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Hypocrisy, double standards, and false
equivalences**

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But Israel claims to be a democracy! – Hypocrisy, double standards, and false equivalences

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Abstract. The more controversial a situation becomes, the more likely we are to hear charges of hypocrisy waged by and against all sides. One familiar charge is that democracies can legitimately be held to higher standards than other forms of government, yet this charge makes sense only in the light of an assumption of non-contradiction, a principle that Israel violates no more than many other countries and indeed less than dozens of them. Other familiar claims include accusations of hypocrisy, double standards, or false equivalences, but these too are readily proliferated on all sides and depend on the values to which they refer. On that measure too, there are no plausible grounds for the disproportionate condemnations of Israel.

Keywords. Antisemitism, democracy, international law, Israel, Palestine

In May 2023, several months before Hamas's 7 October onslaught killing or kidnapping over 1,400 people in Israel, the Toronto-based academic Gregory Shupak slammed major news outlets including the Los Angeles Times, Washington Post, and Wall Street Journal for misstating basic facts about Israel. According to Shupak: 'By writing about a "crisis" in Israel's "democracy," without foregrounding or most often even mentioning the fact that Israel completely disenfranchises some 5 million Palestinians, coverage in the Times, Post and Journal whitewashes the *apartheid* that fundamentally disqualifies Israel as a democracy.'²

A few months later, the international law scholar Neve Gordon argued that racist attitudes inherent in Zionism are 'destroying the possibility of any *truly democratic* entity from emerging'.³ Then just after 7 October, the Spanish political scientist Ignacio Sánchez-Cuenca claimed that 'Israel's policies are not so different from those carried out by Western *democracies* in the era of *colonialism*. These were liberal *democracies*, which guaranteed fundamental rights and freedoms to their citizens, but did not respect the inhabitants of the colonies.'⁴

If you are accustomed to spats about Israel and Palestine then these types of arguments will be familiar. When you complain that people have never mobilised against Russia, China, Iran, Syria, Turkey, Saudi Arabia, Pakistan or a dozen other rights abusers with anything like the fervour against Israel, you are told: 'But Israel claims to be a democracy'. On the other hand, when you complain that people should support a democracy when it is surrounded by armed and funded autocratic movements and regimes, then what you hear is: 'But look at the treatment of the Palestinians – surely Israel cannot claim to be a democracy!'⁵ Both rejoinders are equally frustrating – and what is even more frustrating is that they do not strictly contradict each other. They both echo the assumption that certain standards are available for evaluating

¹ The author thanks Rosa Freedman, David Hirsch, and Odeliya Lanir Zafir for the interest they have taken in this chapter. All references to online resources are verified as of 2 Jan. 2023.

² Shupak, G. 'Israel's Real "Crisis of Democracy" Is That It's Not a Democracy', 16 May 2023, *Fairness & Accuracy In Reporting* (emphasis added), <https://fair.org/home/israels-real-crisis-of-democracy-is-that-its-not-a-democracy/>

³ Gordon, N. 'The true face of Israel's protest movement' (emphasis added), 16 Aug 2023, *Al Jazeera*, <https://www.aljazeera.com/opinions/2023/8/16/the-true-face-of-israels-protest-movement>.

⁴ Sánchez-Cuenca, I. 'The dark side of democracy' (emphasis added), 17 Oct 2023, *El País*, <https://english.elpais.com/international/2023-10-18/the-dark-side-of-democracy.html>

⁵ Cf. text accompanying note 13 below.

the conduct of nations via a two-step process: first we find some set of background standards; next we apply them to test whether Israel is living up to them.

The Imperative of Democratic Government

How, then, does that process work? Taking a cue from the foregoing quotes, we could hold Israel to a standard which I will call *The Imperative of Democratic Government*. It would run like this: we should judge Israel according to the levels of democracy it exhibits.

