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# Ethnic Democracy, Deterrence and the Monadic Democratic Peace Model in Israel's Policy towards the Palestinians

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### ABSTRACT

*This article examines whether monadic democratic peace theory (MDPT) (a subset of democratic peace theory (DPT)) applies to Israel's policy towards the Palestinians. MDPT assumes that democracies are less likely than non-democracies to initiate war or escalate military threats, and that democracies are more likely to follow the prescriptions of international law, regardless of whether their rival is a democracy. Further, obeying international law provides stability and predictability in a democracy's foreign relations with its neighbors. The article examines both the issues of ethnic democracy and deterrence, which lead to behavior in Israel's foreign policy that is in contradistinction to MDPT. Israel, as an ethnic democracy, seeks to privilege and serve the interests of Jews at the expense of Palestinians in the West Bank. Ethnic democracy is a democracy that fully applies democratic processes of free and fair elections. However, the governing coalition is run by nationalist political parties that seek to privilege their ethnic group and are ready to violate international law in order to serve the interests of that group. Another explanation for Israel's military overreaction is based on the deterrence conception. In light of MDPT, the article scrutinizes Israel's policy of violating international (humanitarian) law, its pre 7/10 blockade of the Gaza Strip, Israel's reaction (jus in bello or law in war) to Hamas's 7/10 attack and whether Israel's actions/response are compatible or not with the assumptions of MDPT.*

## **Introduction**

Scholars of DPT assert that when a dispute erupts between two democracies, democratic dyads tend to choose diplomatic processes of conflict resolution and peaceful settlement over other state dyads (Russett et al., 1995, p. 166). These scholars assume that conflicts between democratic dyads are tractable and can be resolved through international law and/or diplomatic arbitration. Scholars of DPT examine mainly militarized conflicts, given that democracies often impose economic sanctions on other democracies despite the availability of peaceful conflict-resolution mechanisms (Chingono, 2009, p. 64). Other scholars of this theory go one step further and assert that democracies in general abide by international law in their foreign relations more than non-democracies, regardless of whether their rival is a democratic or non-democratic state. Further, MDPT holds that democracies are less likely to start a war or escalate military threats than non-democracies, and thus more likely to follow the prescriptions of international law in their relations with neighbors. In this sense, a democracy is less likely to violate international law in its foreign relations, regardless of whether its rival is a democracy or not (Quackenbush & Rudy, 2009, p. 270).

Further, applying the rules of international law stabilizes relations between a democracy and its neighbors and equips the latter to predict the behavior of their neighboring democracy. Such an application of international law should not be seen as a weakness for democracy, given that democracies usually preside over strong economies and militaries. This article contends, however, that a democracy engaged in a protracted conflict would be compelled to maintain deterrence by inflicting severe consequences on its rivals (Bar-Joseph, 2012, p. 95; Bar, 2020, p. 330); thus such a democracy would pursue a policy that stands in contradiction to MDPT, given that inflicting severe, disproportionate consequences on rival states contravenes the principle of proportionality in international law. This article also seeks to answer the question of whether Israel's violations of international law originate from its desire to maintain deterrence (Bar-Joseph, 1998, p. 146) or from its ethnic-democratic roots (Rouhana & Huneidi, 2017, p. 8). The two issues of ethnic democracy and deterrence are not mutually exclusive. The connection between them could vary over time, but both are inconsistent with the assumptions of MDPT. Ethnic democracy, by definition, exists in a state associated with a dominant ethnic group (the majority) that perceives its role as serving and facilitating exclusively the interests of this group, while the state deliberately discriminates against its minorities (Shafir & Peled, 1998, p. 410; Yiftachel, 1992, p. 126). In this sense, the concept of ethnic democracy refers to a political system in which democratic principles, such as political participation, civil rights, and political equality,

coexist with ethnic domination or preferential treatment of a particular ethnic group, often at the expense of others (Peleg, 2001, p. 305).

Notwithstanding, scholars of DPT and MDPT do not address the situation of a protracted religious conflict that renders it inexorably intractable. They also ignore situations in which democratic procedures complicate, rather than render tractable, conflict resolution. For instance, an illiberal constituency within an ethnic democracy that shares a common ideology and religious messianic beliefs would vote for an illiberal party that would enact laws or implement policies that might violate international law to privilege its constituency. Such an illiberal constituency could be a community of believers who regard their holy territory as one that was given to them by God. Consequently, they develop the belief that their government lacks the legitimacy to negotiate the future of such holy territory. Such a constituency of believers may think that God's order overrides any resolution taken by their own parliament (Zertal & Eldar, 2007, p. 21). The chain of events that led to the assassination of PM Yitzhak Rabin in 1995 reflects this controversy. Rabin was accused of defying the word of God by deciding to withdraw from territories that conservative Jews regard as territories bestowed on them exclusively by God (Sprinzak, 1999, p. 10; Raviv et al., 1998, p. 258). Under these circumstances, the Israeli right-wing parties were unwilling to contemplate any proposal that entailed any withdrawal from any part of what they consider the Land of Israel (Persico, 2017, p. 106).

