law by weakening the independence of the courts, restricting civil liberties, and attacking the media are just three examples of democratic backsliding mechanisms that undermine the liberal dimensions of democracy (Levitsky and Ziblatt 2018). At the same time, elected politicians emphasize their roles as representatives of the will of the people in contrast with unelected elites like judges. Illiberal measures are presented not as anti-democratic but as means of restoring democracy to the ‘people’ (Mounk 2018).

Most studies of democratic backsliding have not, thus far, included Israel among the countries analyzed. Cases commonly analyzed in this framework include Poland, Brazil, Hungary, and the United States (e.g., Haggard and Kaufman 2021; Rogenhofer and Panievsky 2020). However, in recent years, studies focusing on Israel have increasingly used the democratic backsliding framework to emphasize challenges to the stability of Israel’s democracy or to make comparisons to other countries (e.g., Gidron 2023; Kremnitzer and Shany 2020; Mordechay and Roznai 2017; Oren and Waxman 2022; Roznai 2018). Such studies are based on the assumption that Israel is a liberal democracy—or at least a democracy—and therefore potentially susceptible to democratic backsliding. They thus identify points of similarity between Israel and countries identified as experiencing backsliding, such as Hungary, Poland, and Turkey, though noting that the Israeli process of decline has been limited in comparison.¹

The democratic backsliding framework, previously confined to academia, spilled over into the Israeli public sphere during the 2019–2022 elections cycles. Public opinion was increasingly concerned with the quality of democracy during elections, and it became the main point of disagreement between the Israeli left and right (Shamir and Rahat 2022). As the centrality of the Israeli-Palestinian conflict weakened in public debate, the question of Israel as a Jewish and democratic state became more salient, thus reflecting an ideological realignment (Talshir 2022). In addition, levels of support for Binyamin Netanyahu in these elections was found to be related to the
The electorate’s degree of concern for democratic values. Liron Lavi, Naama Rivlin-Angert, Clareta Treger, Tamir Sheafer, Israel Waismel-Manor, and Michal Shamir (2022) indicate that voter predilection for Netanyahu correlated with illiberal and authoritarian values even more than it did with party identification. Discourse about democracy featured prominently in the election campaigns. On the one hand, Netanyahu framed himself as representing the people against the elites, who he claimed were using criminal allegations against him in order to subvert the will of the majority. On the other hand, Netanyahu’s opponents described him as a potential Erdoğan and a danger to Israel’s democracy (Bender 2020).

The establishment of the sixth Netanyahu government and the launch of the PJO intensified the use of the democratic backsliding discourse (Gidron 2023). PJO opponents drew comparisons to Poland and especially Hungary. The organization Political Scientists for Israeli Democracy (2023), for example, published a statement portraying the PJO as the first part of the Hungarian Protocol. It outlines a process of democratic backsliding that begins with controlling the judicial system, goes on to erode freedom of expression and other civil rights and liberties, and ends by curtailing the competitiveness of elections. Together, the document claims, these steps would transform Israel’s regime from democracy to authoritarianism. The comparison to Poland and Hungary has also appeared in the discourse of opposition parties and mass demonstrations. Reports of political ties between Israeli right-wing organizations and the Hungarian government have been presented as evidence that the former are attempting to shift Israeli democracy to the Hungarian model (Shavit 2023), and numerous comparisons have been drawn between Netanyahu and other authoritarian populist leaders, not only Orbán.

In contrast, supporters of the PJO reject the democratic backsliding argument and the comparisons to Hungary and Poland. Instead, they assert the need to democratize the judicial system, which they say has long been controlled by elites who do not enjoy popular support. For example, Amir Ohana, the Knesset Speaker, has argued that in 1977 power shifted from the people to unelected elites (Julian 2023) and that the right-wing agenda has never been implemented due to elite control of key state institutions, especially the Supreme Court. The PJO is framed as a counterrevolution of sorts against former Supreme Court President Aharon Barak’s undemocratic constitutional revolution (Taub 2023). The dominance of the right wing enabled Netanyahu’s sixth government to fulfill what it sees as the process of democratization that started as early as 1977 with the right’s rise to power by increasing the representation and control of ‘the people.’ In other words, the central argument of the government and its supporters is that the PJO does not represent democratic backsliding but rather democratic consolidation.
Indeed, in demanding political control over judicial appointments, they reference cases of established Western liberal democracies like New Zealand rather than countries like Hungary (Einhorn 2023).

