
Political Survival and the Violations of Human Rights

The 2018 Gaza
Protests and Israeli
Repression

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Introduction

On the 7th of January 2018, a Palestinian journalist posted on Facebook the idea of mass demonstrations at the fences between Gaza and Israel, to draw attention “to the dire humanitarian situation in Gaza” (United Nations Commission of Inquiry (UNCOI hereafter), 2019, p.4). This idea was rapidly taken up by more and more Palestinians, eventually resulting into a movement with an established national committee, planning and overseeing protests attended by tens of thousands of demonstrators. Israeli security forces, claiming the protests threatened the existence of Israel as a Jewish state, responded fiercely. Nine months later, 183 Palestinians had lost their lives, and thousands more were injured, the UNCOI (2019) reported. Human rights promoting groups (among others: UNCOI, 2019; Human Rights Watch (HRW), 2018a,b) accused Israeli authorities of severely violating international agreements protecting Palestinian rights. Considering the fact that Israel has ratified a variety of conventions explicitly prohibiting this kind of violence by law enforcement, the events seem to pose a challenge to scholarly literature arguing for the constraining effect of human rights treaties on repressive state behaviour.

A fairly recent example of such literature is presented by Conrad & Ritter (2013). In their search for the conditions under which international human rights treaties (IHRT’s) do or do not constrain state repression, they develop a theory in which they focus on a leader’s incentives to repress or not. Arguments are made that leaders of treaty-bounded states are faced with conflicting incentives: one to repress (to control increased mobilized challenges), and one not to repress (to avoid potential costly litigation) (Conrad & Ritter, 2013). The leader then balances these incentives based on his or her job security. This focus on political survival of a leader and its relation to repression and human rights violations, is part of a larger academic trend (e.g. de Mesquita et al., 1999; Young, 2012; Ritter, 2013).

The main purpose of this research is to put to the test the core ideas and causal mechanisms underlying these theories, and more specifically Conrad & Ritter’s (2013), by applying it to the case as outlined above. The context in which these events took place, potentially pose a challenge to the way scholars normally understand the game of repression and dissent to take shape: the repressed group, the Palestinian protesters, are not perceived by Israel as its own citizens. When a theory is built upon the assumption that the dissident group inherently flows from the repressive state’s own population, as – among many others¹-

¹ Examples are Tilly (1978), Davenport (1995, 2007a, 2007b), Young (2012), Pierskalla (2009), Ritter (2013)

Conrad & Ritter's (2013) is, it will arguably experience difficulties explaining state behaviour when this assumption does not go. This work's goal is thus to contribute to a deeper understanding of the conditions in which states may or may not engage in the violation of human rights, by exploring to what extent this theory holds when it concerns repression against people not considered citizens by the state.

For these purposes, a qualitative case-study design is set up, centred around the main research question: To what extent were the Israeli authorities' violations of Article 21 of the International Covenant on Civil and Political Rights surrounding the Gaza protests of 2018 driven by Netanyahu's job security?² To come to the answer, four main components will be investigated, following Conrad & Ritter (2013): baseline job security, dissent, judicial effectiveness and repression.

Findings show Netanyahu's baseline job security was strengthened, while the dissident threat from the protests was at no point taking extreme forms. Additionally, Israeli judicial effectiveness was found to be high. As will be argued, theory in this case predicts levels of repression to be low, applied only in a manner proportionate to the dissident behaviour authorities are faced with. However, findings suggest that this expectation does not seem to go for my case. The levels of repression as they will be identified are not accounted for by theory. In my attempt to explain this discrepancy, arguments will be made for an expansion of the concept of job security. Additionally, the function repression is assumed by theory to serve will be critically questioned.

² This article reads: "The right of peaceful assembly shall be recognized. No restrictions may be placed on the exercise of this right other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order (*ordre public*), the protection of public health or morals or the protection of the rights and freedoms of others." (International Covenant on Civil and Political Rights, 1976, Article 21)

1. Research Design

1.1 Theoretical Framework

In search of the answer to the question “Why do states violate international human right treaties?” certain recent studies have shifted the focus from international factors to domestic ones, with Conrad & Ritter (2013) being an accurate example. The idea that the effect IHRT’s have on state behaviour is dependent on a certain configuration of domestic factors is – broadly speaking- what underlies these theories. In order for the treaties to have any potential effect, a variety of domestic conditions must be met. And thus, when treaties seem to have no discernible effect on the protection of human rights, this is the result from a failure of meeting these conditions. This study will be centred around the set of these domestic conditions, and – in line with Conrad & Ritter (2013)- will be especially focused on one of them: job security.

1.1.1 Domestic Institutions and the Violation of Human Rights

Following Davenport (2007a, 2007b), Conrad & Ritter (2013) essentially make the assumption that state authorities respond to mobilized dissent with repression, thereby increasing violations of human rights (Conrad & Ritter, 2013, p.397). Now, because commitment to IHRT’s, they argue, leads to an increase in domestic mobilized dissent, one could logically state that commitment to IHRT’s leads to increased repression (or at least an incentive for leaders to repress). However, leaders of committed states are also faced with another, conflicting incentive, namely one not to repress: courts and domestic judiciary constraints make repression potentially costly, and IHRT’s increase these costs (Conrad & Ritter, 2013). They then pose the question: how do leaders balance these incentives, when deciding to repress or not? They also offer an answer: they base their choice on their job security (Conrad & Ritter, 2013).

So when do violations of human rights occur? Essentially, job security is a leaders’ first consideration: the self-preservation incentive transcends any other (Conrad & Ritter, 2013). And so, when insecure leaders are faced with dissident behaviour, they will repress as needed to retain office, ignoring any potential costs from judiciary actors. However, when leaders feel they are likely to remain in power, the cost of potential litigation weighs heavily, deterring leaders from engaging in severe repression (Conrad & Ritter, 2013). This focus on political survival and its effect on domestic political processes, and more specifically on repressive state policies, is part of a larger academic trend (Ritter, 2013; Young, 2012; de

Mesquita, Smith, Siverson, & Morrow, 2003). Their finding that commitment to IHRT's can indeed have a positive effect on rights protections, however, is not: a great deal of scholarly work stresses the opposite (Hafner-Burton & Tsutsui, 2007; Hathaway, 2002; Hill, 2010).

Conrad & Ritter (2013) thus see violations of human rights as a part of a certain interaction between dissent and repression. Therefore, understanding this 'game' is of crucial importance, and Conrad & Ritter (2013) draw upon a variety of studies focusing on the strategic calculus of repressive and dissident actors. Both repression and dissent are regarded as instruments serving a certain goal: for dissent this is to "force the government to make a policy compromise" (Pierskalla, 2010, p.8), whereas repression is meant to "undermine the group's will and capacity to mobilize against the state" (Conrad & Ritter, 2013, p.399). Because dissident behaviour, especially when wider in scope, more violent, and aimed at overthrowing the government, is potentially threatening for the position of a leader (Davenport, 1995, 2007a, 2007b; Conrad & Ritter, 2013; Ritter, 2013; Licht & Allen, 2018; Pierskalla, 2010), repression thus essentially serves a function of political survival. The idea is that coercive tactics create fear and prevent future dissident action, and thus enable states to better maintain power and control policy (Gurr, 1988).