But then why should we adopt this imperative? Where does it come from? It seems to presuppose a prior one, which I shall call *The Imperative of Non-Contradiction* and which, in turn, would run as follows: when a state presents itself to the rest of the world as upholding certain values, then the rest of the world is justified in assessing the sincerity of that pledge. For example, according to article 2 of Israel's Basic Law adopted by the Knesset in 1992: 'There shall be no violation of the life, body or dignity of any person as such'. According to article 3, 'There shall be no violation of the property of a person.' According to article 4, 'All persons are entitled to protection of their life, body and dignity'. According to article 5, 'There shall be no deprivation or restriction of the liberty of a person by imprisonment, arrest, extradition or otherwise', and so forth.⁶

For critics of Israel the hypocrisy is glaring. Even if these rights are guaranteed for Israelis, and some would reject even that claim,⁷ they are largely denied to Palestinians.⁸ But then *does* this Imperative of Non-Contradiction truly furnish the foundation for the Imperative of Democratic Government? In other words, is it true that Israel's critics have proceeded in this tidy two-step fashion – first researching nations' proclaimed values and then protesting against those nations which fail to fulfil them? After all, according to the article 3 of the Chinese constitution⁹, national as well as local governments in the country 'are constituted through democratic elections'. According to article 4: 'The State protects the lawful rights and interests of the minority nationalities and upholds and develops a relationship of equality, unity and mutual assistance among all of China's nationalities. Discrimination against and oppression of any nationality are prohibited; any act which undermines the unity of the nationalities or instigates division is prohibited.'¹⁰

Obviously we could sift through the constitutions of many other nations and would find contradictions as horrendous as any attributable to Israel – indeed far more horrendous if we take numbers of victims and relative national security contexts into account. In a word, if the Imperative of Democratic Government has any foundation at all then clearly it does *not* lie with this Imperative of Non-Contradiction. But then where does it lie?

Let's try another approach. Instead of rummaging through the world's constitutions let's inspect only the constitutions of democratic societies.¹¹ But then how shall we define 'democratic'? Again, article 3 of the Chinese constitution, not to mention an entire chunk from articles 33 to 41, seem as democratic as any that we would find in the West. Even North Korea – leaving aside its name: the Democratic People's Republic of Korea – boasts a constitution

⁶ Basic Law: Human Dignity and Liberty, adopted by the Knesset on 17 March 1992

⁷ E.g., 'Anti-Arab Racism in Israel' (n.d.), Council on American-Islamic Relations, https://www.cair.com/cair_in_the_news/anti-arab-racism-in-israel/

⁸ E.g., 'Israel's apartheid against Palestinians', *Amnesty International*, 1 Feb 2022, <https://www.amnesty.org/en/latest/news/2022/02/israels-apartheid-against-palestinians-a-cruel-system-of-domination-and-a-crime-against-humanity/>

⁹ Constitution of the People's Republic of China (after amendment on March 14, 2004).

¹⁰ Cf. 'Break Their Lineage, Break Their Roots', *Human Rights Watch*, 19 Apr. 2021, <https://www.hrw.org/report/2021/04/19/break-their-lineage-break-their-roots/chinas-crimes-against-humanity-targeting>

¹¹ In the case of Israel, as for Britain, the constitution is not contained in a single written document, though Israel's aforementioned Basic Law of 1992 would ordinarily be regarded as stating norms of constitutional stature.

chock full of democratic norms.¹² Democratic constitutions on paper are not hard to come by and dozens of autocracies maintain them.

Clearly then something is still missing. It seems that when Israel is singled out this is neither because it is a nation failing to fulfil its national promises, nor because it claims to be democracy but then fails to fulfil its democratic promises, since any number of nations qualify under either or both of these headings without provoking remotely similar mobilisation among those who insist that they care about high ethical standards. So let's try yet again. Perhaps the criterion lies not with 'on paper' laws and constitutions but with observable processes. Accordingly, if Israel seems to be functioning like a state that ought to be held to democratic standards, then those are the standards to which we should hold it, while such a standard would not apply to China or North Korea.

In fact, this benchmark – I'll call it the 'functional democracy' criterion – seems all the more attractive for Israel's critics because it holds out the allure of a check-mate, given that Israel cannot accuse most of her neighbours or enemies of functioning like regimes that ought to be held to democratic values. Moreover, for Israel to hold those regimes to values *other* than strictly democratic ones – for example, imagine a senior Israeli official issuing a formal government statement to condemn Iran for failing to uphold Islamic values! – would lie somewhere on the scale between outrageous and ridiculous.

Moreover, this 'functional democracy' criterion becomes especially enticing for Israel's critics because any number of Jews and Israelis now share it. Recall that prior to the 7 October attacks, the Netanyahu government's plans to undermine constitutional separations of powers had sparked mass opposition protests, leaving many Jews and Israelis doubting the nation's democratic future,¹³ and even the Supreme Court's ruling in January 2024, at least partly frustrating those plans,¹⁴ still leave many Israelis doubtful. Yet the problem remains that with the 21st century, autocratic drifts have strengthened across any number of democracies, most of them facing far less national security pressure. In a word, this 'functional democracy' criterion proves no more plausible than the others in justifying critics' exceptional focus on Israel.