These rival interpretations are reflected in public opinion, where there is increasing polarization about the future of democracy in Israel. An opinion poll conducted by the Israel Democracy Institute in March 2023 found strong agreement among left-wing and centrist Israelis that the future of democracy is in severe danger, whereas only a minority of right-wing respondents held the same fears (Hermann and Anabi 2023). This polarization is not unique to the question of democratic backsliding as democracy’s polysemous nature is evident in many studies of conceptions of democracy across the globe (Shin 2007). The term ‘democracy’ and its various meanings have been intensively politicized in many countries (Torcal and Magalhães 2022). In Israel, the definition of democracy likewise differs from one political camp to another (Gidron 2023). As a result, different interpretations of the PJO are relatively consistent with different understandings of democracy, which themselves correlate with partisan positions.

**The Proposed Judicial Overhaul and Assumptions about the Israeli Regime**

Both sides of the PJO debate view Israel as a democracy, but some see Israel as a liberal democracy while others see it as some form of illiberal democracy. The basic assumption of PJO opponents is that Israel is a Western liberal democracy guided by constitutional principles that are protected by the Supreme Court. Various statements by the Israeli Law Professors’ Forum for Democracy (ILPFD) offer evidence for this assumption. They refer to judicial review as the guiding principle of Western liberal democracies—a principle that Israel enacted through its 1992 Basic Laws (ILPFD n.d.). Similarly, the Israel Democracy Institute’s point of departure is that, in Israel, unlike in other liberal democracies, there are no institutional constraints on the power of the executive except the Supreme Court (Israel Democracy Institute n.d.). The premise that Israel is a Western liberal democracy is also evident from the countries that PJO opponents use as points of comparison. The ILPFD compares Israel to the United States, the United Kingdom, Ireland, and New Zealand, while the Israel Democracy Institute focuses on the world’s leading democracies (Cohen and Luria 2023; ILPFD n.d.). Likewise, the interpretation of Israel as a liberal democracy relies heavily on the Israeli Declaration of Independence, which featured prominently in the demonstrations and petitions against the PJO (Restart Israel n.d.). In particular, the passage stating that “[t]he State of
Israel . . . will ensure complete equality of social and political rights to all its inhabitants irrespective of religion, race or sex” is taken as both evidence of and justification for the liberal component of the Israeli regime.

Supporters of the PJO do not explicitly present an alternative model for liberal democracy but argue that the power of the people is the only legitimate source of power in the regime (Baratz 2023; Julian 2023). As Yariv Levin stated when he presented the PJO in January 2023: “We go to the polls, vote, elect, and time after time, people we didn’t elect choose for us . . . That is not democracy” (Sharon 2023). While the argument is that power resides in the hands of the majority, in fact PJO supporters view Israel in many ways as a Western liberal democracy and use this classification as part of their justification for the PJO. A comparative study of the selection processes for constitutional court judges conducted by the Kohelet Policy Forum—an organization central in formulating the PJO—was used in the debate over the PJO in the Knesset’s Constitution, Law and Justice Committee. The study examines the leading democracies, particularly in the West, and claims, “[o]nly Israel and five other countries place the power to determine the identity of all or most of the members of the constitutional court in the hands of entities who are not elected public officials” (Cohen et al. 2019: 94). Comparisons to Canada and New Zealand were also used to justify the PJO (Einhorn 2023). Despite these comparisons to liberal democracies, justifications for the PJO are not based on liberal principles but rather on the need to strengthen majority rule or, in the words of a Kohelet Policy Forum position paper entitled “Why Judicial Reform Is Essential,” “restoring majority decision-making to its proper place” (Garber and Shalev 2023). Undermining the liberal components of the regime is seen as essential for majority rule.

Given that majority rule in Israel refers to the Jewish majority, this view can be seen as an attempt to reinforce Jewish dominance in the face of liberalization. Additional support for this interpretation can be found in Garber and Shalev’s (2023) description of the regime prior to the 1990s: “Even prior to the Court declaring a constitutional revolution . . . Israeli democracy had checks and balances, and the Supreme Court knew how to restrain the government and guard human rights. These balances will continue to exist even after the reform.” The claim is, therefore, that strengthening (Jewish) majority rule and restricting the power of the court will bring an end to the 30-year process of liberalization under the court and restore the regime to its proper place.