Human rights violations are thus explained by a certain conjunction of four main elements: job (in)security, dissent, repression and judicial effectiveness. These will now be outlined and elaborated on.

1.1.2 Baseline Job (in)security

Conrad & Ritter use the concept of a "baseline job security", determined by "the leaders time in office, institutional means of removal, and policy outcomes" (2013, p.401). In expanding this concept, they add two more aspects, drawing upon Cheibub's (1998) work: political-economic factors (annual economic growth) and previous changes in leadership. In addition, the age of the leader and the level of democracy of the state is accounted for, following work of Young (2012). The idea is that leaders account for these aspects in making expectations about "their ability to retain office" (Young, 2012, p.49). In other words: job insecurity is the risk of losing office.

It must be stressed that there is thus a distinction made between baseline job security and job security in its whole. In the concept of baseline job security, the potential influence of dissident behaviour is not accounted for: in fact, the whole concept of dissent is detached from the concept of job security, when using the term baseline job security. By splitting baseline job security from 'general' job security, and separately investigating dissident threat,

ultimately statements can be made as to how (in)secure Netanyahu's overall position was.

1.1.3. Dissent

In defining dissent, Ritter is followed: “(...)a coordinated attempt by nonstate actors within the territorial jurisdiction of the state to influence political outcomes that is not organized by the state. (...) it includes legal forms of dissent, such as sit-ins or peaceful protests (...). It can range from nonviolent (...) to very violent, including riots and violent attacks on persons and/or property. Additionally, a dissident group can be of any size from among the population, have any defining characteristics, and exhibit any level of organization” (Ritter, 2013, p.145).

Especially the distinction between violent and nonviolent dissent is of importance. Among many others, Davenport argues that more severe repressive actions from the state are likelier when dissent entails violence (1995, p.687). Vice versa, one can assume that nonviolent dissent is responded to by less repressive state behaviour.

1.1.4 Repression

In defining repression, the definition of Licht & Allen is followed: “any policy taken by the state which limits the freedom of citizens to express discontent or which imposes costs upon those who do. Costs may be actively imposed or merely threatened” (2018, p.584). In addition, work from Ritter is used: “Repression may be violent or nonviolent, legal or illegal, widespread or targeted” (2013, p.145). Basically, repression is viewed as an instrument of the state to control mobilized dissent, often referred to as “The Law of Coercive Responsiveness” (Davenport, 1995). Of course, in the end, as mentioned earlier, the goal is to remain in power. Repression thus is a tool for leaders to retain office.

One important assumption underlying these theories, is that because state leaders are rational, they will always use less costly means to secure their position. This means that, when faced with dissent, leaders will respond with ‘just the right amount’ of repression to counter this threat to power. When unnecessary for maintaining its own survival, any regime will avoid high levels of repression (Gartner & Regan, 1996). On the one hand because repression is costly, on the other because it is assumed to reduce societal support, moving citizens away from state preferences (Young, 2012, p.583). Also Conrad & Ritter make similar claims: repressive as well as dissident actors always seek to minimize their expenditures when acting in this respect (2013, p.399), and so states will never repress more than needed to secure their position.

1.1.5. Judicial Effectiveness

The starting point for Conrad & Ritter concerning judicial effectiveness, is that increased effectiveness leads to increased human rights protections (2013, p.398). They use work of Powell and Staton to define an effective judiciary as one that “constitutes a genuine constraint on state behaviour” (2009, p.154). The domestic courts must be willing as well as able to make rulings versus state actors. Here, the mere expectation that courts are potentially constraining vis-à-vis the state can be more influential in changing state behaviour than the actual rulings made: “victims are more likely to bring allegations before the court when they believe it to be effective” (Conrad & Ritter, 2013, p.398). Additionally, the expectation that authorities can be litigated, can deter them from repressing: even if they succeed in avoiding real punishment, litigation is costly (Conrad & Ritter, 2013, p.398).

What IHRT’s do then, is increasing the likelihood that a repressive actor will incur these litigation costs. On the one hand, the treaties push domestic law towards international agreements and obligations, refining extant laws. On the other, they make victims “increasingly prone to litigate” (Conrad & Ritter, 2013, p.398). This two-sided mechanism makes committed states “more likely to face costly litigation than one that does not commit, regardless of its initial level of domestic judicial effectiveness” (Conrad & Ritter, 2013, p.398).

1.1.6. The case and its puzzle

In February 2019, the UNCOI reported the killing of 183 Palestinians in Gaza by Israeli forces, with thousands more (severely) injured. It was the result of the use of live ammunition against protesters who gathered at the fences between Gaza and Israel. Palestinian protesters were speaking of “the great march of return”, demanding the lifting of the Israel-Gaza blockade and the return of Palestinian refugees (UNCOI, 2019, p.3). Israel, in turn, perceived “a new security threat” in the demonstrations, claiming that they were an Hamas strategy to eventually kill or capture Israelis (HRW, 2018a).

As one can note, in this situation, the dissident group is perceived as different from the repressive state’s own citizens. Theory as presented above, however, does not account for such a distinction: it essentially assumes these groups to always be one and the same. The case therefore arguably poses a challenge to theory. This is precisely the gap which this study addresses.

The contribution of this work thus lies in exploring to what extent a theoretical focus

on a leader's incentives to repress or not, is able to explain state behaviour when it concerns a situation showing somewhat atypical characteristics. It is very much about testing the causal mechanisms assumed to be at work, something Ritter stressed as particularly important in understanding human rights violations (2013, p.162). Findings potentially carry important implications for the way current literature treats the repression-dissent game, and possible faults therein. Furthermore, these findings are in no sense limited to only my particular case: situations where repression is not aimed at the state's own population, are not exceptionally uncommon.

To come to these findings, a case-study design is set up, centred around the main research question: To what extent were the Israeli authorities' violations of article 21 of the ICCPR surrounding the Gaza protests of 2018 driven by Netanyahu's political position? A qualitative approach allows an in-depth analysis of every component of our concern. Additionally, it provides room for a focus on causality, arguably more than in the quantitative studies from which these very mechanisms flow out.

1.2. Methodology

1.2.1. Sub-questions

The main research question is broken down into five sub-questions, with each one touching upon one important theoretical element. Firstly, four sub-questions will focus on each of the main concepts. These are:

- (1) What were the protests and how threatening were they?
- (2) What were the violations of article 21 and how severe were they?
- (3) How effective was the judiciary power?
- (4) How weak or strong was Netanyahu's baseline political position?

The fifth and last sub-question connects these elements and serves to answer the main research question:

- (5) To what extent can this repression be explained by Netanyahu's political position and the effectiveness of the judiciary?

1.2.2. Operationalizations and data sources

Dissent

For the exact definition of this concept, see section 1.1.3. Drawing upon this definition, five indicators for assessing the level of threat of the protests, are identified: legality, violence, scope, level of organisation and the defining characteristic (the shared goal of the protesters). These elements provide a framework in which the dissent can be placed to measure its threat to Israeli authorities.

Firstly, it should be noted that, although findings surrounding this indicator could have implications for the overall level of threat the protests posed, the legality will not be examined in this study. The legal situation in Gaza –with for example the disputed legal status of Palestinian residents- is in this case too complicated to come to unambiguous findings. Examining which international and domestic laws are applicable would thus require unavailable time and resources, and is therefore avoided.

