



## Report

### **The Israeli Government and Civil Society Organizations: The Banning of the Islamic Movement's Northern Branch as a Watershed Moment**

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Israeli Justice Minister Avelet Shaked (centre) introduced the NGO bill that seeks to make foreign-funded NGOs wear taqs. (Abir Sultan/EPA)

### **Abstract**

On November 17, 2015, the Israeli government's Security Cabinet declared the northern branch of the Islamic Movement in Israel an illegal organization, alleging that the Movement has engaged in incitement to violence and racism as part of its "Al-Aqsa is in Danger" campaign. Rather than stemming from a security need, however, the decision was a political move that carries significant implications for Israeli civil society. It signals the further shrinking of space for oppositional association and speech, and the continued fracturing of the already fragmented landscape of anti-occupation activism in the country.

### **Introduction**

In her article "Missing the Third Wave: Islam, Institutions, and Democracy in the Middle East" Professor Ellen Lust of Yale University shows how since the 1980s incumbent regimes in the region exploited the fears of political Islam to thwart democratic liberalization. By driving a wedge between secular opposition groups and the Islamist opposition, and convincing secularists that the Islamists are potentially a worst menace than incumbent authoritarianism, these regimes effectively weakened the opposition's demands for liberalization. Recent events in Israel - which within the confines of the Green Line, or the 1967 borders, is considered a democracy according to accepted measures such as Freedom House's - indicate that it may have borrowed a page from the authoritarian handbook of its neighbors.

On November 17, 2015, the Israeli Security Cabinet, made up of key ministers and chaired by Prime Minister Benjamin Netanyahu, declared the northern branch of the Islamic Movement in Israel an illegal organization. The Islamic Movement is a sister organization of the Muslim Brothers and has been active in Israel since the 1970s. Its work has focused on three areas: Islamic da'wa, social work, and political activism. In 1996 the Movement split on ideological lines. What became known as the southern branch decided to participate in national politics through the Israeli Knesset (parliament). What was later named the northern branch under the leadership of shaykh Raed Salah rejected this move and called for extra-parliamentary activism. Both branches have since engaged in extensive civil society work. They established various organizations devoted to religious study, after school education, assistance to university students, charity for needy families, support for the sick and disabled, women and girls, sports and recreational activities, media and publishing, and many others. Both have also participated in local politics by running candidates for local councils elections on the town and village level.

Since 1996, the northern branch has spearheaded a campaign under the slogan "Al-Aqsa is in Danger." Shaykh Salah has made his name in Israel and across the Muslim world as the champion of the cause of Al-Aqsa and he is now widely known by his honorific "shaykh Al-Aqsa." The campaign has been extremely popular and its title animated moments of mobilization among Palestinians inside and outside the Green Line. The southern branch of the Islamic Movement has also called attention to this issue, as Palestinians became increasingly concerned about Israeli intentions on the premises of Al-Aqsa (which Muslims call al-Haram al-Sharif and Jews call Temple Mt.). The southern branch, for instance, runs the Al-Aqsa Association (jam'iyyat al-aqsa) for the protection of Islamic awqaf and holy sites.

The Israeli Prime Minister's office justified its November decision to outlaw the northern branch by stating: "For years, the northern branch of the Islamic Movement has led a mendacious campaign of incitement under the heading 'Al Aqsa is in danger' that falsely accuses Israel of intending to harm the Al Aqsa Mosque and violate the status-quo. In this context, the northern branch has established a network of paid activists (Mourabitoun/ Mourabitat) in order to initiate provocations on the Temple Mount. This activity has led to a significant increase in tension on the Temple Mount. A significant portion of recent terrorist attacks have been committed against the background of this incitement and propaganda." (1)

## The Political Motivation for Banning the Northern Branch

But the lack of direct connection between these accusations and the decision to outlaw the northern branch is evident in the instrument utilized in this decision. Instead of simply holding accountable through normal legal proceedings individuals who have allegedly engaged in "incitement" to violence, the government invoked the 1945 Defense (Emergency) Regulations, a leftover from the British Mandate, to declare the entire northern branch an illegal organization. These regulations sidestep due process and give the government extensive power quite incompatible with democratic standards. Over the history of Israel's independence there have been attempts to repeal these regulations due to their undemocratic nature. The Israeli human rights organization B'tselem mentions, for example, that already in 1951, "the Knesset plenum decided that the Defense Regulations oppose the basic principles of democracy and directed the Constitution, Law, and Justice Committee to draft a bill for their repeal." In 1966 again, "the Ministry of Justice established a committee of experts to examine the regulations and draw up proposals for their partial repeal." (2) In both occasions, though, the regulations remained in place as a tool to deal first with the Palestinian population inside Israel, and later, after 1967, with the Palestinian population in the occupied territories.

