**Jewishness, Governance and/or Democracy?**

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The 2019 elections are a test of character for Israel’s democracy. No, they are not about the cheap, populist whiff of fascism vs. democracy. The fascism video (a spoof on a perfume commercial staring Ayelet Shaked) may have positioned the leaders of the HaYamin Hadash (“The New Right”), a party that defines itself paradoxically as being secular-religious, within the ranks of far right leaders such as Geert Wilders and Marine Le Pen in Europe, not exactly the best niche from which to launch a bid for control of the Israeli Parliament and the Prime Minister’s seat. Not only that, but the video made Benet and Shaked – Netanyahu’s ministers of Education and Justice respectively – made ridiculous, so, at the end of the day, the joke is on him as well.

Nevertheless, this collection of essays centers around Israeli democracy as a contested concept, an idea facing an existential struggle. A mighty battle is taking place in the Israeli political arena between two broad views of democracy. For the sake of this discussion, let’s call them liberal democracy and non-liberal democracy (as oxymoronic a term as this may be), or neo-conservative republicanism as its leaders would want it described. And yet, whereas conservatism usually goes hand in hand with slow-moving changes, safeguarding of tradition and respect for the ruling classes and elites, the ideologues of conservative democracy in Israel have made drastic structural changes, changes that amount to a de facto revolution some might say, to Israel’s constitutional framework, the country’s fundamental character, the relationship between the three branches of government, the public discourse, the schoolbooks, the public’s collective consciousness and the perceptions of who is Jewish vs. who is Israeli, who is loyal and who is traitor, who has rights and who, unless specifically mandated otherwise, can be deprived of theirs.

And no, the April 2019 elections were not, or not only about Netanyahu the man. Benjamin Netanyahu will inexorably leave office – if not after the September re-elections, then after the indictments, or the hearings that will follow. On the other hand, the reforms spearheaded by the Netanyahu government – changes that were aligned with the leader’s mindset, but imbued with much greater ideological and political urgency than the man himself – will persevere long after he is gone. Not only will the big transformative issues such the concepts of unfettered governance, the Nationality Law, and the upset of the balance among the branches of government survive the man’s departure, but those actors who have slowly been making their way from the back benches, where radical positions are a must if one wishes to get a seat at the table of radicalizing political discourse, to the positions of junior ministers, and from there to key positions in senior ministerial posts, will become leaders of the party system in Israel.

In addition, we must note that the ideas and viewpoints at the center of the discussion here are not necessarily exclusive to the right. Many of these changes began under Sharon’s government and were then advanced by Ehud Olmert, among others. Moreover, the Kahol Lavan (“Blue and White”) party, which picked up an impressive 35 Knesset seats in the April 2019 elections and is vying to become the leadership party, includes a clutch of right-leaning representatives who are at the forefront of the movement championing the Nationality Law and the unfettered governance approach, as well as the Override Clause (which allows Knesset legislators to pass laws that violate rights protected by a Basic Law) and placing new limitations on the courts system. That is to say, one cannot categorically claim that the changes in question are solely the responsibility of the ideological right.

How is it possible for Israeli society to have undergone such fundamental structural changes without most people so much as batting an eyelid? Or is it all just the stuff of election campaigns and once the dust has settled and the stench of the over-the-top rhetoric has dispersed everything will go back to normal? The answer is no. These structural changes affect our consciousness, our discourse, our values, our behavior and our institutions.

So how could we have missed such a dramatic upheaval taking place before our very eyes? It is true that the general public, as well as, let’s face it, most of the journalists and the political strategists covering the elections are not excited one way or the other about the question of whether the Attorneys General of the various ministries are elected by a tenders or a selection committee, or whether they are subordinate to the government’s Attorney General or to a director appointed by the minister, or whether their loyalties lie first and foremost towards the public or towards the minister – it all sounds like tedious bureaucratic nitpicking. When the Prime Minister was finally presented with the full report for the coordination and standardization of regulations, the result of in-depth research conducted by his Chief Operating Officer, Netnyahu declared before the government that what he wants, in fact, is no regulations at all. Regulations restrict the ministers. They restrain the public. They’re bad for the country. Of course, all this ignores the fact that safety instructions are regulations, health standards are regulations, clean air and pollution are all a matter of regulations. Yet, there’s no avoiding the fact that regulation sounds bad. As does placing restrictions on the ministers. So why have regulations at all? What the public hears is that someone is finally taking a big pair of scissors to all that pesky red tape. And that sounds good. Just like tax cuts. Never mind that the latter widen the wealth gaps and directly guarantee lower education standards for children in schools outside of the major urban centers. Who doesn’t want to pay less taxes?