Further, scholars of MDPT overlook the case of an ethnic democracy that does not maintain a separation between religion and state and/or one that is run by illiberal parties that seek to privilege a majority ethnic group over other minority groups, regardless of whether the latter happen to be citizens of the state or under its occupation (Ghanem et al., 1998, p. 255; Rouhana & Huneidi, 2017, p. 10; Smooha, 1997, p. 201). This article analyzes the issue of ethnic democracy in Israel as a bottom-up approach, where the Jewish majority elects ethnic political parties that would privilege the Jewish majority over Israel's Arab citizens, as well as the Palestinians beyond the Green Line. Thus, the ethnic mentality in this case is not a property of the state but a bottom-up factor driven by society. The first question in this regard is whether the assumptions of DPT/MDPT apply to an ethnic democracy that merely maintains democratic processes of free and fair elections. At the same time, the state as a whole lacks democratic and liberal substance. The second question is whether Israel's policies that are inconsistent with the MDPT assumptions originate from within (its ethnic-democratic roots) and/or from without (the imperative to seek deterrence). Third, DPT scholars refer to all conflicts that involve at least one democracy but do not address the attributes of the conflict or whether a religious conflict over holy sites can be settled peacefully, as with any other territorial dispute. Thus, DPT rarely refers

to the question of whether a religious dispute over holy sites renders a conflict utterly intractable.

Scholars of DPT, however, attribute the inapplicability of democratic peace principles to the Middle East to the failure of Muslim nations to democratize, arguing that DPT applies only to a dyad of democratic countries (Halabi, 2016b, p. 6). By the same token, DPT scholars who examined the Arab-Israeli conflict claim that Israel is no anomaly to DPT, given the assumption that democracies are no less war-prone than non-democracies (Ezrahi, 1997, p. 11; Gowa, 2011, p. 32). In this regard, DPT could be applied in the Middle East only if Israel's Arab neighbors embrace democracy. Nonetheless, this assumption that Israel is not exceptional to DPT is based on factors that are external to Israel, namely the type of regime in the Muslim countries of the Middle East, but is not founded on domestic attributes of Israel.

This article examines MDPT in the case of Israel, which has three attributes: an ethnic democracy, a state whose strategic military conception is based on deterrence, and a state that is engaged in a religious war. Based on the ethnic-democratic nature of Israel, any Israeli policy that violates international law is based on an optional, inside-out policy. Deterrence, however, contains neo-realist strategic elements of outside-in factors (Waltz, 1996, p. 51), where the state has no choice but to seek deterrence, given that religious conflicts are intractable. The article scrutinizes the nature and structure of the Israeli democracy, its relativist, religion-driven foreign policy that renders Israel as an ethnic democracy, the domestic-democratic peace index within Israel (especially following the enactment in 2018 of the Basic Law: Israel As the Nation State of the Jewish People), the attempt to overhaul the Israeli judiciary system, its deterrence policy (Bar-Joseph, 1998, p. 155) and the impact of each of these factors on rendering the Israeli-Palestinian conflict intractable. The article applies the case-study method, scrutinizing Israel's policy towards the Palestinians to determine whether it is compatible with the principles of MDPT.

In the following sections, the article examines the religious nature of the Israeli-Palestinian conflict, a literature review of DPT and MDPT, the ethno-democratic attributes of Israel and its policies that render the conflict incompatible with MDPT. The last section analyzes the policy of deterrence in the context of MDPT.

### **The Religious Nature of the Israeli-Palestinian Conflict and MDPT**

Since the 1967 War, the Israeli-Palestinian conflict has involved a dispute over holy sites in East Jerusalem and the West Bank, where neither side (Israel nor Palestine) has expressed any intention of giving up claims, as each side demands full sovereignty over these sites, such as Al-Aqsa/Temple Mount. These demands have turned the conflict into a zero-sum game.

Likewise, Israel is unwilling to divide its capital by giving up its sovereignty over East Jerusalem. At the same time, the Palestinians are unwilling to relinquish their demand for sovereignty over East Jerusalem in general, and the al-Aqsa Mosque in particular. Further, the Palestinians assert that these territories are regarded by international law as occupied ones, and any annexation of these territories would be considered illegitimate under international law. This dispute over East Jerusalem derailed the peace negotiations between Israel and the Palestinian Authority in 2000 and brought the entire negotiations, conducted under US mediation, to a stalemate (Aronoff, 2009, p. 146; Farouk-Alli, 2007, p. 11; Peters, 2013, p. 28). In addition to the stalemate over East Jerusalem, the difficulties of dismantling Israeli settlements in the West Bank and drawing the borders of a future Palestinian state made the conflict intractable, given that neither side was ready to give up control over either East Jerusalem or the West Bank (Cohen-Almagor, 2012, p. 566).