The main debate over the PJO thus pits majoritarian conceptions of the Israeli regime against liberal conceptions. However, this difference notwithstanding, both sides of the debate assume that the Israeli regime is part of the family of liberal democracies. Neither side refers explicitly...
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to the question of the regime’s borders, and the Occupied Territories are rarely considered part of the regime. These assumptions about the Israeli regime echo broader discussions about its categorization and the different ways in which it is imagined.

The Proposed Judicial Overhaul and Dissimilar Regime Imaginations

The 2023 controversy over the PJO highlights the importance of the concept of “regime imagination.” Ezrahi states that any regime “must be imagined and performed by multiple actors in order to exist” (2012: 1). The imagination of the regime is more important in a democracy than in other regimes because democracies rely on public consent more than force relative to other regimes. The underlying assumption is that political order experiences an ongoing process of becoming and is not a fixed structure. Regime imagination, in the form of fictions, ideas, images, and so forth, is accordingly part of the ongoing dialectical process of establishing the regime. The institutionalized products of a specific regime are a consequence of past imaginations that developed into regime facts. As such, the imagination is an important yet neglected form of power. The obligation of the public to democratic order is not fixed; it reflects ongoing development with increases and decreases in democratic imaginaries that sustain the political order. The ideal form of democracy is only ever partly achieved, and there are periods of widening and narrowing gaps between the actual and the ideal form of the regime.

There is, of course, no one political imaginary but an ongoing contest between alternative imaginaries. Applying his framework to Israel, Ezrahi (2012) demonstrates the dominance of the communitarian political imaginary. The liberal imaginary was developed in the face of this dominance, and its key institution is the Supreme Court, whose influence has increased over time. The liberal imaginary is constrained, according to Ezrahi, by the fact that majoritarian rule and Jewish ethnic solidarity are more dominant. Ezrahi’s analysis focuses on society’s collective perceptions of its regime rather than on scholarly debates. Overall, Jewish society in Israel views the regime as a democracy, despite the differences between liberal and majoritarian orientations. However, the existing scholarly debate over how to classify the Israeli regime calls into question the definition of Israel as a democracy in the first place.

This debate over the appropriate classification of the Israeli regime has yielded several positions. While many regard Israel as a democracy (Dowty 2018) in line with the 2023 V-Dem Democracy Report (Papada et al. 2023),
some have questioned the validity of this classification, suggesting that Israel is an ‘ethnocracy’ (Yiftachel 2006) or an ‘apartheid regime’ (Greenstein 2012). Between the two poles of democracy and non-democracy, others have classified Israel as a type of diminished democracy, calling it an ‘ethnic democracy’ (Smooha 1990) or a ‘hybrid regime’ (Harel-Shalev and Peleg 2014; for a review, see Ariely 2021).

How do analyses of the same case lead to such contradictory classifications and interpretations? There are two answers to this question. First, the way democracy is defined and conceptualized determines how any given regime will be classified. Second, and more specific to the Israeli case, is the question of territorial borders.

Regarding the way the definition of democracy determines regime classification, scholars who adopt a thin definition of democracy tend to classify Israel as a democracy or even a liberal democracy. When thicker definitions are employed, however, Israel’s status as a liberal democracy tends to be called into question, particularly when scholars take the status of the Arab minority into account. For example, Sammy Smooha’s (1990) well-known model of ethnic democracy was based on the idea that ethnic states diverge from the pure model of liberal democracy, which is civic in nature. In ethnic states such as Israel, the quality of democracy is typically much lower than in Western liberal democracies, as the ethnic state does not grant its citizens equal rights and applies the rule of law in an ethnically discriminatory manner in order to deter perceived threats from minorities. Alternatively, Ruth Gavison (1999) replaces the word ‘ethnic’ with the word ‘Jewish’ in order to capture the regime’s obligation to remain a Jewish state and not just a democratic one. Alexander Yakobson and Amnon Rubinstein (2009) sought to demonstrate that, as a Jewish state, Israel is also a liberal democracy. Asserting that their view is not “based on an abstract, radical and rather utopian model of liberal democracy” (2009: 4)—a model whose validity they question—they conclude that Israel meets the same standards as European liberal democracies and is therefore not a diminished type of democracy like an ethnic democracy.