It is important to note that this is precisely what governments are elected to do: to lead the way in term of policy and worldview, to change legislation and to make sure it is implemented and enforced. The Netanyahu governments, the last one in particular, has done just that, and with remarkable efficiency. And that is what the 2019 elections are about: it is a public trial of the government’s policies. However, whereas this usually implicates issues of the country’s security or economic policies, the way the elections system has been hijacked – from the moment of the elections date being set earlier than foreseen to the daily escalation of rhetoric taking place right now – into a personal trial of one single defendant suspected in at least three cases of bribery, fraud and breach of trust, has turned these elections into a struggle over the very rules of the game, over the public institutions, practices, standards and norms common to most Israelis.

In this collection we shall discuss the two dominant arenas in which the struggle over the rules of democracy is taking place in Israel. The first is that of the Jewish and/or democratic state under the Nationality Law which renders equal the constitutional status of the rights of the individual and the rights of the collectivity, a legal state of affairs which de facto makes it possible for the latter to trump the former and thus nudge Israel outside of the most general defining boundaries of democracy. The second is governance and/or democracy. The concept of governance has come to mean lifting the restrictions that bind the Israeli authorities for the sake of improved efficiency and as a way to sanctify the choice of the accidental majority as the true will of the people. Conversely, anyone who diverges from this choice is portrayed as acting against the will of the people and is immediately singled out as a traitor, as disloyal, as a supporter of the enemies of the state. The will of the people is identical to the will of the government. A minister whose party had secured only eight seats in the Knesset changes the constitutional structure of the State of Israel. Another minister ostracizes anyone whose thoughts on how the state budget should be divided differ from her own. After all, what is the point of the corporation if the ministers have no control over it?

Yet how are these arena’s interrelated? What is the connection between the country’s Jewishness and the perception of unrestricted governance? While most research has focused on the interrelationship between governance and democracy, in my article I wish to tie both of these concepts in with the idea of Jewishness – or nationalism, or populism – championed by the outgoing government. My aim is to propose a preliminary ideological map delineating the core and peripheral values of the neo-conservative, neo-liberal approach that has presented itself as an ostensibly democratic alternative to liberal democracy.

I will start by sketching a general map of this ideology in the democratic world – for Israel is by no means an outlier in terms of the ideological battles taking place here. The rest of the discussion will be devoted to outlining the interconnectedness between three concepts to illustrate this worldview: loyalty in citizenship, loyalty in culture and what’s been called loyalty in the justice system, but is in fact loyalty in government, a concept that threatens to do away with government professionalism and to replace it with political appointees from top to bottom: in the media, in the national service, in the legal system - and in academia. But before we get to this unholy trinity of loyalty and unpack its significations, a few words to place our discussion in its relevant theoretical and comparative context.

Cas Mudde, one of the world’s leading scholars on the subject of European populism and a student of my mentor at Oxford University, Professor Michael Freeden, defines populism as a lean ideology based on three central ideas, the first of which is the contrast between the people – which are pure and good, and the elites – which are corrupt and bad. The elites, according to populist ideology, serve their own private interests, while populist politics give voice to general interests, or the will of the people. The sovereignty of the people and majority rule are the essential building blocks of populism, as opposed to protection of minority rights, the rule of law and the separation of powers, which are the essential building blocks of liberal democracy. In other words, populism assumes an antagonism between the people and the ruling elite. The second fundamental idea of populism is authoritarianism, or what I’d like to term here “plurality rule democracy” – that is to say majority rule without the fear of majority dictatorship. The third is nativism or autochtonism – the assumption that the people constitute one hermetic unit which one can only be born into and which it is almost impossible to adhere to. Otherwise known as ethnic nationalism.