This article claims that although the bulk of Israeli-Jewish society regards itself as secular, as a whole, the Jewish identity has remained the core pillar of their identity. This common Jewish identity is the bedrock of the ethnic democracy that emerged in Israel. At the same time, the bulk of Israeli-Jewish society votes for secular center-right parties that oppose the two-state solution or support the continuation of building settlements beyond the Green Line. In other words, the mass (the infrastructure), bottom-up social consensus around the centrality of the Jewish identity is the sole factor that is responsible for the consolidation of Israel as an ethnic democracy (the superstructure).

Likewise, the Jewish religious parties and communities, including the vocal national religious parties, such as the Kahanist party named Religious Zionism (HaTzionut HaDatit), heed the word of God above any resolution enacted by the Israeli Knesset. Moreover, the democratic structure of Israel and the system of proportional representation with a threshold of 3.25 percent of the votes allows small parties to occupy at least four seats of the total Knesset's 120 seats, a thing that oftentimes turns these small parties into veto players in the Israeli political arena (Halabi, 2016a, p. 141). These small parties, such as the national Jewish religious and the ultraorthodox Jewish religious parties, have utilized their electoral power for the sake of realizing the interests of their constituency, such as building settlements in the West Bank. Finally, the Netanyahu government orchestrated an overhaul of the judiciary to shift the balance of power between the executive and the judiciary in favor of the former. Once the overhaul is completed, the government will be able to override Supreme Court decisions on its settlement policy in the Occupied Territories and nominate future like-minded judges who would legitimize its policy on this issue (Oren, 2023, p. 3).

## **Literature Review**

Structural and normative elements of democracy explain the phenomenon of democratic peace. First, at the structural level, the separation of powers between the three branches of the state (the executive, legislature and judiciary) creates checks and balances and holds leaders accountable to public scrutiny. The structure of democracy results in a diffused decision-making process, namely one that is not concentrated in the hands of a single person. Thus, the slow decision-making process allows policymakers in democratic states to reach peaceful resolutions to conflicts among them. Second, DPT stresses the normative aspects of democratic societies, claiming that the acceptance of and respect for the rights of another democratic nation transcend tensions between them, allowing them to comprehend the other side's concerns, reach a compromise, and settle the conflict peacefully. DPT asserts that it requires a pair of democracies to engage in a tango of democratic peace, as democracies seldom fight each other.

The structuralist and procedural approaches to democracy examine the impact of democratic structures on decision-making in foreign policy. It tends to analyze the structure of a democracy, the process of holding regular elections and the smooth transition of power following elections. Further, a regime is considered democratic when it meets the structural conditions of free and fair elections, the separation of powers between the three branches of the state, which should result in the division and diffusion of authority, and the maintenance of checks and balances between the three branches. This separation of powers diffuses authority among the three state branches, slows the decision-making process, and facilitates dispute settlement with other democracies. Once these features are in place, a regime is considered a democracy and is automatically amenable to democratic peace with another democracy that meets the same structural criteria.

The second, so-called normative approach, tends to highlight a democracy's civic culture. This approach shifts the emphasis to society, policymakers, and individual citizens rather than to the regime's political and procedural structures. This approach scrutinizes the existence of a democratic, civic culture and its impact on foreign policy. It implies a broad convention within society on political rights, equality of every citizen before the law, respect for the rights of minority groups, tolerance, openness, participation, and a sense of civic responsibility. Further, a civic democracy automatically meets the criteria of a structural, procedural democracy. However, there is no indication of the reverse, where a structural, procedural democracy meets the criteria of a normative, civic culture. While Israel meets the criteria of the structuralist approach, it is doubtful whether it meets the criteria for a normative, civic culture of democracy (Peled & Navot, 2005, p. 5).

Given these mixed findings, Israel is not perceived to be an outlier to DPT, given the fact that it never fought a war against another democracy. According to Maoz and Abdolali, Israel is also no anomaly to MDPT, given that in their words “it is possible democracies are not less war prone than autocracies once they enter into militarized confrontations, but that the former are unlikely to enter into such confrontations in the first place” (Maoz & Abdolali, 1989, p. 5). The questions that this article deals with are, first, whether religious conflict renders a conflict intractable. Second, whether DPT or MDPT applies to an ethnic democracy that does not abide by international law, especially when the ethnic majority's interests clash with international law's prescriptions, and third, whether the desire of a democracy to maintain deterrence renders the applicability of MDPT in this case far-fetched, here, the involvement of one democracy in a protracted conflict might lead to a different outcome, given that democracies tend to be more developed and tend to enjoy higher economic growth than non-democracies, consequently a democracy in such conflict tends to use its power to impose its will over its rival and as a result, to control the outcome (De Mesquita et al., 1999, p. 794).