Discussions of whether Israel is a liberal or ethnic democracy predated the development of the democratic backsliding framework and its application to Israel. They focused mainly on ethnic relations between Jews and Arabs in Israel and the implications for equality and the distribution of resources (Dowty 1999; Ghanem and Rubin 2015). Yet these Israel-specific debates nonetheless touched on a problem that is central to the democratic backsliding framework: namely, the tension between democracy and liberalism.

Yascha Mounk (2018) identifies the tension between liberalism and democracy as key to understanding the current existential crisis of liberal
democracy. He argues that a liberal democracy is democratic insofar as it translates popular views into public policy and liberal insofar as it protects rights and ensures the separation of powers. According to Mounk, the close connection between democracy and liberalism has weakened for a variety of reasons, and two new regime types have emerged from this weakening: “undemocratic liberalism” and “illiberal democracies.” In undemocratic liberal regimes, individual rights are protected, but since many decisions are made by unelected elites like judges, citizens have little influence over public policy. Regardless of elections, liberal regimes can be undemocratic “where the political system is so skewed in favor of the elite that elections rarely serve to translate popular views into public policy” (Mounk 2018: 27). Yet, it should be clarified that there is no existing country whose regime can be classified as undemocratic liberalism. Illiberal democracy, on the other hand, is democracy without the protection of rights, which has “evolved in situations where most people favor subordinating independent institutions to the whims of the executive or curtailing the rights of minorities they dislike” (Mounk 2018: 27). According to this view, democratic backsliding is not a conflict between democracy and an alternative ideology that contradicts democracy from the outset but a reflection of the intrinsic tension in the evolution of liberal democracy. Despite this understanding, scholarly work has converged around the liberal conception of democracy, and non-liberal or ‘non-Western’ forms of democracy have been excluded from the analysis of democracy (Wolff 2023).

The tensions between the democratic and liberal aspects identified by Mounk and others (e.g., Mudde 2021) can also be found in the debate about the Israeli regime. Ethnic democracy reflects the control of the Jewish majority over the state while systematically constraining the minority in order to limit its access to genuine political power. In this sense, ethnic democracy is an illiberal democracy that guarantees (Jewish) majority dominance. While supporters of the PJO have not invoked the actual concept of ethnic democracy, they argue that the popular will—in other words, the will of the Jewish majority—is not translated into policy due to the dominance of the Supreme Court. Put differently, they see the Supreme Court as the core mechanism of undemocratic liberalism, which they maintain has controlled public policy since the 1990s by extending interpretations of the Basic Laws to include equality as a constitutional right. This shift toward liberalism is, in their eyes, undemocratic since the Knesset did not authorize such growing intervention of the Supreme Court in political decisions. For supporters of the PJO, the liberalization that followed the so-called constitutional revolution of the 1990s diminished Jewish control of the state and endangered Zionist logic in various domains. For example, they see the seminal Katzir ruling in 2000, which applied the principle of
equality to Israeli land policy and ruled against a preference for Jews, as a case in which liberalization weakened Zionism by jeopardizing Jewish control of the land (Golvonski and Gilboa 2009).

While not expressed explicitly, this model of ethnic democracy is analogous to models of illiberal democracy and to Orbán’s “Christian democracy” model (Tjalve 2021; see also Filc and Pardo 2021). The PJO bears a resemblance to the recent reform of the school civic education curriculum, which was introduced to undermine the previous, more liberal curriculum. The updated curriculum prioritizes the role of the majority over and above the commitment to liberal values and advances an ethno-national model of the nation-state (Pinson and Agbaria 2021). Thus, despite their framing of Israel as a liberal democracy comparable to other Western democracies, the veiled aspiration of supporters of the PJO is to elevate ethnic/illiberal democracy as the model for the Israeli regime.