In the European context, Mudde analyzes the rise of non-liberal democracy as a reaction to what he calls “non-democratic liberalism”, that is to say the establishment of the European Union on the one hand, and the massive waves of immigration coming into Europe on the other, which are perceived as threats to the national sovereignty of the European states. If that is so, what then is the cause that has spurred the growth of populism in Israel as a reaction? In Israel and in the United States, I wish to argue, non-liberal democracy sprouts in opposition to what in Trump's America is called the “deep state”, or, as Netanyahu’s campaign manager, Erez Tadmor, put it: “why do the people vote to the right only to get a leftwing government?”[[1]](#footnote-1) The populists’ answer to this question is that the system itself, the people in public service of the state, the somewhat derisively called “officials”, the cultural, legal and intellectual elites, have a fast hold on the state’s apparatuses and are protecting them in the interest of what they call the “leftist agenda”. If Benet and Shaked want to crush the Hamas and restrict the power of the High Court, as their election slogans claimed, they’re only following in the footsteps of Netanyahu’s 2015 campaign when he’d issued a uniform denunciation of the “anyone-but-Bibi” crowd, which in his words included Broadcasting Authority journalists, union people and – Hamas terrorists. And what is the claim against the media, the state officials, the judges, the academics? The accusation leveled against them is, in the words of the retiring deputy Attorney General Avi Licht: “Who are you?” You have not been elected, you are not legitimate or democratic, so who are you to make any decisions in the name of the people? You are working directly to maintain and preserve your own power and thus you must be branded, restrained, eliminated, crushed under the wheels of justice.

To go back to our theoretical context: as a lean ideology, populism is always in search of a host ideology to latch onto. It can feed off of leftist ideology just as well as centrist, anti-Semitic or rightwing ideology. The Israeli pairing – i.e. populism coupled with nationalist neo-conservatism – is particularly virulent in that is has proven to have the power to turn the ruling, national liberal party into a nationalist, politically non-liberal (albeit economically neo-liberal) and neo-conservative party. The concepts of loyalty in citizenship, in culture and in government will help us trace precisely this ideological transition.

In order to analyze the precepts of the Netanyahu government’s ideology I shall focus, as a microcosm, on three concepts that have arisen out of different contexts, at different times, in different ministries and in the minds of different people: loyalty in citizenship, in culture and in government (the latter also known as loyalty in the justice system). The first was the brainchild of the Lieberman campaign during the 2009 elections. Lieberman ended up leading his party towards joining forces with the Likud and with their help spearheaded the changes made to the Citizinshep Law (2010) which would eventually lead to the Nationality Law, a constitutional Basic Law that was submitted to the 19th Knesset and voted into effect in 2018. The second was the idea of the Minister of Culture, Miri Regev, in her bid to obtain the power to decide – on her own, without the help of the Minister of Treasury or of professional committees – which art is “loyal” and which is not. And the third was coined by Deputy Attorney General Dina Zilber in the context of the discussion around the Attorneys General Law, as a way of cementing the unfettered governance approach adopted by the Netanyahu government.

**No citizenship without loyalty** – this slogan takes us back to the 2009 elections, to the moment when the Israel Beitenu (“Israel our home”) party declared that it would seek to change the Citizenship Law, and demonstrates that this particular worldview had developed gradually, its various components taking shape over the years. The changes to the Citizenship Law were passed in 2010. At the heart of the law is a clause stipulating that any person applying for citizenship – outside of citizenship granted by the Law of Return – would have to not only declare loyalty to the State of Israel, but declare loyalty to the State of Israel as a Jewish and democratic country. Whosoever should refuse to swear loyalty would be denied citizenship and be eligible for permanent residence only. At a government session, Netanyahu explained: “Citizens of Israel, the State of Israel is the national state of the Jewish people and it is a democracy to all its citizens. Everyone has equal rights. There are those around the world who are trying to blur the connection between the Jewish people and our country – but this connection is the air we breathe and it cannot be denied.” In the 2013 election, Israel Beitenu and the Likud party merged, and the spirit of loyalty in citizenship can now be found in this one line from the wording of the constitutional law born in the 19th Knesset and voted in by the 20th: “Israel is the nation state of the Jewish People”. And yet it omits the rest of the Prime Minister’s words and does not mention Israel being a democracy to all its citizens. This focus on Israel as a Jewish state and the omission of its being a liberal democracy is not coincidental; it is part of a historic trend. Already by the 2013 election, the Likud-Israel Beitenu slogan was “A strong and Jewish Israel”. The state’s democracy had been omitted and replaced. The Nationality Law does not even mention equal rights for all citizens. Neither does the Declaration of Independence. Israel is the nation state of the Jewish people. And that is all.