Moreover, DPT refers mainly to secular democracies that deliberately maintain a separation between religion and state. The success of democratic peace among Western European and North American states is due, among other things, to the separation between religion and politics in these states and the absence of religious strife over holy sites. By the same token, DPT does not refer to a situation where a democracy deliberately maintains a marriage between religion and politics. Israel is regarded as an ethnic democracy, given that it declares itself as a Jewish state and has enacted laws, such as the Nation-State Law in 2018, that privilege Jews over other religious minorities within Israel as well as over Palestinians in the occupied territories (Jabareen & Bishara, 2019, p. 46).

Furthermore, regardless of whether the Palestinians had a democratic regime or not, the Oslo Accords almost resulted in a civil war in Israel that culminated in the assassination of PM Yitzhak Rabin, simply because the conservative, right-wing constituency and parties in Israel asserted then that the government had no mandate to withdraw from territories that God had designated for and bestowed on the Jewish people. In this regard, religious conflict obstructs reaching a compromise.

### **Israel as an Ethnic Democracy and Democratic Peace**

Israel is defined as an ethnic democracy because Israel's political system combines an ethnic dominance of the Jewish majority with the full application of democratic processes and the

granting of political and civil rights to all Israeli citizens. Nevertheless, the government is run by illiberal, democratically elected parties that privilege the ethnic majority over its minorities and exclude the latter from any coalition. Both the Jewish dominant majority and the Arab minority are formally able to participate in the political process. However, the symbols of the state reflect the Jewish heritage and state institutions are guided by serving Jewish interests, while discriminating against Arabs in terms of the distribution of resources and enforcement of rights (Rouhana & Huneidi, 2017, p. 8).

In July 2018, the Knesset approved the highly debated Basic Law: Israel as the Nation-State of the Jewish People (hereafter: The Nation-State Law), which affirmed Israel as an ethnic-Jewish state (Knesset of Israel, 2018, p. 2). The law defines Israel as the Nation State of the Jewish People. It also refers to the Land of Israel (rather than the state of Israel). It can be interpreted as the land extending from the Mediterranean Sea to the Jordan River, thus including not only the pre-1967 territory but also the post-1967 occupied territories under Israeli domination. The law not only privileges Jews over non-Jews within the state of Israel, but it also refers to the occupied territories as an integral part of the state of Israel. The law does not distinguish between the territory under full Israeli sovereignty within the Green Line and territories under Israeli occupation beyond the Green Line. In this regard, Israel places its domestic law above international law. In other words, the state sets boundaries for the Israeli Supreme Court to privilege Israeli domestic law over international law regarding settlement construction in the occupied territories. In short, Israel enacted this law in order to allow its Supreme Court to override international law (Jabareen & Bishara, 2019, p. 48).

The law cemented Israel as the homeland of the Jewish people, as it includes several clauses that eliminate any remaining prospects for peace with the Palestinians (Jabareen & Bishara, 2019, p. 50). These clauses include the following:

- The Land of Israel is the historical homeland of the Jewish people, where the State of Israel was established.
- The state of Israel is the nation-state of the Jewish people, in which it realizes its natural, cultural, religious and historical right to self-determination.
- The realization of the right to national self-determination in the state of Israel is exclusive to the Jewish People.
- The complete and united Jerusalem is the capital of Israel.
- The state views the development of Jewish settlement as a national value, and shall act to encourage and promote its establishment and consolidation.

Given that the law stipulates that Israel is the nation-state of the Jewish people and that this right is exclusive to the Jewish people, regardless of whether these people are Israeli citizens or not, then Israel explicitly privileges Jews over its non-Jewish citizens (Zeedan, 2020, p. 155). Based on this law, the land of Israel extends from the Mediterranean Sea to the Jordan River, including the West Bank (Judea and Samaria). Under this definition, Israel perceives the right of the Jewish people to build settlements in any part of the occupied West Bank. Further, the law stipulates that Jerusalem should remain complete and unified under Israeli sovereignty; thus, Israel is unwilling to negotiate any compromise with the Palestinians over East Jerusalem. While the Israeli Knesset has the authority to enact such a law, the law remains incompatible with international law, which prohibits the building of settlements by the occupying power in an occupied land. International law also forbids annexing an occupied land, while Israel annexed both East Jerusalem and the Golan Heights. Needless to say, appeals against the law were dismissed by the Israeli Supreme Court (Jabareen & Bishara, 2019, p. 47).