Following international law standards (for example the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials), only actions which pose an imminent threat to life or limb, public safety and/or national security are regarded as potentially threatening³. This means that a measurement of this concept should focus very much on violence (in its broadest sense). It is assumed that if the protests did not at any point entail violent actions, the dissent is labelled non-threatening. If findings do show any occurrence of violence, efforts must be made to examine these in light of the remaining three elements.

For scope, this means asking the question: Were these violent actions incidental or structural? Here, the frequency of such cases will be compared to the overall scope of the protests: the larger the part of the protesting group which engaged therein, the more structural and the less exceptional the violence is, and thus the more threatening the protests were.

Regarding the level of organisation, the assessment concerns the question: Were the violent actions organised top-down by for example armed, militant groups, or were they

³ See the methodology-section on repression. Because standards of international law regard repression as necessary, and thus not severe, only when protests pose an imminent threat to life, limb, and public/national safety, only these sort of actions have to be captured for dissent; only these account for any levels of violent repression. This way, discrepancies between given levels of dissent and repression can be exposed more accurately. Note that violence is understood in its broadest sense: threats to public order for example, are regarded as violent, although they do not necessarily entail physical man-to-man violent behaviour.

individual efforts? The higher the level of organisation the violence entailed, the higher the level of threat the protests presumably posed.

The last element, the defining characteristic, surrounds the question: Was the violence (part of) the commonly shared, clear-stated goal of the protests? If findings suggest that the common goal of the protests was to harm Israeli authorities, properties or persons, and this goal was also made public, this of course has important implications for the posed level of threat.

These considerations in mind, when are the protests then deemed threatening, and to what extent? For an overview, see table 1.

Table 1. *Levels of threat and their indicators.*

Level of threat	Scope of violence	Level of organisation of violence	Defining characteristic of violence
None	Non-existent	-	-
Low	Incidental	No signs of organization	No part of commonly shared, clear-stated goal
Potential/Intermediate	Incidental	Some signs of organization	No part of commonly shared clear-stated goal
High	Structural	Clear signs of organization	Part of commonly shared, clear-stated goal

For all of these indicators, the most ideal source of data would be coming from on-site reports from neutral observers. Considering the unavailability of these sources, a combination of two sources of data is made: the UNCOI (2019) report on the Gaza protests on the one hand, and a news report published by HRW (2018b) on the other. The latter contains interviews with nine Palestinian protesters, and thus enables us to come close to our ideal data-source⁴. Both sources provide useful data on all of the indicators as mentioned above.

⁴ This is of course not to say this method does not carry with it its own potential problems. For a short discussion thereof, see the validity-section.

Repression

For the precise definition, see section 1.1.4. For our purposes, as for dissent, a measurement of this concept should very much focus on the degree of severity.

How then is this severity to be understood? Here, the Cingranelli-Richards Human Rights Data Project Coding Manual (2014) is helpful. In their coding on the freedom of assembly, they divide into three categories: unimpeded (a score of 2), partially impeded (1) and severely impeded (0) (Cingranelli, Richards & Clay, 2014, p.53-55). This coding serves as the fundament for the assessment of repression in this study.

The level of repression will be labelled “low”, when the requirements for the score of 2 are met: the protests were fully allowed and there were no cases of severe restrictions. Here, severe restrictions are defined as: “Using official intimidation, harassment or threats of retaliation to prevent citizens from exercising the right to assembly and association. Examples include arbitrarily arresting, detaining, and imprisoning peaceful demonstrators; using excessive or unnecessary force (severely beating, maiming or killing demonstrators)” (Cingranelli et al., 2014, p.54-55).

If, however, the protests were partially restricted, with certain (for example allegedly violent) groups denied the freedom of assembly, the levels of repression will be regarded as intermediate. Here, severe restrictions are only applied in a targeted manner, aimed at select groups. In the CIRI coding manual, this means a score of 1.

High levels of repression entail the complete denial of freedom of assembly, thus meaning the protests were fully prohibited and impeded. Severe restrictions are used in a widespread, indiscriminate fashion. The maiming and killing of for example groups like children, disabled people or women is a clear indicator for the widespread –and thus not targeted- use of severe restrictions.

To examine to what extent the repressive actions undertaken by the state of Israel can be labelled low, intermediate, or high, ideal data would –again- come from reports from neutral on-site observers. Instead, a combination of the UNCOI (2019) report on the Gaza Protests and a HRW (2018b) news report on the events will provide the necessary data.

Job Security

The term job security and political position will be used interchangeably. The definition reads: the perception of the likelihood the leader will retain office (Conrad & Ritter, 2013). As noted earlier, job security as a concept in its whole is the leader’s baseline job security plus the threat he faces from dissent. For methodological convenience, overall job security will not

be operationalized separately; this is done by means of measuring dissent and baseline job security. In section 2.5, these two will be taken together to make statements as to how weak or strong Netanyahu's overall position was.

A leader with a strong baseline job security must be faced with more severe dissident behaviour for his position to be threatened, than a leader with a relatively weak baseline position. Vice versa, a leader who is already vulnerable to turnover is more likely to be threatened by the same levels of dissent than a leader who sits securely in power.

Baseline Job Security

The measurement will consist of five indicators, all of which are either presumed to weaken, strengthen or not influence the baseline political position of the leader. If an indicator is found to be weakening, it will receive a score of -1 . If on the other hand findings suggest the factor to be strengthening, the score will be $+1$. Indicators receiving a 0 are believed to be not affecting the baseline job security.⁵ In the end, this leaves us with a minimum score of -5 (extremely weak) and a maximum score of $+5$ (extremely strong). An end-score of -1 , 0 or 1 is regarded as an intermediate baseline job security, neither strengthened nor weakened.⁶

For the exact thresholds per indicator, see Appendix (1). For the first indicator, the time the leader is in office⁷, Licht & Allen (2018) is followed: the longer the leader has served as the leader, the more experience and reputation he is likely to carry with him, and thus the more secure his or her baseline position is. Here, the Israeli Parliament website *main.knesset.gov.il* will provide the necessary data.

The second indicator surrounds the existing institutional ways of removal. With adding this element, again Conrad & Ritter (2013) is followed. What kind of procedures of removal of the executive leader does the Israeli political system allow? How likely are they to succeed, given the complexity of these procedures? For this indicator, Israel's Basic Law: The Government⁸ will be analyzed.

In line with both Cheibub (1998) and Conrad & Ritter (2013), annual economic growth will also be accounted for when measuring job security. Here, data on the gross domestic product (GDP), provided by the IMF (2019) on the year of the protests will be compared to the same type of data on earlier years.

⁵ Note that every indicator has equal weight

⁶ For an elaboration on these choices, see the section on validity

⁷ With accounting for this factor, Conrad & Ritter (2013) is followed

⁸ Israel does not have a Constitution. The basis of their political system is outlined in a variety of 'Basic Laws', serving a similar function as Constitutions normally do.

Additionally, and building upon Young (2012) and Conrad & Ritter (2013), previous changes in leadership will be examined. If these changes are relatively irregular, unpredictable or of abnormal frequent occurrence, this presumably affects the perception of the leader concerning his chances of retaining office. Following Licht & Allen (2018), this indicator entails two distinct elements: the relationship between the (previous) ingoing and outgoing leaders, and the nature of the turnover itself. The changes in leadership since the last direct elections for the PM (2001) will be analyzed for this purpose, with the Parliament website again functioning as the data source.