Loyalty in citizenship is made up of two main concepts – that of “citizenship”, in the sense of who is considered a citizen and who is not, and that of “loyalty” as a tool, among other things, for determining a priori who is one of the people and who is to be continually suspected of disloyalty and therefore ostracized.

The Citizenship Law with its oath of loyalty to the State of Israel is separate from the Law of Return which contains the commitment of the State to the Jewish people. The balance between these two laws made it possible for the Declaration of Independence to navigate between the history of the Jewish people and the establishment of the democratic State of Israel. The requirement for an oath of loyalty to the State of Israel as a Jewish state, on the other hand, the clause which has been added into the Citizenship Law, has shuffled the cards and merged these two components (Jewishness and the democratic state), while in fact subordinating the two to Jewishness first and foremost and disrupting the existing balance. Let us elaborate on this point.

The 2009 platform of Israel Beitenu states that: “in order to enjoy the rights of a citizen of the State of Israel, one must also fulfill one’s obligations as such. We shall work towards instating a law requiring all Israeli citizens to declare loyalty to the State of Israel and to serve in the IDF or perform national service as an alternative.”[[2]](#footnote-2) The question of citizenship thus becomes dependent on three conditions. First, Israel Beitenu sought to enact territorial swaps in order to transfer the Oum-El-Fahem triangle under Palestinian control and in return to annex the settlements in Judea and Samaria as Israeli territory. This would entail depriving hundreds of thousands of Israeli citizens of their citizenship and moving the border so as to make their place of residence outside of the state’s boundaries. Secondly, citizenship would become conditional upon a declaration of loyalty. Note: in the 2009 platform, the proposed requirement was to declare loyalty to the State of Israel alone. However, the change in legislation passed in 2010 relates only to non-Jewish applicants for citizenship and demands a declaration of loyalty to the State of Israel as a Jewish and democratic state. In other words, a non-Jew is not eligible for Israeli citizenship in Israel without swearing loyalty to Israel’s being Jewish –only then can he or she be granted the rights of a democratic citizen. This does not apply to persons receiving citizenship under the Law of Return. On the subject of the 2010 amendment of the Citizenship Law, Lieberman pronounced: "It is clear that this does not bring the issue of loyalty and citizenship to its conclusion, but it is an important step. As we know, words have meaning, what is important is that it focuses the debate for the next stage: will we be a Zionist country, or the country of all its citizens.”[[3]](#footnote-3) In other words, the oath of loyalty is to Israel as a Jewish state, and as we said, this amendment only applies to those requesting citizenship not under the Law of Return, that is to say – non-Jews. They are the ones having to swear allegiance to Israel as a Jewish state. And yet, as we recall, according to the Israel Betenu campaign, citizenship was conditional not only on an oath of loyalty but also upon military or national service. This implies that an Arab citizen would have to serve in the Israeli armed forces or perform national service and declare allegiance to the Jewish state, otherwise they would not be eligible for citizenship but for permanent residency alone. The law itself applies only to those who do not yet have Israeli citizenship, but Israel Beitenu's campaign aimed to delegitimize the Arab citizens of Israel in light of the two intertwined conditions mentioned above: loyalty to Israel as a Jewish state and military or national service.

The third condition of loyalty in citizenship excludes Israel from the definition of a liberal country and makes it into a republican country, for it conditions a citizen’s rights upon a fulfillment of obligations: “in order to enjoy the rights of a citizen of the State of Israel, one must also fulfill one’s obligations as such.” The discourse thus switches from one of rights, the protection of the individual and of minorities, one whose point of origin is that every citizen is equal and thus every citizen has equal rights before the state regardless of their viewpoints, actions etc., to a discourse of rights and obligations, of citizenship requiring loyalty and army service.

The 2009 Israel Beitenu campaign began as republican bid demanding there be a scale of obligations that would then be translated into additional rights (for example army service, combat service, becoming a career soldier – every such sacrifice in the interest of the state grants one more rights). However, it gave rise to the notion that the citizenship of those who did not fulfill their obligations must be reconsidered, and the weight of importance shifted from military or national service to a declaration of loyalty to the State of Israel.[[4]](#footnote-4) The idea of loyalty transformed the State of Israel from a civil concept to a nationalist concept, and turned civic nationalism into ethnic nationalism. It put in place conditions which Arab citizens had almost no chance of fulfilling, with the possible exception of the Druze population.