Moreover, Israel, as the Occupying Power in the West Bank and Gaza Strip, has recognized the validity of the Fourth Geneva Convention in these occupied territories (Kretzmer, 2005, p. 88). The authority of the Israeli Supreme Court to issue verdicts on the soil of the occupied territories implies that the Court's orders encompass reviewing the legality of acts and policies of the executive branch and its subordinate organs, such as the IDF. Israel has adopted an exclusive model, under which customary international law is enforced by the state only if it is compatible with domestic legislation. In the event of an apparent discrepancy between such legislation and international law, the former prevails. Israel built settlements and transferred its population to these settlements in violation of the Fourth Geneva Convention, which clearly prohibits such practices. The Israeli Supreme Court merely applied international law regarding the confiscation of private land from Palestinians for the sake of building settlements (Kretzmer & Kassim, 2002). In these cases, the Court stipulated that the government must demonstrate that building a new settlement on private Palestinian land can be justified by its strategic location, which enhances the state's security needs. Otherwise, the appropriation of private land would be seen as unlawful. The Israeli Supreme Court legalized Israeli settlements located on public land. It also determined that the transfer of Israeli civilians into the occupied territory does not fall under customary law that is accepted and enforced by the Court (Harpaz & Shany, 2010, p. 515).

Furthermore, Israel has a proportional democratic system with a threshold of 3.25 percent of the total valid votes, meaning that any party that passes this threshold can win at least 4 of the 120 seats in the Knesset. Given that no party has ever won a majority of seats in the Knesset and that a minority government cannot function in Israel, political parties enter into negotiations

and form coalition governments that must include at least 61 MKs. The proportional representation system in Israel, combined with the formation of coalition governments with absolute majorities, makes small parties veto players. For instance, the current 25<sup>th</sup> Knesset includes six religious parties. These parties run in the elections on a platform of expanding Jewish settlements in Judea and Samaria, and all of them, including the secular Likud Party, oppose the creation of a Palestinian state in the West Bank. The platform of the Religious Zionist Party includes the following principles that guide this party and leave no doubt about the steadfast and unyielding objection of this party to the formula of peace in return for land with the Palestinian Authority:

“The Religious Zionist Party believes in Zionism, Jewish nationalism, the unity and integrity of the Jewish people and the Land of Israel, and the importance of an authentic and unapologetic connection to Jewish heritage and history.

Settlement and Sovereignty: The Galil, the Negev, and Judea and Samaria Background: Establishing settlements and communities throughout the entire land has always anchored our presence in the Land of Israel and served as a mainstay of the Jewish people's connection to its ancestral land.” (Religious-Zionist-Party, 2023, p. 1).

Furthermore, given the complexity of Israeli politics, where Rabbinical movements seek to subordinate the state to serve their interests of using the IDF to seize Palestinian land and of building settlements in the name of religious ideology and security interests, and given the lack of equal civil rights, Baruch Kimmerling doubts whether Israel overall meets the criteria of being defined as a democracy:

"In order to classify any regime as 'democratic,' at least four necessary (but not sufficient) conditions must persist. These necessary conditions seem to include the following. First, periodic and free elections include the possibility of changing the ruling political elites or parties. Second, sovereignty of the people is exercised through a legislative system constructed by parliament, according to which the judicial system operates. The state cannot compel independent or parallel legislation or a judicial system. Third, equal and inclusive citizenship and civil rights. Fourth, universal suffrage, where every vote is equal. Given the nature of the Israeli “reality” described in this essay, it is easy to conclude that only one of the four necessary conditions for considering Israel a democracy is present" (Kimmerling, 1999, p. 339).

Piki Ish-Shalom contends that Israel used the public convention around DPT and transformed the theory into a discourse that is used to construct a reality that fits its needs, and by the same token, to obstruct efforts to reach a peace deal with the Palestinians (Ish-Shalom, 2006, p. 566). In this sense, Israel claimed that peace exists between democracies, where democracies do not fight each other. Thus, as long as the Palestinian Authority cannot be regarded as democratic, then Israel should not withdraw from the occupied territories, because such a withdrawal would lead to more bloodshed rather than peace. According to Ish-Shalom, the right-wing Israeli politicians, mainly Benjamin Netanyahu and Nathan Sharansky, resorted to DPT in order to obstruct peace with the Palestinians. In the words of Ish-Shalom:

"The best approach is to call on the Palestinian Authority (PA) to democratize. This call means suspending the peace process until the Palestinians democratize, which buys more time to transform reality, i.e. build more settlements. However, there is a second message as well. If all that is needed are a few rather easy structural reforms, then if the Palestinians fail to achieve this, it means that they do not really want peace or democracy. In turn, the identity claim of 'we' against 'them' is strengthened still further" (Ish-Shalom, 2006, p. 583).

Likewise, democracies usually apply a separation of powers among the state's three branches: executive, legislative, and judicial. To limit the authority of the Israeli Supreme Court to apply international law regarding the government's settlement policy in the West Bank, the right-wing coalition government led by Netanyahu has sought since early 2023 to enact judicial reforms that include, among other things, the "override clause". The Likud-led right-wing coalition formed after the November 2022 elections sought to implement judicial reforms that would allow the Knesset to override objections from the Israeli Supreme Court that might otherwise nullify laws enacted by the Knesset. Under the new proposal, the Knesset could override, by a simple majority of 61 MKs, a Supreme Court decision that previously annulled a Knesset-enacted law. In this regard, the Religious Zionist Party seeks to nominate Supreme Court judges who share its ideology and agenda (Kretzmer, 2023, p. 400; Kretzmer & Ronen, 2021, p. 26).