Again in line with Young (2012), the aspect of the level of democracy of the state is also added to the concept and its measurement. It concerns the question if the democratic functioning of the state carry any characteristics which form reason to believe the political position of the leader is affected by this element. Ideally, a comprehensive combination of every leading democracy-index is used to measure this factor. However, limited time and resources require a more simplified approach: for these purposes, the 2019 Freedom House report on Israel will function as data provider.

Judicial Effectiveness

Because an effective system of domestic courts is one that “constitutes a genuine constraint on state behaviour” (Powell & Staton, 2009, p.154), the main goal of developing a measurement of this concept thus lies in capturing to what extent this is the case. Here, Linzer & Staton’s (2015) work on the measurement of this concept is useful. They provide us with three main elements: de jure independency, judicial autonomy, and judicial power (Linzer & Staton, 2015, p.225). Ideally, findings are based on an in-depth analysis of previous cases, revealing instances of (in)dependence under specific conditions. However, this would – for one thing- require specialised knowledge of the functioning of law, of course a complete different area of research. Instead, the 2019 Freedom House report on Israel will be consulted.

Freedom House assesses certain topics on the basis of sub-questions, with each question covering essential aspects of these topics. For judicial independency, they use sub-questions which overlap in a highly accurate fashion with the different elements outlined above.⁹ They then give each country a score on judicial independency, ranging from 0 to 4, where a score of 0 means complete absence of independency, and a 4 means the highest degree of independency. In their reports, they explain this score and outline the most

⁹ See Appendix (2) for these questions

important aspects regarding the judiciary per country. This report and the corresponding score will be used to make statements as to how (in)effective the judiciary is (or better: was in 2018).¹⁰

One element which Conrad & Ritter (2013) stress as particularly important, is the degree to which citizens believe the judiciary to be effective: this would motivate citizens to bring more cases to court. This factor will not directly be accounted for; on the one hand because such a measurement would require unfeasible data collection methods like large-scale questionnaires, on the other because it is assumed – in line with Conrad & Ritter (2013) and Powell & Staton (2009) – that both citizens and leaders have shared expectations surrounding the effectiveness of the judiciary, based on the *de facto* status of this effectiveness. Measuring this *de facto* effectiveness thus also means indirectly measuring people's believe about it.

1.2.3. Potential problems of validity

A potential problem with the validity of this study's findings, lies in the way the relationship between the leader and the state's repressive policies is understood. The core idea is that state behaviour can be explained by grasping the incentives the executive leader is faced with. If however state behaviour is not, or only minimally, determined by this executive leader's decisions, due to for example the presence of powerful lower-level institutions, this would mean that we would be measuring the incentives of a 'pseudo-actor'. This would potentially threaten the validity of any statement surrounding the causality between these incentives and repressive state behaviour. In extreme forms, it would even threaten the applicability of the theory in its whole.

In this respect, following other studies (Licht & Allen, 2018; Conrad & Ritter, 2013; Joshi, Maloy & Peterson, 2019), the principle of executive initiative, legislative redress is followed: repressive policies, in the first place, come from the executive power. In our case, this choice finds support in the fact that Netanyahu explicitly "greenlighted" the Israeli rules of engagement, *which he must in order for them to be applied*, and repeatedly praised the handling of the protests by Israeli security forces (HRW, 2018a). We can thus state that Netanyahu played a decisive role in Israeli repressive behaviour. Still, assuming such direct

¹⁰ Conrad & Ritter state the following: "As long as there are empirical instances of the judiciary constraining the state rather than the state constraining the judiciary, however, our theory can be used to explain state behaviour" (2013, p.401). This means that, if findings suggest these empirical instances are absent, and the state constraints the judiciary rather than vice versa, the theory in its whole would be inapplicable to our case. It is assumed in this respect, that if the Freedom House (2019) score is any other than 0, the theory is applicable.

causal relationships between state behaviour and a leader's decisions (and his incentives therewith) always carries the risk of missing out on other influential actors and their corresponding incentives. Accordingly, this study's findings must be placed in perspective.

Another potential problem of validity arises, when measuring this leader's (baseline) job security. A leader is assumed to have a certain *expectation* about his ability to remain in power, on which he then bases repressive decisions (Conrad & Ritter, 2013, p.401). The ultimate purpose of measuring this concept thus lies in capturing a perception. This is an inherently complicated task, and would ideally require an in-depth interview with the leader of concern. Due to the unfeasibility of this method, literature has provided a variety of elements assumed to influence this expectation. In this study, these different elements have been combined to come to a measurement as comprehensive as academically possible. However, the way these elements are understood to influence the leader's expectation, is in no way unambiguous.

For example, Conrad & Ritter (2013) mention institutional ways of removal and the leader's time in office as such aspects, but fail to substantiate the exact way these are presumed to influence the baseline job security of a leader. The same problem applies to the political-economic indicator. The idea that economic growth or decline affects a leader's position, and should thus be accounted for when measuring job security, is widely shared (Cheibub, 1998; Conrad & Ritter, 2013; Ritter, 2013); an idea as to when it actually should be regarded as either strengthening or weakening his position is however missing¹¹.

In measuring job security, the problem thus not only lies in determining which factors it should encompass, but lies just as well in how exactly these ought to be interpreted. Therefore, misconception surrounding a leader's political position is lurking greatly. In this respect, this study errs on the side of certainty. The requirements the indicators must meet to be either strengthening or weakening the leader's position are fairly strict¹². The goal here, is to provide a solid, and above all transparent, basis for any statement as to how strong or weak this position is.

Additionally, a remark has to be made in the face of the judicial effectiveness. As noted earlier, Conrad & Ritter (2013) explicitly stress the importance of accounting for the citizens' believe about it when measuring this concept. Because the questions upon which

¹¹ Moreover, the mere use of a country's gross domestic product to capture its economic development is in fact in itself a contested method because of its over-simplifying character (International Monetary Fund, 2019)

¹² For example, for the leader's position to be strengthened, economic growth must be the strongest since the start of the leader's tenure, the leader must be serving at least his third term, and institutional ways of removal must be exceptionally present

Freedom House (2019) bases its report do not capture this element directly, the validity of findings surrounding this concept are possibly threatened. For example, if the way the Israeli judicial system *de facto* functions leads Freedom House (2019) to conclude the judiciary power is highly effective, this would in turn lead us to conclude the chance of litigation of the leader was also high. However, if the citizens themselves do not share this perception, and see no use in bringing cases against the state to court, the chance of litigation would be overestimated. This would in turn lead to misconception as to the leader's incentives not to repress, threatening the internal validity of findings.

As noted earlier, fully countering this problem could only be done by means of – in my case unfeasible- methods like large-scale questionnaires. However, the problem is at least partially solved by the fact that also Palestinian residents in Gaza may petition to the Israeli Supreme Court. Considering that they are the target of the repression, the possibility that Netanyahu faced a certain immunity from litigation can be ruled out.