For opponents of the PJO, on the other hand, liberal democracy is the only viable model of democracy, something reflected in the concept of ‘essential democracy.’ This concept views the essential nature of democracy as the protection of human rights, with elections and popular sovereignty understood as elements of democratic procedure (Barak 2002). Accordingly, Israel became a liberal democracy as a result of the 1990s constitutional revolution, which enabled the Supreme Court to extend judicial review. Only under the leadership of the Supreme Court can the tyranny of the majority that might result from the procedures of democracy be counteracted and the essence of democracy—namely, protection of human rights—maintained (Cohen and Roznai 2021). In this view, while there may be tensions between democracy and liberalism, the liberal aspect is and should be the dominant aspect of a democratic regime. In other words, the substance of democracy transcends mere procedure. The view of the Supreme Court as the gatekeeper of ‘essential democracy’ in the face of popular will is prevalent among legal scholars and in the legal domain (Schvarcz 2017) and became dominant due to the prominence of legal experts and the overall influence of the Supreme Court.²

Incongruities between liberalism and democracy are not exclusive to Israel; indeed, they are an integral part of the democratic backsliding framework. However, in Israel, unlike in many other countries, the question of the territorial borders of the state is central to the definition of the regime. On the one hand, ensuring political control over the Supreme Court is a key interest of the settlers, as it gives them the power to eliminate any constraints on Judaizing land in the Occupied Territories. On the other hand, opponents of the PJO claim that the image of the court as independent is an important defense shield for the acts of the security forces in the Occupied Territories. Even prior to the 2023 PJO, it was clear
that the ongoing process of democratic backsliding would weaken the ability of the Supreme Court and human rights organizations to limit the use of executive power in the Occupied Territories and protect the rights of Palestinians (Oren and Waxman 2022). Yet, the question of the regime’s borders rarely featured in the debate about the PJO. Disregarding the issue of borders is not, of course, exclusive to the PJO debate; it is generally accepted in Jewish-Israeli politics that the occupation is an external project that is effectively separate from the Israeli regime—a separation that is essential for regime legitimization (Azoulay and Ophir 2012).

Nonetheless, the question of regime borders—namely, which territory is included—also determines how Israel is classified. The bulk of the literature has addressed what is termed ‘Israel proper,’ a unit that does not include the Occupied Territories. This approach is also in line with classifications of Israel in cross-national regime indexes. Though less common, an ‘Israel/Palestine’ definition is offered as a critical alternative to the dominant focus on Israel proper (for a review, see Ariely 2021). The location of Israel’s borders defines the unit of analysis, and that definition determines how the regime is classified. In other words, the choice of whether to set the unit of analysis as ‘Israel proper’ or ‘Israel/Palestine’ determines the nature of the regime as either a democracy or a type of non-democracy, respectively. If the borders of the regime are limited to Israel proper, there is a spectrum of regime classification ranging from liberal democracy to various types of diminished democracy. However, when the regime borders are Israel/Palestine, there is no basis for classifying Israel as a democracy, regardless of how democracy is defined, due to the fact that citizenship and political rights are not accorded to approximately half of the residents.

Despite their significance, neither side of the 2023 debate referred to the borders of the regime. For both the liberal and majoritarian camps, regime imagination was limited to Israel proper. Such neglect was evident in the ways that cross-national regime indexes were employed to advance opposing arguments about the PJO. For example, Political Scientists for Israeli Democracy published a study using the V-Dem liberal democracy index to predict that, following the PJO, Israel’s regime rating would shift from ‘liberal democracy’ to ‘electoral democracy’ (Kahn-Nisser 2023). In contrast, one of the few economists to support the PJO used the Freedom House index to claim that the changes would not reduce the Israeli regime’s rating as a democracy (Samkai 2023). Both the V-Dem and Freedom House indexes considered Israel within its formal, legal borders and did not include the Occupied Territories as part of the regime—that is, they limited their assessments, a priori, to Israel proper.

The question of whether the Israeli regime should be limited to Israel proper or include Israel/Palestine reflects different paradigmatic
approaches (Lustick 2019). According to Ian Lustick (2019), there has been a shift from the two-state paradigm to a one-state reality. This shift has been intensified by the Netanyahu government, which by 2023 had ceased even paying lip service to the two-state solution. Despite this ongoing informal annexation, public discourse limits the Israeli regime to Israel proper and ignores the implications of the one-state reality for the classification of the Israeli regime.