As a result of the attempt to overhaul the judiciary system, Israel's Democracy Ranking slipped during the last years from 7.97 in 2021, to 7.93 in 2022, and to 7.80 in 2023 (Economist Intelligence Unit Limited, 2023, p. 8), and its ranking dropped by six places from the rank of 23 in 2021 to 29 in 2022 to 30 in 2023. Israel's score on the Political Culture and Civil Liberties index was 6.88 in 2021 and 5.88 in 2022, out of 10. This low level is because Israel excludes

representatives of the Arab parties from participating in any government coalition, and Israel has systematically discriminated against its Arab citizens in various civil and political aspects (Jabareen, 2002, p. 200; Yiftachel, 1999, p. 367). Instead, the coalition is comprised of Jewish ministers, who privilege the interests of Jews over Israel's Arab citizens. The Economist's Report wrote the following regarding Israel:

"The formation in December of a government led by the conservative, right-wing Likud party and including several far-right, ethno-religious nationalist parties has put an end to this level of representation for the country's Arab community. There are also concerns that the new government may try to pass a law giving the Knesset (parliament) power to override the Supreme Court, which would undermine the separation of powers and possibly imperil civil liberties in the future" (Economist Intelligence Unit Limited, 2023, p. 63).

In summary, all of these laws intend to fortify the ethnic nature of Israel as a Jewish state that seeks to privilege Jews over all others (Israel's Arabs and Palestinians). Further, domestic democratic peace theory (DDPT) examines whether the pacifying effects of democracy extend beyond the interstate sphere to intrastate contexts (Abulof & Goldman, 2016, p. 73). DDPT imports insights from interstate models into the domestic arena, claiming that the "democratic civil peace thesis, reflecting dyadic and monadic rationales, postulates that democracies are much less inclined to descend into civil war" (Abulof & Goldman, 2016, p. 74).

While it is true that the democratic institutions have regulated conflicts inside Israel and allowed peaceful resolutions of disputes, many of Israel's Arab citizens believe that these democratic mechanisms resulted in policies that kept them underprivileged and unsatisfied. Further, these mechanisms and apparatuses were neglected and ignored in intra-Arab violence. Based on this theory, nationalism and nationalist movements may not only induce civil war but also embroil their state in a war against a neighboring country, in which case democracy can neutralize these nationalist forces and thus prevent their negative influence on the state's overall foreign policy.

## **Deterrence**

Israeli scholars distinguish between various types of deterrence applied in Israel's security doctrine. Israel's deterrence policy is applied at the individual level (detering Palestinian fighters

who seek to carry out attacks against Israeli civilian or military targets) and at the organization level, namely deterrence of non-state actors or paramilitary groups ( Hamas, Islamic Jihad or Fatah) in addition to the deterrence of state actors. Deterrence means the projection of power by sending a clear and unequivocal message to the object of deterrence that any surprise attack against the deterring state would be met with a fierce response that would inflict damage on the object of deterrence that is disproportional to the damage caused by the latter (Lupovici, 2024, p. 66).

Some Israeli scholars portray Israel as a status quo state that cultivates deterrence mainly in order to maintain the status quo. In the words of an Israeli scholar, Uri Bar-Joseph: "Indeed, being a political and territorial status quo power for over fifty years, yet having been involved in six major clashes with its Arab neighbors (1948, 1956, 1967, 1969-70, 1973, and 1982) as well as countless low-intensity conflict incidents, Israel has become a prime example of an actor which attempts (and often fails) to maintain the status quo ..." (Bar-Joseph, 1998, p. 145).

Nevertheless, Israel's policy of building settlements, evacuating Palestinians from their homes, confiscating their land and declaring publicly that Israel opposes the creation of a Palestinian state shows that Israel is far from being a status quo state. Israel has, in fact, tried to normalize the occupation and settlement building and to force the Palestinians to acquiesce to it unwillingly. The Palestinians, however, are unwilling to accept the occupation that deprives them of their dream of establishing their own sovereign state within the occupied territories. Israel, in other words, has strived to alter the status quo and fasten its grip over the occupied territories, which stimulated Palestinian resistance to its moves. Thus, Israel has not merely endeavored to maintain the status quo, but also to deter Palestinians from opposing its policies of encroaching on their land through fear and severe personal and collective punishments. Israel has employed these policies of fear/punishment/deterrence at the individual and collective social levels as well as at the paramilitary movements level (Weinthal & Sowers, 2019, p. 326).