The republican discourse of loyalty, then, synthesizes citizenship law with ethnic nationality law and eliminates the possibility of Israel as the nation-state of the Jewish people and also a state of all its citizens: the choice is either or, as Lieberman’s quote above directly states. Israel is the nation state of the Jewish people and a democracy to its citizens, who are more and more narrowly defined based on their loyalty to the Jewish state. This perception would later be solidified in the Nationality Law, from which the clause about the democratic nature of the State of Israel was removed, and which contains no civil equality clause at all. What Lieberman saw as just the beginning in 2013, made a dramatic leap forward in 2018 with the passing of the Nationality Law. The issue of borders and of voluntary or involuntary transfer remains open, but it has already come up in the coalition negotiation demands of the United Right party alliance in preparation for the establishment of the fifth Netanyahu government.

Thus, the concept of loyalty in citizenship will lead the way to building a conservative rightwing worldview of a Jewish state based on loyalty to an ethnic nation with religious roots and spell out the delegitimization of all those who are not Jewish, patriotic and rightwing.

**Is Loyalty Anti-culture?**

“No citizenship without loyalty” thus not only delineated the new boundaries of public discourse on citizenship and established who’s in and who’s out, it also established who’s one of “us” (Jews and those who’d immigrated under the Law of Return) and whose loyalty, and therefore imminently whose citizenship as well, is in question (Arabs, illegal immigrants and other foreigners). The requirement to declare loyalty to the State of Israel as a Jewish and democratic state also became the dividing criterion between and among Israeli citizens – as reflected in the Party Disqualification Law and in the Nakba Law as it is reiterated within the Loyalty in Culture Law. Whereas loyalty in citizenship focused on establishing external borders, loyalty in culture took it upon itself to draw up internal dividing lines in order to create equate the “people”, who are of course loyal in and of themselves, with the ruling majority. The Jewish ruling majority. The transference of loyalty into the cultural sphere is anything but trivial for it brings about a frontal collusion with the principle of free speech – the ultimate principle and a basic right of citizens living in a democracy. Under the Loyalty in Culture bill, the role of culture and art as critics of society – another basic right and an essential internal check on a democratic regime – becomes constantly threatened by the normative content control enacted by whatever minister happens to be in charge at the time.

The discussion of loyalty in culture evokes three key questions: who is this “people” in the name of which the distinction between the elites and the general public is to be made, and how did the Netanyahu government, along with its Minister of Culture succeed in making the cultural “elite” and the audience it addresses into an enemy of the public, into those inherently suspected of disloyalty, into those allegedly working against the people? Secondly, what is the new national narrative that is taking shape and how does it re-imagine the “people’s story” – replacing “Israeli” with “Jewish”, or “Mizrahi”[[5]](#footnote-5), for example? And third, what vision of governance can be derived from the proposal of placing the Minister of Culture in the role of financial censor over Israel’s cultural productions and how does it develop and change the concept of loyalty?

The contrast between the elites and the people is the basic assumption of populism. The populist leader (himself, of course, in a position of leadership and control, and therefore part of the elite) paints the elites in the eyes of the public as inherently corrupt and in close proximity to the government and to the centers of power, and therefore as the focus of an “us” against “them” type of incitation wherein the “us” is the people – pure, wholesome, unprotected and lacking representation.[[6]](#footnote-6)

Being appointed to the post of Minister of Culture and Sports came as somewhat of a shock to Miri Regev: “I knew why I didn’t want to take the job. I knew that I was going to work for ungrateful people…In the world of culture people are uptight, some of them are hypocrites, schemers, ingrates. I didn’t feel like working for the ingrates, but I suppose that’s the lesson God Almighty has decided to teach me.”[[7]](#footnote-7)