Lastly, a point has to be made surrounding the choice to use the Human Rights Watch (2018b) as a data source for the dissident threat. It contains interviews with nine Palestinian protesters. Although allowing us a useful insider-view of the events, it also increases the risk of bias in our data. Because the interviewees arguably have interest in undervaluing the severity of their actions, data is potentially skewed towards underestimation when assessing the dissident threat. In turn, this could lead to wrongful conclusions as to how secure Netanyahu's overall political position was, and how 'proportional' his repressive actions were.

This problem of bias is largely unavoidable, predominantly because of the political sensitivity of the Israel-Palestine conflict. However, in my attempt to counter this problem, data from the UNCOI (2019) report is used. It contains a great deal of data in the form of plain numbers, which are of course relatively immune to bias. Additionally, it is created by a third party with no immediate interest in the conflict.

2. Results

2.1 What were the protests and how threatening were they?

Violence

An analysis of the UNCOI (2019) report and the HRW (2018b) report exposes the engagement of protesters in several types of violent actions. Both reports clearly confirm the

following acts of violence: stone-throwing; the use of slingshots to hurl projectiles; the launching of kites with incendiary materials; the damaging/breaching of the fences between Gaza and Israel (or attempts to); instances of the use of deadly (fire)arms (UNCOI, 2019; HRW, 2018b).

The UNCOI report tells us that these actions allegedly led to injuries at the Israeli side in four cases¹³, although no fatalities on this side have been reported (UNCOI, 2019, p.6). The damage to Israeli property –for example houses and agricultural land- caused by the incendiary kites and balloons was “extensive” (UNCOI, 2019, p.17).

These findings allow us to conclude with a fair degree of certainty, that violent actions were indeed part of the demonstrations. The possibility that the demonstrations were peaceful at all times is thus ruled out.

Scope of violence

The protests began on the 30th of March. The attendance that day was around 40,000 and 50,000, with a “small minority” throwing stones, and reportedly none of the demonstrators being armed (UNCOI, 2019, p.7). The following weeks, these demonstrations were held at least once a week, with incidental cases of violence such as the damaging of fences and the launching of incendiary balloons (UNCOI, 2019, p.9). On 14 May the violence somewhat increased: although exact numbers are not mentioned, the UNCOI report replaced the word “some” for “many”, when describing instances of stone-throwing (2019, p.9). That day, one instance occurred where demonstrators actually crossed the separation fence, and subsequently set fire to an empty berm (UNCOI, 2019, p.9). From that day on, “the nature of the demonstrations changed” and “The use of incendiary kites became more prevalent” (UNCOI, 2019, p.11). Since then, the attendance for the weekly demonstrations ranged somewhere between 10,000 and 15,000. However, there is no reason to believe violent actions were at any point practiced by large parts of the demonstrating group: the UNCOI (2019) report consistently uses the word “minority” when describing this violent group.

The group of demonstrators who engaged in more severe violent actions, such as the use of deadly (fire)arms is even smaller. According to the UNCOI report, these entailed three instances: a Palestinian sniper shooting at an Israeli soldier (2019, p.17), a protester firing a gun from a demonstrating crowd (2019, p.19), and an Israeli soldier who was approached by a demonstrator with a knife (2019, p.12). These findings are however not confirmed by the

¹³ These injuries were reported by Israeli sources, not by the Council itself (UNCOI, 2019, p.17)

HRW (2018b) report, which in turn mentions only one such instance: four armed men firing at Israeli soldiers on 14 May.

These findings thus in no way provide reason to believe the scope of the violence can be deemed structural. The fact that at its highest, the number of injuries on the Israeli side is four, strongly suggests the absence of structural engagement in violent actions. In addition, only three cases of actual fence-crossing occurred. In the face of the approximate overall numbers of attendance of the protests, the scope of the violence can thus fairly convincingly be labelled *incidental*.

Level of organisation

Important in this respect, is to firstly note that armed wings of groups like Fatah and Hamas, were not represented in the Palestinian committee organizing and overseeing the demonstrations (UNCOI, 2019, p.4). The use and/or carrying of (fire)arms was in no sense part of an organized, top-down effort. However: “Some activities (...) began to be organized by self-declared “units”, some of them through their own Facebook pages” (UNCOI, 2019, p.9). Although referring to less severe violent actions such as stone-throwing, this suggests that not all violent efforts were completely individual.

In addition, the fact that the armed wings of certain groups were excluded from the organizing committee, did not mean that they also excluded themselves from the protests. Among the Palestinian casualties, there were at least 29 members of armed groups, with one of them actually carrying and using a firearm at the time of death (UNCOI, 2019, p.18). Although Israel at the time claimed the demonstrations were serving as a mask for “terrorist activities” (UNCOI, 2019, p.5) by such armed groups, the lack of additional, comparable cases provides little reason to believe the violence actually was organized top-down by these groups¹⁴. However, the less severe violent actions did show *some levels of organization*.

Defining characteristic

To grasp what the shared goal of the protests exactly was, it is crucial to analyze how they started, and why. Here, the UNCOI report tells us that the idea came from a Palestinian journalist, who posted on Facebook the following: “what if 200,000 demonstrators marched peacefully and broke through the fence east of Gaza and entered a few kilometres into the lands that are ours, holding the flags of Palestine and the keys to return, accompanied by

¹⁴ The UN Report does however state that potentially armed groups like Hamas did encourage and defend the use of for example incendiary kites (UNCOI, 2019, p.19)

international media, and then set up tents inside and established a city there” (UNCOI, 2019, p.4). This idea was taken up by all sorts of Palestinian groups, ultimately leading to the establishment of the earlier mentioned national committee. According to the UNCOI report, “they stated that their unifying element was the principle that the march was to be “fully peaceful from beginning to the end” and demonstrators would be unarmed” (UNCOI, 2019, p.4). Additionally, leaders of groups like Hamas, were “speaking of return and of crossing the fence” (UNCOI, 2019, p.5). The wish to return to what the Palestinians call their lands, was thus arguably part of the commonly shared goal, and was also in a fairly clear fashion stated by multiple Palestinian public figures. However, it was also stated that despite diverging (political) views of the organizing Palestinian groups, the overarching principle for the demonstrations was that they be peaceful at all times.

In the face of assessing the overall level of threat of the protests, this leads to somewhat contradictory conclusions. The goal of the protests as stated by the initial Facebook-post and certain Palestinian leaders, namely the return to the lands behind the fences, can – and is by Israel- be labelled as a threat to Israeli national security. This would mean that violence was indeed part of the defining characteristic. Nevertheless, the fact that the official statement of the organizing committee explicitly stressed the peacefulness of the protests, rather than the actual wish to cross the fences and establish settlements, leads one to conclude that the violence was *not unquestionably part of the commonly shared clear-stated goal*. This conclusion is in line with statements made in the UNCOI report: “In the commission’s view, the demonstrations were civilian in nature, had clearly stated political aims and (...) did not constitute combat or a military campaign” (UNCOI, 2019, p.5).

To summarize, the analyzed data provide enough reason to believe that violence did indeed occur during the Gaza protests. This violence was however found to be *incidental* in scope, showed *some levels of organisation* – although not of a clear bottom-up armed group- type- and was at most part of some groups actual goals. The level of threat of the protests are thus deemed *potential*, or *intermediate*.

