



BY THE NUMBERS: Dahlia Scheindlin

A Democratic Knesset?

ISRAELI DEMOCRACY HAS BEEN FIGHTING FOR ITS life over the past few months.

A series of laws currently being debated in the Knesset would severely restrict Israel's democratic character. One bill would curtail NGOs critical of the government by limiting their funding; an amended libel law would drastically increase penalties for libel – without having to actually prove damages – and would thus intimidate the press, in general, and investigative journalism, in particular. Recent laws have been passed that ban calling for a political boycott against Israeli companies, while others levy fines for marking the Palestinian *naqba* (destruction) on Independence Day. Both of these mark the severe restriction of freedom of speech. Several additional initiatives address the explosive issue of the Supreme Court justices and reflect the attempt by the Knesset to gain control over the selection of judges and the types of judicable petitions.

Whether the bills are accepted, rejected, or amended by ministerial committees and Knesset votes, their presence weighs ponderously in the public discourse. Critics fiercely believe they are a sign that Israeli freedom is gasping its last labored breath.

Or not.

Proponents and sponsors of the bills, largely from Likud and Yisrael Beiteinu, but also from Kadima, insist that these measures are intended to strengthen the country. They argue that certain bills reflect procedures that are simply standard in other democracies and that cries of fascism are nothing more than cheap, politically-motivated hysteria that should have no place in a fairly-elected democratic government.

What does the public think? It's not obvious. On the one hand, the mass social protests that Israel experienced over the summer indicate a powerful sense of a public that has pitted itself against its rapacious leaders and is willing to do battle for its rights. On the other hand, there has been so much talk about the hard-line Israeli public that elected the hard-line government, and all surveys since that time show a remarkably stable electoral forecast. Why doubt that the people meant what they said in the polls?

After all, in February 2011, this column examined the trend at an earlier stage, when similarly-criticized bills were being considered – and only about one-quarter even felt concerned enough to take some sort of public action, which entailed anything from Internet activism to participation in demonstrations.

But that was such a different time. The bills seemed scattered and discrete, and had not yet been bound together as a package of “anti-democratic legislation.” Now the quantity, variety and boldness of the bills have accelerated. They have angered key opinion formers – iconic press figures, prestigious members of the legal community, including the current and former Chief Justice as well as the Attorney General. The bills have rent the Likud party in two. Even outsiders are getting involved: a group of politically diverse German foundations supporting

civil society activities in Israel wrote a public letter of concern; stalwart pro-Israel American Jewish leader Abe Foxman of the Anti-Defamation League wrote in the Huffington Post against the anti-democratic trend and, in early December, even the Conservative British Foreign Secretary William Hague publicly stated his concern over the NGO funding bill.

The times were very different then in terms of civic action, too. The country had not yet experienced the hundreds of thousands of citizens who felt sufficiently angry and empowered to hit the streets en masse and demand policy changes. The results of the social protest aren't yet clear, but there is a perception of heightened awareness in the air and people are more vigilantly out to expose the government's exploitation of regular folks. Now the public knows its own strength; people power has new meaning.

So does the public see this as an issue worth fighting for? Or is the public ultimately behind the legislative initiatives, which, after all, are led by the politicians they elected?

THINKING OF HOW TO TEST THIS, I CONSIDERED that people are likely to support or oppose the legislation, if they view it as touching deep fundamental questions of Israeli identity and society.

Certainly, the hot emotional debates surrounding these initiatives point to the multiple cleavages in Israeli identity. It's not even clear which is the dominant divide, or axis, along which people might support or oppose the bills: Do they see this as a struggle between “left” (increasingly associated with democracy) versus “right” (increasingly associated with national/Jewish/Zionist) worldviews? Is this about liberal democratic and universal worldviews versus particularistic, possibly nationalist, worldviews?

As the tempers flare, the debate has boiled down to highly reduced and highly concentrated code words: “democratic” versus “fascist.”

But what if the Israeli public doesn't see the legislation in either left/right, or democratic/fascist light? Maybe people view this as a tame and manageable problem as certain MKs say – a mere disagreement about how democracy should be implemented. Maybe they view it as a natural way of fine-tuning the balance of powers and creating reasonable limits on personal freedoms for the sake of the common good – much as the law obliges people not to drink and drive, despite some interference into individual liberties.

The Jerusalem Report survey this week therefore tried to probe the point about democracy: Are the laws “anti-democratic”? Or are the critics of those bills just pesky leftists – “democratic fundamentalists” who arrogantly believe that their form of extreme liberal (read: left-wing) democracy is the only way?