Another related issue is the identity of the actors. Israel has treated any agency (person, organization, or state) that resists its occupation/settlement policy as a terrorist agency, while it perceives itself as a lawful, democratic country. The resistance agencies treated Israel as an apartheid state that violates international law daily, while enacting domestic laws that legitimize, in its own eyes, its policies. This mutual perception of delegitimizing and demonizing the Other rendered attacking the Other and inflicting harm on it imperative, given that each side believed the other understood only the language of force. Under these conditions, Israel's deterrence policy was doomed to fail, simply because its policy sought to remove the Palestinian problem from the international agenda altogether. Under these conditions, the Palestinians have had no choice but

to resist. However, while the Palestinians kept resisting the occupation, Israel kept raising the price of their resistance by inflicting more damage on them. At this stage, Hamas understood, especially following the Goldstone Report, that the more damage Israel inflicted on the Palestinians, the more the international community would delegitimize it (Hillman & Potrafke, 2015, p. 248; United Nations Human Rights Council [UNHRC], 2009, p. 13). Hence, Hamas was willing to pay a high price in terms of civilian and military casualties, as long as its leadership remained intact and the organization as a whole survived. Hamas also understood that up until 7 October 2023, Israel had no interest in the total elimination of Hamas. Within this vicious circle of Israel's persistence in building settlements, the Palestinian paramilitary organizations reacted by escalating their resistance. At the same time, Israel had to employ more force in order to restore deterrence. However, the lack of a peaceful settlement on the horizon prompted Palestinian organizations to escalate their resistance (Hitman & Kertcher, 2023, p. 142).

At the individual level, Israel employs its army, the IDF, and the intelligence agency (Shin Bet) to deter any Palestinian from attacking Israeli targets. The IDF and the Shin Bet seek to deter Palestinians by making sure to capture each Palestinian who attacks Israelis, thus sending a message to the Palestinians that whoever carries out an attack will be caught either alive or dead. In addition, Israel demolishes the houses of perpetrators and consequently leaves his/her family homeless and destitute. Thus, Israel imposes collective punishment on the entire family of a perpetrator. At the social/collective level, Israel sought to deprive Palestinians of work permits inside Israel for prolonged periods of time, it imposed curfews, it installed road barriers for extended periods of time, thereby forcing Palestinians to seek alternative, longer roads for travelling, and it destroyed the infrastructure by plowing entire streets within Palestinian villages/towns, among other means.

All of these actions raise the anger of Palestinians, while it is possible that this policy also deterred many of them. In addition, Israel deters Palestinians by imposing severe prison sentences for minor affairs such as throwing stones. These punishments, which are also imposed on Palestinian minors, seem to the entire Palestinian society to be unlawful, especially in comparison to the mild sentences, if any, Israel imposes on Jewish offenders. The Israeli Institute of Security Studies (INSS) reported 1407 violent incidents perpetrated by Jewish settlers between October 2023 and August 2024. However, while the INSS calls these incidents "settler violence," attacks by Palestinians are designated as terrorist attacks (The Institute for National Security Studies [INSS], 2024, p. 1). All of this is meant to instill fear among Palestinians, who seek to resist the Israeli occupation, the confiscation of land and the building of settlements. Under these circumstances, where Israel violates international law by building new settlements in the West

Bank and imposing a siege/blockade over the Gaza Strip, the IDF has become the servant of the Zionist-religious agenda of settling the West Bank with Jews. The IDF has had to employ severe means of fear and punishment in order to deter the Palestinians at the personal, social and organizational levels.

Deterring a paramilitary organization, however, such as Hamas, is a more complicated task than deterring individuals. Up until 7 October 2023, Israel never sought the total elimination of Hamas but merely sought to deter it from launching rockets on Israeli towns or ground attacks against its military personnel. Following its withdrawal from the Gaza Strip in 2005, Israel imposed a *siege* on the entire Strip with the intention of reducing the living standards of Gazans to the level of basic subsistence. Nevertheless, Israel wanted to maintain Hamas as a formidable counterbalance to the Fatah of Abu Mazen in order to sustain competition and fighting between these two groups that would leave both of them weak. In the meantime, Israel could claim that it cannot proceed with the two-state solution, simply because Israel has no partner for peace, knowing that Hamas's ideology opposes the two-state solution. Hamas, however, initiated numerous rounds of fighting against Israel with the sole objective of putting an end to the Israeli blockade of the Strip. Israel and Hamas have fought five wars since 2008. Operation Protective Edge in 2014, for example, followed two rounds of fighting in 2008 and 2012. In 2008/09 (Operation Cast Lead), 2000 Palestinians were killed and around 40 Israelis, in 2012 (Operation Pillar of Defense), 260 Palestinians and 7 Israelis and in 2014 (Operation Protective Edge), over 2000 Palestinians were killed and around 80 Israelis. The bulk of Palestinian casualties were civilians. This death toll comes on top of the tens of thousands of injuries and the destruction of tens of thousands of buildings. This article does not seek to explain the failure of Israel's deterrence policy, but to claim that Israel did not abide by international law throughout these wars (*jus in bello*), given that it intended to inflict disproportionate casualties and damage on the Gazans in order to deter Hamas and/or to compel Gazan society to pressure the Hamas leadership to refrain from attacking Israel (Hitman & Kertcher, 2023, p. 150).