2.2 What were the violations and how severe were they?

Israeli Rules of Engagement and Preparation

After the Palestinian committee announced the demonstrations, Israeli security forces began “to warn against participation” (UNCOI, 2019, p.5). One such example was the dropping of

leaflets in Gaza territory. According to the Times of Israel, the leaflets read: “ Hamas is using you to carry out terror activity. The IDF is prepared for every scenario. (...) Don’t follow Hamas’s orders, which endanger your lives.” (Times of Israel, 2018). In another case, the Arabic spokesman of Netanyahu posted a video of a man shot in the leg, declaring “ This is the least that anyone who tries to cross the security fence between Gaza and Israel will face.” (HRW, 2018b). Although these warnings cannot undisputedly be seen as ‘ fully prohibiting’ the protests, they can in a sense be viewed as an example of severe restrictions¹⁵.

Additionally, the Israeli rules of engagement explicitly permitted the use of live bullets¹⁶ (UNCOI, 2019, p.5; HRW, 2018b), thus allowing in advance the potential maiming and killing of demonstrators. These findings alone are enough to exclude the possibility the levels of repression were low; this would require the protests to be fully unimpeded. The question then remains how these rules of engagement manifested themselves over the course of the protests: how common were severe restrictions and were they clearly targeted or widespread?

Numbers

The UNCOI report provides figures surrounding deaths and injuries on both sides of the conflict. For the Gaza-side, the total number of fatalities by live ammunition is 183, of which at least 41 were part of so-called protected groups (women, children, neutral parties, disabled people) (UNCOI, 2019, p.6). An additional 6106 people were wounded by live bullets, with again a relatively large part (1177) of this group enjoying a protected status. The total injuries caused by bullet fragmentation, rubber-coated bullets or tear-gas canisters adds up to 3098, of which 1019 belonged to protected groups (UNCOI, 2019, p.6).

These numbers themselves are not sufficient to draw conclusions as to how severe the repression actually was. As mentioned earlier, one could argue that damaging and attempting to cross the fences poses a potential threat to Israeli national security or public safety. This would then make the use of force by Israeli authorities in those cases potentially necessary, which would mean these actions do not meet the requirements of severe restrictions. However, the findings surrounding the dissident action do not seem to account for these numbers of injuries and deaths on the Palestinian side in any way.

¹⁵ Namely the official harassment to prevent citizens from exercising their right to freedom of assembly, which is part of the definition of severe restrictions as based on the CIRI Codebook Manual (2014)

¹⁶ Although the official Rules of Engagement have not been published, this is confirmed by either the UNCOI (2019) report and the HRW (2018b) report

Level of Repression

The HRW report, based on an analysis of photographs and videos of the events, states that the shooting of people who posed no imminent threat to life by Israeli authorities was structural, showing a pattern (HRW, 2018b). Their interviews with witnesses consistently expose examples of people being shot while evacuating the wounded, running away from the fences or merely waving Palestinian flags. These cases where demonstrators in no way meant to damage or cross the fences, but were shot nonetheless, are confirmed by the UNCOI (2019) report. This report also speaks of multiple cases where disabled people have been (fatally) shot, even when they were not physically able to form a threat in any way (UNCOI, 2019, p.15-16). Furthermore, the UNCOI report contains an interview with an international on-site journalist. He uses the word “methodical” when describing the Israeli shooting at the demonstrators (2019, p.11).

Although Israeli authorities themselves claimed to be targeting only those who posed potential threats in any way, the data in no way provides grounds to assume this was the case¹⁷. The combination of the statements made by witnesses and the numbers surrounding the maiming and killing of protected groups, leads one to conclude that severe restrictions were common, applied in an indiscriminate fashion, and not limited to only those who allegedly belonged to armed wings of certain groups. The protests were highly impeded from beginning to end, and the severe restrictions were evidently widespread. The levels of repression can thus be labelled *high*.

2.3 How effective was the judiciary power?

Israel scored a 4 out of 4 in the Freedom House (2019) report on the independency of the judiciary. Their report is short, but clear:

The judiciary is independent and regularly rules against the government. Over the years, the Supreme Court has played an increasingly central role in protecting minorities and overturning decisions by the government and the parliament when they threaten human rights. The Supreme Court hears direct petitions from both Israeli citizens and Palestinian residents of the West Bank and Gaza Strip, and the state generally adheres to court rulings. (Freedom House, 2019)

As noted earlier, the main task surrounding the measurement of this concept lied in capturing

¹⁷ This is clearly in line with the concluding remarks of the UNCOI (2019) report

to what extent the judiciary actually constraints the government. The Freedom House Report (2019) is on this point thus fairly clear: it regularly does, and the state generally adheres. The judiciary power can be labelled *highly effective*. Thus, the judiciary – at least in theory- did pose a strong domestic pressure for Netanyahu not to repress.

2.4 How weak or strong was Netanyahu’s baseline political position?

Time leader is in office

An analysis of the Israeli Parliament website (<https://main.knesset.gov.il/en>) tells us the following: Benjamin Netanyahu served his first term from 1996 to 1999. In 2009 he began his second term as Prime Minister, followed by his third term from 2013 until 2015. After that, he took on his fourth term, which he was still serving at the time of the protests. At that moment, he had thus served a total of approximately twelve years as Prime Minister, spread over four terms. The in-office experience and reputation these terms brought with them, are likely to strengthen his baseline political position. *The score for this indicator is +1.*

Institutional ways of removal

Regarding the institutional ways of removal, an analysis of the Israeli Basic Law: The Government, exposes the existence of a sort of ‘basic impunity’ for the PM. It states the following: “A criminal investigation shall not be opened against the Prime Minister save with the consent of the Attorney General” (Knesset, 2001, p.7). If the Attorney General consents, indictment is possible. If so, a special court is to be set up, made-up of three judges. This court then renders its verdict, either convicting or acquitting the PM. If convicting, the court has to decide if the offence involved ‘moral turpitude’. When this is the case, a procedure starts where the Parliament has to decide if the service of the PM will be terminated.

Further analysis reveals the possibility of a Parliamentary vote of no-confidence. This vote however needs to be constructive, meaning that it is done by means of expressing confidence in another government. This vote essentially only requires a simple majority to succeed. However, because this majority has to agree on every aspect of the new government (policy-guidelines, distribution of Ministers etc.) and thus also on the new Prime Minister, it is very unlikely to lead to practical implications. Since the establishment of the Knesset these votes have never led to the actual toppling of the government.

These considerations in mind, *the score for this indicator will be 0.* It is unlikely Netanyahu’s baseline political position was affected by this factor in any discernible way.

Economic growth

Figures provided by the IMF (2019) reveal the annual change in GDP in Israel for the year 2018 was a growth of 3.3%. This is neither the strongest nor the smallest growth since the start of Netanyahu's first term in 2009.. There is thus no reason to assume political-economic factors either discernibly strengthened or weakened Netanyahu's baseline job security: *a score of 0 is given.*

Previous changes in leadership

Analysis of the Parliament website (<https://main.knesset.gov.il/en>) reveals that in five possible turnovers, four 'abnormal' transitions occurred: only once elections were not held early. However, in only one case the PM or his party actually changed after elections. The requirements for neither a score of 1, nor a score of -1 are thus met. The uncertainty regarding the leader's future ability to retain office, caused by the irregularly held previous elections is compensated by the continuity of the results of those elections. It is unlikely this element affected Netanyahu's baseline political position in any discernible way: *it receives a score of 0.*

Level of Democracy

The electoral process in Israel receives a score of 12/12 in the 2019 Freedom House Report. This means that elections are generally held freely and fairly, and there is actual competitiveness between political parties. The PM's position is thus arguably not strengthened by any flaws in the electoral system.

