

Opinion

Opinion | This Is Definitely a Coup. Israel Is on Its Way to Becoming a Dictatorship

When the only thing that limits the power of the government is its goodwill – this country will no longer be a democracy



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What the Israeli government is trying to carry out is not a legal reform – it's a coup d'état.

There are two main types of coups in history. One type is the “coup from below.” That's the kind that's easy to spot. For example, in some banana republic, the power-hungry General Strongman decides to seize control. Early one morning the citizens wake up to find tanks in the streets of the capital! An armored battalion surrounds the parliament, firing shells at the elegant marble building. A company of paratroopers storms the prime minister's house, handcuffs him and imprisons him in a military dungeon.

Meanwhile, a second paratrooper company seizes the central broadcasting station, and at 8 A.M. the terrified citizens turn on their TV sets to discover Gen. Strongman, his chest covered with gold medals, announcing in an authoritative voice that, “for the good of the people,” he is seizing power in the country.

Usually when we think of a coup, we think of that kind. But there is another type that is very common in history: a “coup from above.” That’s more difficult to spot.

A “coup from above” occurs when a government that came to power in a perfectly legal way, violates the restrictions the law imposes on it, and tries to gain unlimited power. It’s a very old trick: First use the law to gain power, then use power to distort the law.

It can be very confusing when a “coup from above” takes place. On the face of it, everything looks normal. There are no tanks in the streets, and no general with a uniform sagging with medals interrupts the television broadcasts. The coup occurs behind closed doors, with laws being passed and decrees being signed that remove all restraints on the government, and dismantle all checks and balances. Of course, the government does not declare that it is carrying out a coup. It claims only that it is passing some much-needed reforms, “for the good of the people.”

How can we in Israel today determine whether we are facing a genuine reform or a coup? The simplest test is to ask: Are there still limits on the power of the government? When instituting a reform package, the government makes significant changes, but still respects the limitations on its power. Even after the reforms are implemented, it still doesn’t mean the government can do anything it wants. On the other hand, a coup is a situation in which the government tries to gain unlimited power. If the coup is

successful, it means that from now on there are no restrictions on the government's decisions and actions.

According to these criteria, it's clear that what is happening in Israel at present is a coup, not a series of reforms. The government is trying to confuse us by focusing our attention on complicated technical matters, such as "What will be the exact composition of the committee that appoints judges?" The public must not be distracted by such deceptions! Instead, we must keep asking: "What limits will there be on the power of the government under the new regime?"

Let's say that the governing coalition decides to pass a law depriving Arabs of the right to vote – does any mechanism exist that can obstruct such a move? In other democracies, there are many mechanisms that can prevent the passage of such a racist and antidemocratic law. In Israel, at present, there is only one such mechanism: the Supreme Court. If a majority of Knesset members votes in favor of disenfranchising Arabs, or in favor of denying workers the right to strike, or in favor of closing down all the newspapers that dare to criticize the government – the Supreme Court is the only institution authorized to intervene and strike down such legislation.

The government's "legal reform" seeks to destroy the independence and power of the Supreme Court, and thereby dismantle the only restriction on the governing coalition. Some may argue that there will still be one very important mechanism imposing limitations on the government:

elections. No matter what the government does, if the public does not like it, in the next election, voters are free to replace the government. But this argument does not hold water.

First, this mechanism does not provide any protection for the rights of minorities. Second, under the new regime, the ruling coalition could change the electoral system at will, making it very difficult to replace the government. If the coalition suspects that it might lose the election, it might bar opposition parties from participating in it, or invent some other trick that will ensure its victory. The new legislation the government is trying to pass includes no mechanism to prevent such foul play.

Of course, there is nothing sacred about the mechanism of the Supreme Court. If, along with weakening the court, the government had proposed alternate checks and balances on its own power – it might have been possible to believe that the government really was interested only in instituting reforms, rather than in establishing a dictatorship. But the government has not proposed any such alternate measures.

When the leaders of the coup are explicitly asked what will limit the power of the government under their new regime, the only answer they give is: “Our goodwill. Trust us.” That is the classic answer given by every dictator. Gen. Strongman, after seizing power with the help of an armored battalion, also declares in his speech to the nation: “Trust me. I will protect you. I will take care of you.”

For the citizens, it doesn't matter whether it's an armored battalion or a legislative blitz that makes them utterly dependent on the goodwill of the ruler. In both cases the result is a dictatorship. When the only thing that limits the power of the government is its own goodwill – that is the definition of a dictatorship.

But there is, nevertheless, a fundamental difference between establishing a dictatorship with tanks, “from below,” and establishing a dictatorship by means of legislation, “from above.” When a coup occurs “from below,” there are many official bodies whose job it is to stop it: the army, the police, the secret service. The government can order them to come to its aid and arrest Gen. Strongman. But when it is the government itself that's carrying out the coup – then the army, the police and the secret service will find it difficult to oppose it, because they are normally bound to obey the government's orders. In such a situation, it is the duty of the citizens to stop the government and to prevent it from gaining unlimited power.

How will we know that we have succeeded in stopping the coup, and that it's time to stop demonstrating and consider a compromise? Legal details are of great importance in striking such a deal, and experts in the field will have a lot of work on their hands. But the key question each one of us will have to ask ourselves regarding any such arrangement is: “What will limit the power of the government? If a majority of Knesset members wants to deprive Arabs of the right to vote, or ban all opposition newspapers, or jail women for

wearing shorts – what is the mechanism that will prevent this?”

We must therefore reject any compromise that fails to include robust limitations on the government’s power, and we must convey to the government a very clear message: Bring the coup to a halt, or we will bring the country to a halt.

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