Regev, the social issues minister of the Likkud party, found herself heading a ministry that she considers to be in service of the elites, and therefore very far removed from her own voting base. The Minister decided to exploit her position and change its meaning on three levels. First, she would delegitimize the cultural elite in the eyes of her base in two ways: by representing it as anti-patriotic and as anti-Mizrahi. Secondly she would create a distinction between the creators of culture and its consumers and thus change the Ministry’s overall approach from focusing on the creative elite to promoting a policy centered around cultural consumers. In order to popularize the move among her voters, she called for a reexamination of the distinction between “high” and “low” culture, which she in fact sought to abolish in order to reform the ministry’s policies and redirect budgets so as to reach new consumers: those living outside of the major urban centers, West Bank settlers and the lower classes. As she put it: “My first battle will be to get a bigger culture budget, and I say: ‘who am I going to work for?’ But I suppose that’s the lesson, learning to work with people who don’t like me. I have a mission here. I will fight for a fair distribution of resources. The distribution hasn’t changed in decades, but it will change now. There is a national priority map that aims to support the areas outside of the major urban centers. Why shouldn’t we decide to give all of our support to those areas alone?”[[8]](#footnote-8) Creating this dichotomy between the elite and her base would allow the Minister to enact drastic changes and rewrite the defining criteria of who is eligible to receive funding, with an emphasis on outlying areas, all of which amounts to diverting resources from the existing elites and transferring them to the so-called “periphery” of society. And thirdly, by aligning herself with popular (as opposed to “high”) culture, she would create an alternative national narrative of “Israeliness”, one that pushes the hegemonic (in her opinion) story of the secular Hebrew culture of Tel Aviv, and places traditional, Mizrahi, peripheral, rightwing and patriotic culture at the center.

Yet, what is the connection between the loyalty in the Citizenship Law and the Loyalty in Culture bill? The Loyalty in Culture bill passed the first hearing in the 20th Knesset and stipulated:

a unique arrangement regarding the reduction or negation of support provided out the budget of the Ministry of Culture and Sports to cultural bodies carrying out activities that contravene the grounds enumerated in the proposed bill: the denial of the existence of the State of Israel as a Jewish and democratic state; incitement to racism, violence and terrorism; supporting armed struggle or acts of terrorism by an enemy state or a terrorist organization against the State of Israel; marking Independence Day or the anniversary of the establishment of the State of Israel as a day of mourning; an act of vandalism or physical degradation that violates the honor of the State flag or the State emblem (unsupported activity).[[9]](#footnote-9)

To recap, the declaration of loyalty to Israel, which was the only thing demanded by the Israel Beitenu platform in 2009, became the more radical requirement for the declaration of loyalty to Israel as a Jewish and democratic state, as inscribed in the Citizenship Law of 2010, and here, in 2015 the same idea finds itself center stage in a debate about culture in Israel. The transition from threshold requirement for those who apply for citizenship to threshold requirements for cultural actors seeking public financing for their art is dramatic. The freedom of expression and creation is a basic right in a democracy. Whereas the intervention of the government – of the Minister of Culture in particular – as a censor of Israeli art (in her own words: “If I need to censor things – I’ll censor things”[[10]](#footnote-10)) challenges the essential nature of the freedom of expression in a democratic country and dangerously imposes the will of the momentary majority, as expressed on election day, on all citizens alike in a way that muzzles free art and criticism.

During the discussion of the bill, the former Deputy Attorney General, Dina Zilber, summarized the legal complications contained within it when she described the expression “loyalty in culture” as an oxymoron: “the only loyalty a cultural production needs to uphold to is loyalty to itself, to creativity and the inner truth it wishes to express. The bill gives rise to real legal difficulties. To put it briefly, we are dealing with a law that grants wide-scope authority, to the point of denying and closing institutions, a law that allows for very broad discretion without giving any weight to the creative artistic value of the work, while creating a chilling effect and encouraging self-censorship in the field of cultural production, a field that is part of the basic core of the freedom of expression and freedom of speech.”[[11]](#footnote-11)

What was the Minister’s justification for striking such a fatal blow against the freedom of speech? Regev drew legitimacy for the campaign of incitement against Israeli artists as anti-patriotic from the Prime Minister himself: “The State of Israel has suffered attempts to impose a boycott on the state, its values, its citizens, its economy and its culture. As a state, we are making an effort to contain and retaliate on every front we encounter ... The Prime Minister instructed the Israeli government to show zero tolerance towards the boycott attempts.”[[12]](#footnote-12) In other words, Regev frames her entry into the role of Minister of Culture in the context of resistance to critical art that, in her opinion, slanders the State of Israel and as part of the Netanyahu government’s project to counter those who criticize the regime’s policies at home and abroad. Zilber, in the same discussion, would come out against the use of “a fake barometer of patriotism or tests of regime suitability”, however after further discussions and amendments, the bill was reluctantly approved by the Attorney General. It did not pass a second or third hearing because the elections were declared before that could happen. Nevertheless, a “barometer of patriotism” was precisely the kind of tool Regev was seeking to put in place.