So let's try one more time. Some onlookers might dismiss *all* these considerations, viewing them as beside the point. Instead, they would point to the military aid supplied to Israel by the US and other allies.¹⁵ But then the problem is that hefty sums have also been amassed by Hamas, Hizbollah, and other direct or indirect foes of Israel over many years,¹⁶ meaning that choices to single out Israel end up embedded within multi-layered strategic, political, economic, and diplomatic contexts. The deeper we dive into these factors the more any specific references to democracy dissolve into endless technocratic and power-political ones that have nothing to do with democracy at all. In sum, what follow from all these considerations is that those who single out Israel for betraying democratic values are relying either on conceptual vagaries or ethical banalities.

¹² E.g., 'The DPRK [Democratic People's Republic of Korea] shall champion the democratic, national rights of Koreans overseas and their rights recognized by the international law.' Constitution of Democratic People's Republic of Korea (1972 (rev. 1998)), art. 15.

¹³ E.g., 'The judge and the attorney-general fighting for Israeli democracy', *Economist*, 14 Sep 2023, <https://www.economist.com/middle-east-and-africa/2023/09/14/the-judge-and-the-attorney-general-fighting-for-israeli-democracy>

¹⁴ E.g., Graham-Harrison, E. and Kierszenbaum, Q. 'Israel supreme court strikes down Netanyahu's judicial overhaul law', 1 Jan 2024, *Guardian*, <https://www.theguardian.com/world/2024/jan/01/israel-supreme-court-strikes-down-netanyahus-judicial-overhaul-law>.

¹⁵ E.g., Buchholz, K. 'Where U.S. Military Aid Is Going', 20 Jan 2022, *Statista*, <https://www.statista.com/chart/26641/us-military-aid-obligations-by-country/>

¹⁶ E.g., Al Sayegh, H. *et al.* 'Who funds Hamas?', 16 Oct 2023, *Reuters*, <https://www.reuters.com/world/middle-east/hamas-cash-to-crypto-global-finance-maze-israels-sights-2023-10-16/>

The Imperative of Humanism

Four days after 7 October, Moustafa Bayoumi, an author and academic based at the City University of New York, took a view similar to Shupack's, challenging the suggestion that 'Israel, which holds ultimate control over the lives of 5 million Palestinians in the West Bank and Gaza and yet denies them the right to vote in Israeli elections, is a *democracy*'. Clearly, Shupack, Gordon, and Sánchez-Cuenca invoke the Imperative of Non-Contradiction to justify their reliance on the Imperative of Democratic Government. By contrast, Bayoumi, while also invoking the Imperative of Non-Contradiction, did not place the Imperative of Democratic Government at the heart of his discussion.

Notwithstanding his reference to democracy in this quote, Bayoumi's overall emphasis was not on democratic values. Instead he stressed universalist human values, prompting him to focus much of his opinion on a comparison to the Ukraine war: 'There's the nagging *hypocrisy* of the war in Ukraine', he maintained. 'So many around the world support Ukraine's resistance to foreign occupation (as they should) but blithely deny Palestinians any way to resist their occupation.' Bayoumi lamented that '[e]ven non-violent methods of resistance like the boycott, divestment, and sanctions campaign is vilified and even criminalized. Why the *double standard*?' He continued: 'One fundamental way this double standard operates is through a *false equivalence*, a two-sides-ism that hides the massive asymmetry of power between the state of Israel and the scattered population groupings that make up the Palestinian people.'¹⁷

Unlike the aforementioned tactic of check-mating Israel, what is distinctive about accusations of hypocrisy and double standards is that they fly in all directions. For example, also responding to the 7 October onslaught, George Monastiriakos, Fellow at the Geneva Centre for Security Policy, railed that 'there is no *moral equivalence* between Israel and Palestinian terrorist groups like Hamas. There never has been and there never will be.' According to Monastiriakos: 'What will unfold in Gaza over the coming days and weeks is not a war between Arab and Israeli or Muslim and Jew. Israel, a sovereign and democratic state, is fighting Hamas and other brutal Iran-sponsored non-state actors, on behalf of the civilized world'. He warned that 'normalizing and justifying these despicable crimes against humanity under the pretext of "freedom" and "liberation" is nothing more than whitewashing terrorism.'¹⁸

Once again, we have heard all such accusations before, predictably peppered with the vocabularies of 'hypocrisy', 'double standards', 'false equivalences', and the like. They may well be mustered in the service of the Imperative of Democratic Government, but, as Bayoumi shows, that goal is by no means compulsory. Indeed, we cannot ignore accusations of political and ethical hypocrisy because they test whether protagonists are applying to their own side the standards they apply to others¹⁹, whether those standards make specific reference to democracy or remain at the more general level of universalist humanism.