The application of the Defense Regulations in the case of the Islamic Movement has far reaching consequences. According to the Israeli Prime Minister's office, the declaration of the northern branch as illegal "means that any entity or person belonging to this organization henceforth, as well as any person who gives it service, or who acts on its behalf, will be committing a criminal offense and is subject to imprisonment. It will also be possible to seize all property belonging to the organization." (3) The government's actions closely resemble steps taken against Islamists in other countries, as in Egypt's 2013 outlawing of the Muslim Brothers (MB). However, while the MB was declared a terrorist organization in Egypt, Israel could not substantiate any claim to terrorist activity against the northern branch. It therefore declared it an "illegal" rather than "terrorist" organization. In fact, the head of the Israeli General Security Services expressed reservations in October about the proposal to outlaw the Movement, stating that the intelligence services had no evidence linking the northern branch to terrorism. (4)

Rather than stemming from a security need, then, the decision was a purely political one. It aims not simply to limit Islamist activists. It has a wider objective of silencing opposition to the policy of occupation by narrowing the space for civil society action and speech, and further fracturing the already fragmented landscape of anti-occupation activism. The northern branch of the Islamist Movement, like Islamists across the region,

is an easy first target for de-legitimization and banning. It is not a secular liberal organization like the other progressive actors within the Israeli society that oppose the occupation. The movement's objectives are to spread piety and afford religion a dominant role in society and politics. The conservative social mores it upholds are unpalatable for many progressives. Its fervor over Al-Aqsa as a nationalist-religious symbol is hard to empathize with for the generally secular ear of the Israeli Jewish left.

All of these factors are well known to the ministers who decided to ban the organization. They understood that while the mainstream, largely secular and liberal Israeli Jewish anti-occupation left would decry the outlawing of the movement, its civil society bodies are unlikely to go out to the streets to protest en-mass. And indeed, as Palestinian politicians and Palestinian civil society organizations in Israel went out to demonstrate and declared a general strike in November over this decision, the voice of the secular Jewish left was muted. Some criticism was heard by Meretz – an anti-occupation left party in the Israeli Knesset – and by civil society associations as well as academics, who condemned the decision as both severely anti-democratic and counterproductive (since it will likely lead to radicalization). (5) Yet the enormity of the government's move, the fact that it has outlawed an oppositional, non-violent, civil society movement that has not been linked in any proven way to terrorism or other criminal activity, has not stirred much more than declaratory critiques. (6) The unpalatable character of the Islamic Movement to a traditionally secular liberal left has made it an easy target for the government, and its outlawing has not shocked and outraged the pro-democracy camp to the degree it should have. Most disturbingly, the head of the center-left party Labor, which claims to be the main opposition to Netanyahu's ruling Likud party, went as far as to endorse the ban on the Islamic Movement. (7)

## **Implications for Israeli Civil Society and Democracy**

Once the northern branch, an important voice within Palestinian civil society, has been delegitimized, silenced, and outlawed with little uproar from the anti-occupation opposition, further steps to limit oppositional space would follow. The most pliable targets are the already marginalized Palestinian citizens of Israel, (8) but the same tactics have increasingly been employed against Jewish civil society organizations as well over the past several years. Israel has become quite familiar with moves to pass laws limiting freedom of speech - like the Nakba law which defunds institutions or organizations that commemorate the Palestinian Nakba; the boycott law which opens boycott advocates to prosecution in Israeli courts, and proposals to limit foreign funding for NGOs or label those who receive funds from EU governments as foreign agents, and

other such initiatives. None of these, however, are as extreme and severe as the government's action against the Islamic Movement. By marking the movement in this way, it has made important collaborations across the anti-occupation spectrum increasingly difficult and potentially illegal. Palestinian and Jewish organizations in Israel will now have to constantly prove their distance from the outlawed movement. Even academics, such as myself, who research and write about the movement, face a potential risk of being targeted for working with what has now become an "illegal" organization.