To wit, in speaking about the film “Foxtrot”, which was nominated for the Golden Lion at the Venice Film Festival and represented Israel at prestigious film events abroad, without having even seen it, Regev said: “the state will not fund films that slander our country. My harsh criticism of the movie stems from its final note: it was funded by the state and represents Israeli soldiers as killers who then cover up their crimes.”[[13]](#footnote-13) Regev was establishing a distinction between freedom of expression and freedom of funding. With the help of the Loyalty in Culture Law, she sought to control the public funding of cultural institutions. The bill already existed under the authority of the Ministry of Finance, but Regev's amendment would have made her personally, as the Minister of Culture, the central authority on loyalty to the state’s character and the non-desecration of its symbols.[[14]](#footnote-14)

1. Erez Tadmor, 2017, *Why do You Vote Right and Get Left?*, Sela Meir. [↑](#footnote-ref-1)
2. <https://www.idi.org.il/media/6579/%D7%99%D7%A9%D7%A8%D7%90%D7%9C-%D7%91%D7%99%D7%AA%D7%A0%D7%95.pdf> [↑](#footnote-ref-2)
3. [https://www.ynet.co.il/articles/0,7340,L-3967134,00.html](https://www.ynet.co.il/articles/0%2C7340%2CL-3967134%2C00.html) [↑](#footnote-ref-3)
4. Interview with Lieberman’s political strategist, Rafi Barilai, 29.04.2019. [↑](#footnote-ref-4)
5. A Jewish person of Middle-Eastern or North African extraction. [↑](#footnote-ref-5)
6. The will of the people is, therefore, far more essential in the populist worldview than human rights or constitutional equity. Cas Mudde, 2007, 23. [↑](#footnote-ref-6)
7. Thiya Barak, Miri Regev: A Story of Love and Darkness, Thiya Barak 30.06.2015. <https://www.atmag.co.il/%D7%A1%D7%99%D7%A4%D7%95%D7%A8-%D7%A2%D7%9C-%D7%90%D7%94%D7%91%D7%94-%D7%95%D7%97%D7%95%D7%A9%D7%9A/> [↑](#footnote-ref-7)
8. ? [↑](#footnote-ref-8)
9. <https://m.knesset.gov.il/news/pressreleases/pages/press05.11.18bv.aspx> [↑](#footnote-ref-9)
10. <https://www.atmag.co.il/%D7%A1%D7%99%D7%A4%D7%95%D7%A8-%D7%A2%D7%9C-%D7%90%D7%94%D7%91%D7%94-%D7%95%D7%97%D7%95%D7%A9%D7%9A/> [↑](#footnote-ref-10)
11. Dana Zilber speaking in front of the Education Committee about the Loyalty in Culture bill, 12.01.2019, <https://www.youtube.com/watch?v=dSHTFn89Iho>. [↑](#footnote-ref-11)
12. [https://www.ynet.co.il/articles/0,7340,L-4668785,00.html](https://www.ynet.co.il/articles/0%2C7340%2CL-4668785%2C00.html) [↑](#footnote-ref-12)
13. Ina Toker, 04.09.2017, [https://www.ynet.co.il/articles/0,7340,L-5011883,00.html](https://www.ynet.co.il/articles/0%2C7340%2CL-5011883%2C00.html) [↑](#footnote-ref-13)
14. An explanation of the bill states: “This order is intended to alter the bodies concerned by the general arrangement set forth in the Budget Foundations Law and suggests that the authority given to the Minister of Finance under said law should be vested in the Minister of Culture and Sports and that, under the conditions prescribed in the bill, he/she shall be able to reduce the amount of support provided to the body for the unsupported activity, and if he/she sees that the unsupported activity constitutes a significant and substantial part of the body’s total activity for that year, he/she may retract the amount of support to which the body is entitled for all of its activity for that year, in total or in part.” <https://m.knesset.gov.il/news/pressreleases/pages/press05.11.18bv.aspx>. [↑](#footnote-ref-14)