While both the supporters and opponents of the PJO have overlooked the issue of the regime’s borders, the question of the proper unit of analysis is relevant to both discussions of regime classification and to the broader scholarly debate over how best to characterize the Israeli state. The latter controversy revolves around whether Israel should be analyzed as a ‘normal’ state or whether a colonial/postcolonial framework is more suitable. Those who define Israel as a ‘normal’ state, who include both supporters and opponents of the PJO, tend, not surprisingly, to view Israel as a democracy. By contrast, those who embrace the colonial framework understand Israel as a non-democratic, settler-colonial society that only wide-scale decolonization can transform into a democracy (Busbridge 2018). These two approaches differ fundamentally and are the subject of methodological and epistemological disputes across various disciplines (see, for example, Peled 2017; Zureik 2016). This critical perspective was neglected in the 2023 PJO debate, suggesting that both sides of the debate view Israel as a country akin to others in the Western world. Such a view is not unique to this particular point in time; rather, public discourse in Israel regularly takes the so-called medinot metukano (proper states)—that is, the Western liberal democracies—as the country’s appropriate model and point of comparison (Troen 2015).

**Conclusion**

The imaginary of Israel as a liberal democracy, illustrated by passages from the Declaration of Independence that assert equality as a core state principle despite its limited institutionalization in practice, has been used to rally citizens against the PJO. Likewise, descriptions of Israel as a ‘Jewish and democratic state’ have been invoked to justify commitments to liberal democracy, though usually by focusing on the ‘democratic’ component and downplaying the ‘Jewish’ one. This reflects a regime imagination that considers only some of the defining features of the regime to the exclusion of others.

In contrast, the views of the supporters of the PJO are based on an imagined pre-1990s illiberal/ethnic democracy that functioned coherently
to ensure Jewish control. However, despite these differences, the opposing sides of the 2023 divide imagine Israel as a democracy and a ‘normal’ country like the liberal democracies of the West. Israel is one of the *medinot metukanot*, and the institutional configuration of its judicial system should follow such models. The intensive scholarly debate about the character of Israel’s regime that has developed over the last 30 years has been overlooked by both sides. Their articulation of the regime imagines its borders as encompassing only Israel proper and excluding the Occupied Territories. The question of the genuine borders of the regime and the ongoing development of what Lustick (2019) described as the ‘one-state reality’ is beyond the imagination of both sides.

Public discourse has described the extreme polarization of the 2023 confrontation as a genuine danger to Israel’s stability and national security. Yet, despite the difference between majoritarian and liberal orientations, it seems that there is, to some extent, an imagination of the regime that is shared by both sides. Beyond academic debate about the nature of Israel, these conflicting and shared imaginaries possess the mobilizing force to shape Israel’s regime in the future.

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**NOTES**

1. Others, however, contend that warnings about democratic backsliding are politically motivated (Cohen 2018; Orkibi 2022). They claim that the Israeli left has transformed its identity from ‘the peace camp’ into ‘the democratic camp,’ and that its ‘democracy in danger’ discourse has nothing to do with democratic backsliding but merely reflects the political agenda of the left and elites in the face of the growing power of the right.
2. For an in-depth social and economic analysis of the debate as reflecting a crisis of hegemony, see Filc and Avigur-Eshel (2023).
REFERENCES


Golvonski, Joel, and Ariel Gilboa. 2009. “Saving the Blue Box.” [In Hebrew.] *Techlet* 35: 56–75.


Samkai, Amatzia. 2023. “The Chief Economist’s House of Cards.” [In Hebrew.] *Mida*, 3 March. https://mida.org.il/2023/03/22/%d7%9e%d7%92%d7%93%d7%9c%d7%94%d7%9d-%d7%a9%d7%9c-%d7%94%d7%9b%d7%9c%d7%9a-%d7%99%d7%9d-%d7%9a%d7%9d-%d7%99%d7%9d/.


Taub, Gadi. 2023. “Levin’s Plan for Saving Democracy.” [In Hebrew.] Mida, 6 January. https://mida.org.il/2023/01/06/%D7%AA%D7%95%D7%9B%D7%A0%D7%99%D7%AA-%D7%9C%D7%95%D7%99%D7%9F-%D7%9C%D7%94%D7%A6%D7%9C%D7%AA-%D7%94%D7%93%D7%9E%D7%95%D7%A7%D7%A8%D7%98%D7%99%D7%94.