The report however does state that high-level political corruption cases occur "relatively frequent" (Freedom House, 2019). Additionally, the report stresses the passing of a law in 2017, which is argued by critics to serve as a protection for the political leadership¹⁸. The score for "safeguards against political corruption" is therefore 3/4 in the report (Freedom House, 2019).

Another important indicator for a strengthened political position surrounds limits on the functioning of opposition groups. A law passed in 2016, allows the Knesset to remove with a 3/4 majority vote anyone who is believed to incite racism or oppose the Jewish character of Israel. According to the report, critics allege that this law is aimed at silencing Arab

¹⁸ This law is argued to limit the circumstances under which law enforcement can file indictment recommendations when investigating elected officials (Freedom House, 2019)

representatives, and thus potential opposition groups (Freedom House, 2019).

With regards to the functioning of the government, the report is clear: elected officials and thus also the executive leader, do actually rule. There is no rule by regional warlords or other third parties interfering in government decisions. The central government is functioning well and is authoritative (Freedom House, 2019). The leader's position is not weakened in any way by the functioning of the democratic system.

The presence of relatively high levels of political corruption in combination with the structural exclusion of potentially oppositional, Arab groups from the political system leads us to conclude that the leader's position is strengthened by the democratic functioning of the state. *The score for this indicator will be +1.*

The overall score for Netanyahu's baseline job security is +2. Two factors are found to be likely strengthening his position, while no factors have been uncovered which may weaken it. The baseline political position is labelled *strong*.

2.5 To what extent can the violations be explained by Netanyahu's political position and the effectiveness of the judiciary?

The crucial question now remains how these different components interact and how this dynamic relates to theory. Arguments will be made that the severity of the human rights violations as engaged in by Israeli authorities is not fully accounted for.

Firstly, to be able to make statements as to how weak or strong Netanyahu's overall political position was, the dissident threat and baseline job security have to be 'combined'. While some elements of the protests did provide reason for the Israeli authorities to be cautious of escalation, they were at no point actually threatening Israeli national security on a large scale. The levels of threat were found to be intermediate. Additionally, Netanyahu's baseline job security was found to be strengthened. These findings thus provide little reason to believe his political position was ever really on the line during the protests.

Concerning the judiciary power, findings lead one to conclude -quite unambiguously- that its effectiveness was high. It is generally free from government interference, and regularly constrains state actors. Findings thus clearly suggest relatively high expectation costs of severe repression for the leader. These costs are assumed to be even further strengthened by Israel's ratification of IHRT's like the ICCPR (Conrad & Ritter, 2013).

When relating these findings to theory, we can state that Netanyahu was indeed faced with conflicting incentives. Considering he was in no way exceptionally vulnerable to turnover, theory in this situation predicts the incentive not to repress to outweigh the incentive to repress (Conrad & Ritter, 2013). The leader, secure in office, prefers avoiding potential costly litigation over strictly controlling mobilized dissent. Because Netanyahu indeed faced high expectation costs from the judiciary, theory predicts levels of repression to be ‘as low as possible’, applied only and maximally in proportion to the dissident threat.

The repression as examined earlier, takes on fairly high levels. Severe violations of Article 21 of the ICCPR were common, widespread and applied in an indiscriminate fashion. Considering the absence of high levels of dissident threat, it is highly unlikely that the severity of the repression was required to secure the leader’s position. It was not applied in a proportional manner.

Thus, theory seems to fail in fully explaining the human rights violations for our case. The repression can only be explained to the extent the dissent posed a threat. There remains a clear discrepancy between these two, unaccounted for by theory.

3. Conclusion & Discussion

Conrad & Ritter (2013) have presented a formal theory in which they argue that violations of human rights can be explained by a leader’s job (in)security. This qualitative study has taken up this quantitatively developed theory and explored to what extent its core mechanisms withstand abnormal circumstances. The case-study design allowed for a deep and comprehensive understanding of the factors at work. What if the repression is aimed at citizens not perceived by the state as its own? Does the theory then still function the way it is supposed to function?

The answer seems to be negative. The human rights violations as examined in this study, and especially their severity, is not accounted for by the way Conrad & Ritter (2013) explain them. The strengthened baseline political position of Netanyahu, in combination with high levels of judicial effectiveness and the absence of severely threatening dissent, following the theory’s logic, fails to add up to the levels of repression as they have been found. Findings suggest that the human rights violations can only be explained by Netanyahu’s political position to the extent to which the dissent actually posed a threat to this position; and this threat was in no way as severe as the repression was. The actual levels of repression thus

seem to be greater than only the degree to which the leader is assumed to be incentivized to repress.

This discrepancy would theoretically only be explained by absence of a conflicting incentive, namely one not to repress, coming from the judiciary power. The leader would then prefer the prevention of future dissent, by applying increased repression. The absence of any potential negative consequences would then allow him to do so. However, findings clearly show that this domestic judicial pressure was indeed there.

This study has thus outlined a setting of circumstances in which human rights violations can seemingly not be explained by merely focusing on a leader's job security-based balancing of incentives. One could argue, that this finding implies that political survival is not always a leader's first consideration in deciding to repress or not. In turn, this would reject the very core of the theory as provided by Conrad & Ritter (2013). Rather, arguments are made that this finding implies a certain deficiency in the way Conrad & Ritter (2013) understand the concept of job security. It is potentially influenced in ways not captured by theory.

One such factor, although seemingly obvious, is the role of elections. Whilst accounting for the more broad, abstract notion of 'level of democracy', Conrad & Ritter (2013), and with them many others¹⁹, do not directly take the role of elections into account. One can easily imagine the potentially crucial influence this factor may have on the political position of leaders in (effective) democracies. Considering the fact that only months after the Gaza protests Israel held national elections, it is likely that the integration of this element into our understanding of job security (or better: baseline job security) could have rendered findings of a less theoretically contradictory type.

After all, it is plausible that Netanyahu's baseline political position was severely weakened in this respect. This could have accounted for the levels of repression as they have been found. After all, insecure leaders will prioritize controlling mobilized dissent over avoiding potential costly litigation. Findings thus imply a scholarly need to broaden the concept of job security by directly taking into account upcoming elections and their expected results when using it to explain state repression. This is in line with Davenport (1997), who finds a direct relationship between repressive behaviour and national elections.

For my case, accounting for this factor is perhaps especially important. It is, after all, not unlikely that the state's attitude towards Palestinian dissent is a topic of great significance in Israeli elections. Now, if the electorate prefers a tougher approach regarding Palestine,

¹⁹ For example Cheibub (1998) and Young (2012)

Netanyahu would have been greatly incentivized –*on the basis of his political position*- to repress severely. This means leaving open the possibility that Netanyahu engaged in severe repression not because the protests were directly threatening his position, but because *not* engaging in this repression would threaten his position. Repression in that case becomes a tool for the state’s leader not only to control mobilized dissent, but to gain societal/electoral support.