Yet the problem here is that the more intricate a controversy becomes, the more these accusations proliferate on all sides. Following Bayoumi's lead here, let's consider the comparisons to Russia's invasion of Ukraine. Certainly, accusations of hypocrisy have surfaced in debates about whether or how the West should support Ukraine, yet they have mostly volleyed between Russia and the West.²⁰ By contrast, *within* the West, where

¹⁷ Bayoumi, M. 'The double standard with Israel and Palestine leaves us in moral darkness' (emphasis added), 11 Oct 2023, *Guardian*, <https://www.theguardian.com/world/2023/oct/11/israel-palestine-war-biden-zelenskiy>

¹⁸ Monastiriakos, G. 'There is no moral equivalence between Israel and Hamas' (emphasis added), 7 Oct 2023, *National Post*, <https://nationalpost.com/opinion/george-monastiriakos-there-is-no-moral-equivalence-between-israel-and-hamas>

¹⁹ E.g., Burgis, B. 'Always a Bad Thing?', 17 Mar 2022, *Current Affairs*, <https://www.currentaffairs.org/2022/03/is-what-aboutism-always-a-bad-thing>. Cf. Eric Heinze, "'A Tool to Advance Imperial Interests": Leftist Self-Scrutiny and Israeli Wrongdoing', in Rosa Freedman and David Hirsh, *Responses to 7 October: Universities*.

²⁰ Such accusations were already flying long before predate Russia's 2022 invasion. E.g., 'Eastern Ukraine conflict: Summary killings, misrecorded and misreported', *Amnesty International*, 20 October 2014, <https://www.amnesty.org/en/latest/news/2014/10/eastern-ukraine-conflict-summary-killings-misrecorded-and-misreported/> (accessed Dec. 4, 2023).

condemnations of Russia have commanded a greater consensus, analysts and activists have not needed to hurl such accusations with the ferocity we have witnessed in debates about Israel-Palestine. Certainly, some voices in the West have accused Western powers of double standards vis-à-vis the Kremlin, given Europe's and America's own histories from colonialism, to Iran, to Vietnam, to Chile, to Iraq and Afghanistan.²¹ However, most Western opinion-makers have been arguing about pragmatics, not about principles: How much money and resources can we afford to send to Kyiv? Where does the boundary lie between assistance and co-belligerence, between proportionately defending Ukraine and actively fuelling hostilities? If we draw these lines imprudently do we risk igniting nuclear war?

Be that as it may, and whatever views we may hold on Russia and Ukraine, clearly accusations of hypocrisy will not get anyone very far in debating about Israel and Palestine because such charges only beg far more basic questions about *which* values are or are not being applied hypocritically. Certainly, if they are democratic values then we have seen that even more doubt ends up cast upon those who would single out Israel for failing to fulfil them. Indeed, included within these lexicons of hypocrisy – ‘double standards’, ‘moral equivalences’, and the like – are accusations of ‘whataboutery’ or ‘whataboutism,’ terms that denote attempts to deflect from valid critiques of Israel, such as, ‘You accuse Israel of wrongdoing, but what about Hamas, Hizbollah, Iran, Syria, Saudi Arabia, Turkey, and other regional actors who commit horrendous acts?’

The political philosopher Ben Burgis recalls the role of whataboutism as ‘a special phrase used during the Cold War to describe the Soviets’ response to criticism.’ The phrase was ‘And You Are Lynching Negroes’ which Burgis describes as the Soviets’ automatic ‘go-to example’ for many years. Burgis adds that ‘every use of the phrase would remind listeners that the Soviets had a point.’ Yet he also notes that whataboutery is not an inherently suspicious tactic. It asks whether we practice what we preach, so it ‘can be a test of whether we are serious about our principles.’ In any event, in the Israel-Palestine controversies these accusations are waged on all sides. The Israeli who condemns human rights violations by Hamas, Hizbollah, Iran, Syria, Saudi Arabia, or Turkey will immediately be met with whataboutery regarding the Palestinians, and vice versa. Precisely because these polemics operate so handily in both directions, they rarely bring either side very far. At the very least, to reject ‘moral equivalences’ invoked in Israel's defence seems risible in contexts where analogies are constantly drawn between Israel and colonialism, Israel and apartheid, Israel and Nazism.