The Hamas attack against Israel on 7 October 2023, in which around 1200 Israeli citizens were killed, brought the disproportionate Israeli retaliation to a new, unprecedented height. As of September 2025, over 60,000 Gazan residents had been killed, the majority of them children and women, while it is estimated that around 80 percent of the buildings in Gaza have been destroyed. It should also be emphasized that Israel had other options for responding to the 7 October Attack that included a small-scale military incursion into the Strip. Israel, however, chose an all-out war that inflicted heavy, catastrophic consequences on the Gaza population to expel all Gazans from the Strip (Gat, 2024, p. 2). The violations by Israel against the Gaza population were vividly

described in December 2023 in South Africa's Proceedings to the International Court of Justice (ICJ) concerning alleged violations of the Convention on the Prevention and Punishment of the Crime of Genocide in the Gaza Strip. The proceedings include the following passage:

"South Africa is highly cognisant of the fact that acts of genocide are distinct from other violations of international law sanctioned or perpetrated by the Israeli government and military in Gaza — including intentionally directing attacks against the civilian population, civilian objects and buildings dedicated to religion, education, art, science, historic monuments, hospitals, and places where the sick and wounded are collected; torture; the starvation of civilians as a method of warfare; and other war crimes and crimes against humanity — though there is often a close connection between all such acts." (International Court of Justice, 2023, p. 3).

The ICJ issued a Summary in January 2024 in which it stated: "In the Court's view, at least some of the acts and omissions alleged by South Africa to have been committed by Israel in Gaza appear to be capable of falling within the provisions of the Convention." (International Court of Justice, 2024, p. 5). In addition, the International Criminal Court issued arrest warrants for the Israeli PM, Netanyahu and his former defense minister, Galant, in addition to warrants against three Hamas leaders: Sinwar, Deif and Haniyeh. The warrants against the Israeli leaders were based on allegations of violating international humanitarian law.

Finally, there is a link between Israel's ethnic policy of building settlements for Jews in occupied territory and deterrence. During 2024, Israel's right-wing parties and partners in Netanyahu's coalition started to make practical plans to build Jewish settlements in the Gaza Strip. In parallel, IDF generals proposed evacuating the entire Northern Gaza Strip. In the words of two Israeli scholars: "several generals in the IDF reserves recently proposed a plan for taking control of northern Gaza, evacuating the civilian population, and laying siege to the area (the 'Generals' Plan'" (Dekel & Caner, 2024, p. 1). Thus, while the IDF overreacted to the Hamas October 7 Attack by evacuating Palestinians from parts of the Gaza Strip, the Israeli religious Zionist parties rushed to make plans to build settlements in these areas. Last but not least, the IDF is not merely engaged in military affairs, such as deterrence, but also provides policy recommendations for finding a balance between security and stability. The IDF, for instance, was in favor of the 2005 Disengagement Plan from the Gaza Strip, claiming that protecting the Israeli settlements in the Strip could only be realized at a high cost in Israeli lives.

## **Conclusion**

This article intertwines ethnic democracy, deterrence, and MDPT in the case of Israel's policy towards the Palestinians. While the principles of MDPT apply to a liberal democracy that

liberal parties run, they do not apply to the policy of Israel towards its Palestinian neighbors. Israel is an ethnic democracy that is run by illiberal national and religious parties that seek to privilege the interests of Jews over non-Jews. As an ethnic democracy, Israel merely maintains free and fair democratic elections. However, Israel cannot be treated as a democracy for all of its citizens—it is merely a democracy for Jews. The enactment of the Nation State Law and the judiciary overhaul are extensions of Israel's nature as an ethnic democracy that has sought to serve Jewish interests at the price of discriminating against its Arab citizens and at the expense of the Palestinians. The absence of separation between religion and the state in Israel, the settlement expansion, the religious-driven domestic and foreign policy, and the centrality of Judaism in the domestic and foreign policy of Israel render a compromise with the Palestinians almost impossible. If in the past Israel withdrew from places that were not considered holy to Judaism (the Sinai Peninsula and the Gaza Strip), a future establishment of a Palestinian state would entail the transfer of Jewish holy places to the future Palestinian state in East Jerusalem and the West Bank. While Israel's policy in the last few decades has been dedicated to tightening its grip on the West Bank, the IDF had to escalate its reactions to any Palestinian resistance to deter resistance to Israel's policies.

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