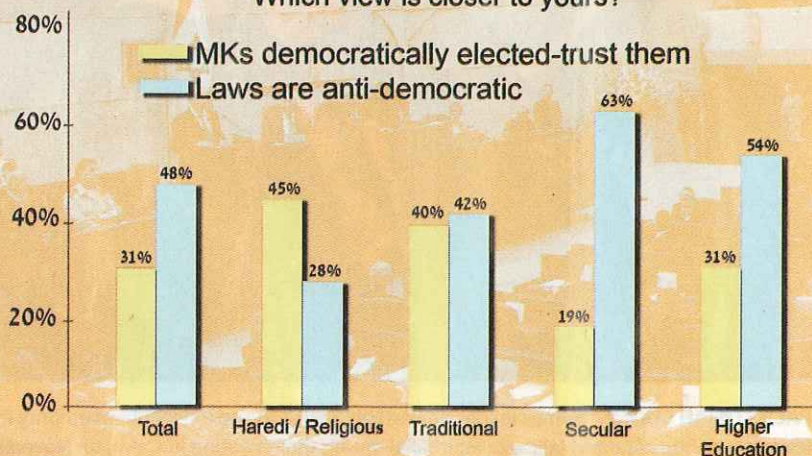
The question posed to 500 adult Israeli Jews in our telephone survey read: “Recently, some MKs have been advancing laws to limit freedom of expression in order to protect Zionist values and

Knesset advancing laws to limit freedom of expression in order to protect Zionist values, increase Knesset supervision over Supreme Court, and limit freedom of NGOs critical of government policy.

Some say these are anti-democratic; others say:

MKs represent democracy, elected by the people – we must trust them.

Which view is closer to yours?



New Wave Research, n=500, November 30, 2011, margin of error: +/- 4.5

BACKGROUND PHOTO: REUTERS

increase the supervision of the Knesset over the Supreme Court, and laws that would limit the freedom of NGOs that are critical of government policy. Some say these laws are anti-democratic; others say that the MKs actually uphold democracy, since they were elected by the people and, therefore, we must trust them. Which view is closer to your own?"

Given the fact that in Israel today, nearly half the Jewish public describes itself as right-wing in most surveys, the result might be surprising: 48 percent, a clear plurality and nearly half of the Jewish public, said the laws were flat-out anti-democratic. A minority of just under one-third (32%) said Israel should trust its elected representatives, who uphold democracy.

Attitudes were more intense than moderate on both sides: On the side that opposed the legislation, 35 percent (of the total) said they felt strongly that the laws were anti-democratic; 13 percent said they were somewhat closer to this view (48 percent total). Among those who supported their elected officials, 20 percent said this position was much closer to their view, and 12 percent said it was somewhat closer (32 percent total).

Therefore, the most basic finding is that a clear plurality of the Jewish public feels that the package of laws has transcended left and right identity, and instead has become a matter of the very democratic fabric of the state.

This is clear, because in every survey of mine (and others), the percentage of respondents who describe themselves as left-wing

average, at 42 percent. Traditional respondents break down almost evenly – 40 percent say the laws represent democracy since they were enacted by elected officials, who should be trusted.

Levels of education made a difference here: more than half of the highest educated (54%) felt the laws were anti-democratic, as opposed to just 39% of the lowest educated respondents. Similarly, 60% of the highest-earning respondents opposed the legislation for this reason.

So there definitely seems to be a class bias, with those who are more educated and earning more opposed to the laws.

But a final observation is also interesting. Women were less likely to oppose the laws than men: 44% of women compared to 52% of men said they were anti-democratic. There was almost no difference in the percentage who said the laws are legitimate expressions of democracy; instead, a higher portion of women simply admitted that they didn't know.

It turns out that the religious or secular worldview, like so much in Israeli life, determines attitudes towards the future of Israeli democracy. What's most interesting is that according to all surveys and available data, the percentage of religious Jews in Israel, including Haredim, does not make up even one-quarter of the Jewish population. The majority – secular and traditional – show pluralities or clear majorities against the bills.

So if the legislation wins out, the minority will have prevailed. And that's not very democratic.

ranges only from 15-20 percent.

The evidence that this question breaks through simple left-right paradigms is particularly striking when looking at the different age groups. There is hardly any difference between young and old – in contrast to the very consistent variations according to age on issues typically considered "right" and "left" – with young people typically expressing more right-wing attitudes.

However, other demographic breakdowns point to a specific profile. Secular people are much more likely to call the legislation anti-democratic – 63 percent. This is more than twice the percentage of Haredi and religious people who feel this way (30 percent and 26 percent, respectively). But it is also significantly higher than the religiously "traditional" group, which is much closer to the overall