After the removal of the Islamic Movement's northern branch from the legitimate political game, the attention has been drawn to the next target for delegitimizing - what has been labeled the "radical" left. The same branding and incitement that the Islamists experienced is felt by other organizations such as B'tselem and Breaking the Silence (BtS). BtS collects testimonies of IDF combatants who have served in the occupied Palestinian territories since the Second Intifada. It is run by former IDF soldiers who made it their goal to expose Israeli society to the moral toll of occupation. It provides an outlet for soldiers who want to share their personal experiences and break the silence about what occupation looks like and its inevitable danger to the moral fabric of Israeli society.

In the past few months BtS has come under a concerted attack that involved right wing organizations' accusation that its members are traitors, that they are working for foreign interests, and that they assist and incite terrorists with their slander against Israel. As the Islamic Movement has been accused of inciting terrorism by decrying what it perceived as attempted changes to the status quo in Al-Aqsa/Temple Mt., members of the parliament and of the government have accused BtS of spreading lies about Israel's conduct that encourages violent retaliation. Undercover agents with ties to the Jewish Home party, a member of Netanyahu's coalition, have infiltrated BtS activities to collect incriminating information about its members. The smear campaign aimed at stripping BtS's legitimacy resulted in January 2016 in a proposed bill introduced by several of the governing coalition's MPs to outlaw the organization. (9)

Like in the case of the Islamic Movement, the government coalition members and organizations affiliated with ruling parties worked concertedly to delegitimize BtS. The results have been similar and effective, although not as extreme. Many in the mainstream Jewish left, while criticizing the smear campaign, nevertheless tried to distance themselves from accusations of disloyalty, lack of patriotism, or any voicing of their criticism of Israel's occupation abroad. (10) Center parties, like Yesh Atid, joined

the denunciation campaign, while the center-left Labor did little to challenge accusations against BtS. The government's effective strategy that was tested and proved successful in tarnishing the Islamic Movement and pushing its agenda outside of the accepted boundaries of public discourse, has been applied very similarly to a Jewish anti-occupation civil society organization to similar effect. While BtS has not yet been outlawed, its agenda of exposing at home and abroad the harms of occupation through soldiers' testimonies has been branded as beyond the pale of acceptable mainstream public discourse.

## Conclusion

Since 2009, right-wing governments under the premiership of Benjamin Netanyahu have tried to narrow the field for civil society organizations and movements advocating human rights, democracy, and an end to the occupation of the West Bank and Gaza. A long list of proposed legislation, some of which had been passed in the Knesset, has targeted civil society space and freedom. However, the November 2015 banning of the northern branch of the Islamic Movement should be considered the most damaging blow to Israel's democracy. The Movement has not engaged in terrorist or illegal activity, according to Israel's own security services, yet it has been outlawed, purely for its oppositional political stance. Such a move removed certain anti-occupation oppositional speech from the realm of accepted public sphere debate, and has made its adherents potential criminals. The decision, reminiscent of the treatment of Islamists by authoritarian regimes across the Middle East, is effective in further chipping away at allowable oppositional practice. Like elsewhere in the region, the secular liberal opposition (which is already uncomfortable with an Islamist agenda, even when this agenda is articulated and promoted within the confines of the legal means available to civil society) does little to contest the banning of Islamists from participation in legitimate contestation. But as we have seen elsewhere in the region, the targeting of oppositional groups never ends with just the Islamists. In Israel, the next target were Israeli soldiers critical of the occupation. Perhaps the measure of the strength of democracy in the Middle East is the place afforded to mainstream Islamist movements such as the Muslim Brothers or the Islamic Movement in Israel. When non-violent opposition groups such as these are banned from legitimate participation, the secular liberal pro-democracy (and in Israel's case anti-occupation) opposition might be advised take note, outcry, and protest, if it wants to defend an open society and freedom of association, which are a prerequisite for a healthy democracy.

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