This mechanism is not accounted for by existing theory. Repression is assumed to inherently lower support for the state from its citizens (e.g. Young, 2012; Conrad & Ritter, 2013) and is understood as a tool for state leaders to only and always serve a function of controlling mobilized dissent (e.g. Gurr, 1988; Davenport, 2007; Young, 2012; Conrad & Ritter, 2013). This study’s findings thus imply that this function can potentially be different in cases where one group’s repression is another group’s preference. Without disregarding job security as a leader’s first and most prominent consideration when deciding to repress or not (after all: maintaining power still is the ultimate goal), this study has exposed the need for future work to allow repression to be treated as not only serving to control mobilized dissent, but as potentially serving a function of gaining societal support. Future work is clearly necessary to fully grasp the dynamics involved in these situations.

A starting point for such work, is offered by Pierskalla (2010). He introduces the inclusion of a third party in the process of dissent and repression. He uses examples such as the military or a hard-liner fraction in the government, which could potentially motivate state actors “to appear tough vis-à-vis this third party” (Pierskalla, 2010, p.119). In our case, we could for example allow the repressive state’s electorate to be treated as such. This would potentially fill the theoretical gap this study has exposed and therewith reconcile theory and empirical results.

One last remark has to be made. One could argue that the situation as described above, where repression potentially serves a function of gaining societal support for the leader, is only applicable to highly exceptional cases such as ours, where the repressed group is perceived as different from the state’s own population. However, the idea that one group’s repression potentially is another group’s preference, is of course not limited to only and specifically my case. In deeply internally divided countries, with for example the presence of highly oppressed minorities, one could arguably find comparable dynamics. And so, the relevance of these implications reach beyond this case only.

3.1 Critical reflections

Perhaps the greatest challenge for this study is posed by the interconnectedness of the central concepts. Consequentially, flaws or deficiencies in one finding, makes any statement –even partly- building upon this finding invalid. This goes especially for the concept of dissent and the level of threat it is argued to pose.

The main purpose of examining this element, is to be able to compare it to the levels of repression. Here, the idea is that the repressive actor – at least partially- acts (or better: reacts) on the basis of the level of threat he *perceives* the dissent poses. Thus, measuring such levels of threat, always means measuring *perceived* levels of threat. As noted earlier, this kind of research is inherently complicated.

In my case, one could argue that the level of threat the protests posed as perceived by Israeli authorities differs (read: was higher) from the level of threat as it was argued here to be. This is accurately illustrated by statements made by Israeli authorities, frequently stressing that the protests would “threaten the existence of Israel as a Jewish state” (UNCOI, 2019, p.4) or that they “perceived a new security threat” (HRW, 2018b) in the demonstrations. If we were to take these statements for plain truth, this would obviously mean the levels of threat as they have been identified in this study, are simply incorrect. This would have major consequences for almost every part of this work.

To tackle this problem, one could shift the focus of analysis from ‘objective’ reports on the events, to Israeli sources, thereby exposing the way Israeli authorities perceived the protests and their potential threat. However, this method would be greatly hindered by the political and military sensitivity of the conflict in which the protests are embedded. The way international as well as domestic standards of law are set up, Israeli authorities have significant interest in labelling any – especially Palestinian- dissident action highly threatening, for they therewith legitimize any repressive behaviour which otherwise would be deemed unnecessary or excessive. This method would thus render disturbed findings. For this very reason, the data-analysis was focused on more or less objective sources, coming from third parties with no immediate interest in the conflict. However, it must be noted that completely objective sources are simply non-existent: the political sensitivity of the conflict makes any report on the events inherently highly prone to bias. Thus, potential discrepancies between the actual perceived threat and the threat as found in this study, cannot be ruled out.

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Appendix (1): Thresholds per indicator for baseline job security

Time Leader is in Office:

Score of +1:

- The leader has already served two or more terms. In this case, it is likely that he has built up a certain reputation and in-office experience. In addition, this also indicates that the specific leader already at least twice retained office when he faced the possibility of a turnover; this is likely to affect his expectation concerning his future ability to withstand possible turnovers (Licht & Allen, 2018).

Score of -1:

- The leader is serving his first term: the lack of experience and an established reputation is likely to carry with it uncertainties concerning his position as a leader (Licht & Allen, 2018).

Score of 0:

- The leader is serving his second term. In this case, it is unlikely that his position is either strengthened or weakened by this element.

Institutional ways of removal:

Score of +1:

- Law guarantees total impunity from criminal investigations and indictments;

And

- Parliamentary procedures for votes of no-confidence are either highly complicated (such as two-third majorities or constructive votes of no-confidence) or absent.

Score of -1:

- Any kind of impunity or protection from criminal investigations is completely absent (and there are also procedures of termination after such indictments);

And

- Procedures of votes of no-confidence are relatively simple and accessible (for example simple majorities and non-constructive votes of no-confidence) and such procedures also lead –in a non-complicated fashion- to the removal of the sitting Prime Minister (PM)

Score of 0:

- Neither scores apply

Annual economic growth:

Score of +1:

- 2018 showed the highest growth in GDP since first year of Netanyahu's term

Score of -1:

- 2018 showed weakest growth or strongest decline since Netanyahu's first term

Score of 0:

- Neither scores apply

Previous changes in leadership:

Since the last direct elections for the PM there were five elections, and thus possible turnovers.

Score of +1:

- In three out of five elections, the sitting PM was re-elected, or the new PM was provided by the same political party as the sitting PM's;

And

- The nature of these turnovers was 'normal', meaning the sitting PM sat out his full tenure of four years, in three out of five cases

Score of -1:

- In at least three out of five cases, the party of the new PM was not the same as the previous one;

And

- The nature of at least three possible turnovers was 'abnormal', meaning the elections were held early (early held elections due to natural causes such as death or health problems of a PM will not count in this respect) .

Score of 0:

- Neither requirements for the scores are met

Level of democracy:

Thresholds here are based on the methodology-section of the Freedom House (2019) report.

A score of +1:

Clear, undisputed presence of any of the following elements:

- electoral system is flawed;
- political corruption;
- limits on the functioning of opposition groups;
- the absence of competitiveness between political parties;

A score of -1:

Clear, undisputed presence of any of the following elements:

- elected executive leader does not actually rule;
- rule by regional warlords;
- lack of an authoritative, functioning central government;

A score of 0:

None of these elements are present, or only in negligible levels.

Appendix (2): Questions in Freedom House (2019) report on judicial independency

F. Rule of Law (0-16 points)

F1. Is there an independent judiciary?

Is the judiciary subject to interference from the executive branch of government or from other political, economic, or religious influences?

Are judges appointed and dismissed in a fair and unbiased manner?

Do judges rule fairly and impartially, or do they commonly render verdicts that favor the government or particular interests, whether in return for bribes or for other reasons?

Do executive, legislative, and other governmental authorities comply with judicial decisions, and are these decisions effectively enforced?

Do powerful private entities comply with judicial decisions, and are decisions that run counter to the interests of powerful actors effectively enforced? (Freedom House, 2019)

As one can note, these questions overlap in a fairly accurate fashion with the elements this study attempts to cover when measuring judicial effectiveness. The first question receives the highest score possible: the possibility of the state constraining the judiciary rather than vice versa is thus excluded. The other elements clearly cover our three different parts of judicial effectiveness: judicial autonomy, independency and power.