Immanent Critique

Despite whatever comparisons we might draw from Russia-Ukraine to Israel-Palestine, accusations of hypocrisy, whilst heard across the political spectrum, have long played a key role in leftist analysis. After all, in Western democracies today we do not primarily justify our laws and constitutions on the types of grounds more familiar in pre-modernity, such as royal descent or military conquest.²² Instead, we invoke classical liberal norms of civic equality, economic opportunity, human dignity, individual autonomy, and even-handed application of the rule of law. When Karl Marx blasted these norms it was not because he disliked them but because they promised a world precisely opposite to the one he saw around him. Lawmakers and courts were invoking these norms to entrench brutal hierarchies, so these norms lacked all

²¹ E.g., Eaton, G. ‘Noam Chomsky: “We’re approaching the most dangerous point in human history”’, 6 April 2022, *New Statesman*, <https://www.newstatesman.com/encounter/2022/04/noam-chomsky-were-approaching-the-most-dangerous-point-in-human-history> (accessed Dec. 4, 2023). Cf. critically, ‘Critical Theory and Memory Politics: Leftist Autocritique After the Ukraine War’, *International Journal of Law in Context* (2023), 1–20. Advance online version: doi:10.1017/S1744552323000289.

²² I adopt these few sentences from Heinze, above note 19, given the salient overlap.

meaning for ordinary workers whilst all benefits accrued to property-owning elites.²³ In a word, Marx was accusing liberalism of hypocrisy, although his goal was not so much to pass moral judgements on existing institutions but rather to overthrow them.

A century later, writing from his prison cell in Alabama, Martin Luther King, Jr. wished the opposite. King sought not to overthrow liberal-democratic norms enshrined in the United States Constitution but to uphold them after two centuries in which they had been contorted to preserve slavery and then mass racial injustice.²⁴ Notwithstanding that surface difference between Marx and King, they both viewed the problem with liberal democracy as lying not in its abstract values as such, but in systemically hypocritical application of those values to justify precisely opposite realities. In that sense, both men contributed to what would come to be known among progressives as *immanent critique*, whereby, in scrutinising classically liberal norms, we show how Western institutions have invoked them not to achieve their promises but to subvert them in the interests of white male elites and to the detriment of disempowered populations.

One selling point for immanent critique is that it, too, seems to check-mate Israel, a state inscribing itself in the Western liberal-democratic tradition in ways that its direct or indirect foes have not done. Yet the problem here is that leftists have never insisted that immanent critique applies only to Western liberal democracies, nor would it be coherent for them to proceed on that assumption. If immanent critique is ultimately about ways in which nominally universal values are invoked to justify violent or oppressive power hierarchies then it no longer makes any difference whether those values are liberal-democratic or of some other type. As already mentioned, *if* we assume liberal democracy then it sounds farcical to condemn Iran for failing to uphold Islamic values on a par with condemn Israel for failing to uphold democratic values. However, once that premise no longer applies, then suddenly it seems farcical *not* to do so.

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An ongoing challenge for critics of Israel lies in the scramble to find criteria by which the Israeli state should be judged, and indeed criteria which can justify criticism visibly disproportionate to that doled out to other democracies, to would-be democracies, to non-democracies, or to any other nations. Yet the closer we look at commonly cited criteria the more elusive they appear. Democratic criteria end up applied in altogether arbitrary ways. Accusations of hypocrisy are as available to one side as to the other. And, on its own criteria, immanent critique, far from remaining confined to liberal democracies, would become entirely meaningless if constrained in that way. Generalised ethical principles may well be useful when they promote critical thinking, but merely pose obstacles when they operate to supplant it.

²³ E.g., Marx, K. (1956+ [1844]) *Zur Judenfrage*, in *Marx—Engels Werke*, 6th ed., vol. 1, Institut für Marxismus-Leninismus, eds. Berlin: Dietz, pp. 347–377; Marx, K. (1956+ [1875]) *Kritik des Gothaer Programms*, in *Marx—Engels Werke*, vol. 19, Institut für Marxismus-Leninismus, eds. Berlin: Dietz, pp. 11–34.

²⁴ King, M. L. Jr. *Letter From Birmingham Jail*, 16 Apr 1963, The Africa Center - University of Pennsylvania, https://www.africa.upenn.edu/Articles_Gen/Letter_Birmingham.html (accessed Dec. 4, 2023).