

Introduction

Hello everyone. Welcome to *Eyes on Gaza*, our daily gathering which is a combination of protest and learning. For those of us who participate in the Saturday night demonstrations, whether we are calling for the release of the hostages, for ending the war, against genocide, or against the government and galloping fascism, at times it is not clear what the connection is between our demonstrations today and the demonstrations for democracy and against the judicial overhaul that preceded them. Did today's demonstrations replace the previous ones? Is it the same demonstration whose content is simply being updated? What is the relation between “big demonstrations,” as we call them, and the demonstrators of the anti-occupation bloc in the previous round, or those calling for an end to the genocide in the current round?

To try to bring some order to these and other questions, today we invited Prof. Adam Shinar, an expert in constitutional and administrative law at Reichman University, who is also a member of the board of the Association for Civil Rights in Israel and of the Forum of Law Lecturers for Democracy, the forum that works against the judicial overhaul. Adam will speak for eight minutes and afterwards we will leave time for a short discussion. I remind you that whoever wants to ask a question is invited to write it in the chat, and I will read it to Adam at the end of his remarks. Adam, thank you very much for joining us, the floor is yours.

Lecture

Thank you very much for the invitation, and thanks to everyone who joined. I am usually not used to speaking for eight minutes, so I will give a few points and will be happy to open it afterwards for discussion. I would like to talk about the connection between the coup–revolution–overhaul [in Israel] and the war. One claim that I will not make, which exists in the discourse but seems to me less interesting, is that Hamas attacked because this was an opportunity: because the protest and the mess it created, and the overhaul and the mess it created, in effect caused a decline in alert and created a point of vulnerability. I will not deal with that. In the short time I have, I will argue that there are shared characteristics between the protest against the judicial overhaul, and the conduct of protest during the war.

The struggle against the overhaul – and I assume that many here took part in it in one way or another – was in many ways spontaneous and sweeping, but it was also calculated. In what sense? It was calculated in its presentation – at least this is my claim – as a struggle that is not political, as something shared by all Israelis, whether Jews or Arabs, Mizrahim, Ashkenazim, secular, or religious. This was a struggle that dealt only with the structure of government without going into the question of who staffs it. For that reason, the struggle focused on structural principles such as the rule of law and the separation of powers, and it did so consciously and deliberately. This was reflected, for example, when the leaders of the protest, Moshe Radman, and others, were asked: why don't you talk about Arab citizens? Why don't you talk about the occupation? Why don't you talk about discrimination? Their decision not to raise these issues was deliberate.

The problem which in my view became clear quite quickly, was that focusing on democratic structures – such as the Supreme Court, its composition, what constitutes reasonableness – and the discourse created around the protest, ignored the way those structures impacted certain groups. It ignored the distributive consequences for groups that were excluded, whether actively or passively from the discourse. These were, first and foremost, the Palestinian citizens of Israel, who to a large extent, based on studies and interviews conducted afterwards, perceived the struggle against the overhaul as an intra-Jewish political-ideological conflict within Jewish society that did not concern them. Why it did not concern them is something we can speak about afterwards.

When the war erupted in October 2023, the Israeli government implemented a series of measures that had significant repercussions on the basic rights of its citizens. For now, I will focus not on Gaza itself, but on the impact within Israel. Among the most notable actions were restrictions on public demonstrations: authorities either denied permits outright or approved gatherings under conditions that diverged from what organizers had requested. In an unprecedented move, the High Court of Justice sided with the police and government early in the conflict, endorsing bans on demonstrations and the selective granting of permits—a type of ruling the Court had not issued in decades. At the same time, a wave of investigations targeted Palestinian citizens of Israel, with some cases ultimately resulting in indictments for incitement or support of terrorist organizations. Other measures reflected a broader atmosphere of social and political repression: Arabs faced heightened scrutiny on social media and within universities, while media outlets came under direct attack. Initially, the government shut down Al-Mayadeen, which is linked to Hezbollah, followed by Al Jazeera, first via emergency regulations and later under a law passed by the Knesset. Foreign journalists were also subjected to severe restrictions: entry to Gaza was barred unless accompanied by Israeli officials, and all their reporting was subject to prior military review. Taken together, these steps represent a sweeping tightening of civil liberties within Israel, justified in the name of wartime security but raising profound questions about the limits of state power during conflict.

All these measures focused on basic rights that the protest before October 2023 claimed to defend, and freedom of expression above all. But once the war began, these measures did not generate opposition. Why? One reason is the usual dynamic of wars worldwide. Another is that these repressive measures were directed, deliberately or not, against Palestinian Israeli citizens, the same group that had not taken significant part in the struggle against the overhaul.

If we look at today's struggle, it is very different from the struggle against the overhaul, yet also similar to it. Today's struggle focuses almost entirely on the release of the hostages and, more recently, on ending the war. At first it was mainly about the hostages. These struggles are conducted through a prism that does not attempt to answer Israel's most basic and existential questions, in particular the Palestinian question – both in the territories and inside Israel. These are the very same questions the protest against the overhaul sought deliberately to bypass, and which the current struggle now simply represses. What do we see here? To succeed – and I think the struggle against the overhaul was successful in a certain sense – it had to be depoliticized. This meant instating that it was not “a political struggle”, but a struggle to defend state structures. The tactical aim was to attract publics who otherwise would not join, such as right-wingers or religious people – though in the end they did not really join. The same depoliticization is visible in the struggle in regard to the war. Thus, the struggle for the release of the hostages was not deliberately framed as political out of fear that politicization would only harm it and prevent mobilizing broad support.

This context also sheds light on the ongoing struggle over the Attorney General—whether she should remain in office or be dismissed. Yesterday's headlines, for instance, focused on a changed lock at the Tel Aviv office of the Ministry of Law [thus preventing the Attorney General from getting in]. While symbolically significant, it underscores that the conflict is centered more on personalities than on substance. Support for the Attorney General is framed in the same terms as opposition to the judicial overhaul: curbing police authority, preventing authoritarianism, and defending the separation of powers. Yet this framing largely overlooks the Attorney General's and the Ministry of Law's role during the war itself, including how legal advice appears to have shifted attention away from Gaza to focus on internal political battles—likely a strategic choice. The legal advisors may have calculated, with some justification, that these were the arenas where they could mobilize Israeli public support to defend the Attorney General's position.

Viewed in this light, polling data takes on a revealing consistency. While most Israelis—or at least most Jewish Israelis—express a desire to end the war, a maybe smaller majority simultaneously supports the idea of no Palestinians in Gaza, whether through emigration, expulsion, or worse. These positions, seemingly contradictory, coexist without challenging the public's moral or political

equilibrium. Just as during the judicial overhaul, the population's stance toward Palestinians in Gaza generates little public discomfort, even amid conflict.

Thus, although the judicial overhaul and the war ostensibly deal with different issues, the internal Israeli discourse operates with the same tools: in the overhaul, blindness to the distributive consequences of governmental structures and a conscious avoidance of discussing them; in the war, blindness to what is happening in Gaza. And in that blindness everyone takes part: the government, the media, large parts of the public. That blindness, at least in part, comes from the same source: the desire to depoliticize political issues, which, whether we like it or not, lie at the root of both.