



Implications of Israel's Death Penalty Law on Two-State Diplomacy

Nazhath Faheema



RSIS Commentary is a platform to provide timely and, where appropriate, policy-relevant commentary and analysis of topical and contemporary issues. The authors' views are their own and do not represent the official position of the S. Rajaratnam School of International Studies (RSIS), NTU. These commentaries may be reproduced with prior permission from RSIS and due credit to the author(s) and RSIS. Please email to Editor RSIS Commentary at RSISPublications@ntu.edu.sg.

Implications of Israel's Death Penalty Law on Two-State Diplomacy

By Nazhath Faheema

SYNOPSIS

Israel's introduction of the death penalty within its anti-terror framework reflects a deeper shift towards hardline security approaches to the Palestinian question. It calls into question the viability of two-state diplomacy as the basis of Israel's relations with its partners. While ties may endure, their underlying logic appears increasingly strained.

COMMENTARY

Israel's [latest amendments to its legislation](#), approved by the Knesset on 30 March 2026, introduced the death penalty for individuals convicted of carrying out deadly acts of terrorism. The bill, championed by National Security Minister Itamar Ben Gvir and backed by Prime Minister Benjamin Netanyahu, was passed with a clear but contested parliamentary majority and is primarily aimed at Palestinians.

It has already drawn legal challenges and [criticism](#) both from within Israel and from external partners due to its implications for [discrimination](#) and democratic norms. More importantly, it raises deeper concerns about the future of the two-state solution and the prospects for normalisation and peace efforts, which remain highly fragile. At its core, the law calls into question whether Israel's partners can continue to sustain relationships premised on the viability of a two-state solution.

Between Hardline Security Imperatives and Fragile Peace Prospects

The amendments to the law introduce the death penalty as the default punishment for individuals convicted of carrying out deadly terrorist acts, particularly through military courts in the West Bank, while limiting judicial discretion, appeals, and the

possibility of clemency. This marks a fundamental departure from Israel's long-standing restraint on the use of capital punishment, which, although formally retained in limited legal contexts, has largely been absent in practice since its abolition in 1954.

Why, then, have Israel's lawmakers now turned to capital punishment?

At one level, the introduction of the death penalty reflects a continuation and intensification of Israel's longstanding securitised approach to the Palestinian problem, one that has been significantly hardened in the aftermath of the October 7 attacks. The shock of the attacks exposed the limits of Israel's existing security framework, particularly its reliance on deterrence, intelligence, and the broader assumption that Palestinian militancy could be contained through periodic force and controlled management. In that sense, the October 7 attacks did not create an entirely new security logic, but they did [deepen an existing one](#).

Public opinion has, over time, reflected this inclination, with [earlier surveys](#) indicating support among segments of Israeli society for capital punishment in response to acts of terrorism. This shift is also mirrored within parts of Israel's security establishment. Following the October 7 attacks, the head of [Shin Bet expressed support for the death penalty](#), signalling a departure from earlier reservations within the security community that such measures could prove counterproductive.

The experience of past hostage-prisoner swaps, along with ongoing debates about efforts to secure the release of Israeli hostages held in Gaza, has also reinforced the need for a tougher security posture. Within Israeli public discourse, including among families directly affected by the violence, there are strong [concerns that the release of Palestinian prisoners](#) convicted of involvement in attacks [could lead](#) to future security risks, based on earlier exchange deals.

A notable example is the 2011 Gilad Shalit exchange, which saw the release of over a thousand Palestinian prisoners, [including Yahya Sinwar](#), who later became a senior Hamas leader. In this context, imprisonment is increasingly viewed as lacking sufficient deterrent effect, strengthening calls for harsher and irreversible forms of punishment.

These dynamics indicate a broader consolidation of hardline security imperatives in which threats are increasingly framed in immediate, existential terms that demand a decisive, uncompromising response. Within this framework, policies are focused on eliminating perceived sources of violence rather than addressing the political conditions that sustain the conflict. The turn to capital punishment is therefore not just a recalibration of deterrence, but also a step that further narrows the space for political dialogue between Palestinians and Israelis.

Domestic Contestation: Left-Right Divides on Security and Democracy

The legislation has already been challenged within Israel, reflecting broader domestic divisions over its legal, moral, and political implications. Opposition lawmaker Gilad Kariv [criticised the bill](#) as undermining democratic principles and

human rights, warning that it risks departing from the foundational values of the Israeli state. He described it as “[not Jewish, not democratic, and also not effective in terms of security](#)”.

These concerns are further reflected in the [legal challenges](#) brought by the Association for Civil Rights in Israel, the country’s oldest and largest independent human rights organisation, before the Supreme Court. The petition argues that it is unconstitutional and exceeds the jurisdiction of the Knesset in applying to Palestinians in the West Bank, a territory not under Israeli sovereignty.

Such contestation reflects a familiar pattern within Israeli politics, where tensions between security imperatives and democratic norms have long defined the divide between right- and left-leaning constituencies. Whether the legal and political challenges can meaningfully constrain or reverse the law may ultimately serve as a test of the resilience of Israel’s democratic institutions under current conditions of heightened security pressures.

International Implications: The Strain of Two-State Diplomacy

This direction of Israeli lawmakers is not merely an extension of routine right-wing rhetoric or populist positioning on Palestine. Rather, it reflects a far more serious shift in how the Palestinian issue is perceived within the Israeli policy framework. While the law is formally directed at individuals responsible for acts of terrorism and murder, its design and application warrant closer scrutiny.

The exclusive reliance on capital punishment, particularly within the context of occupation and different legal regimes, along with significantly reduced procedural safeguards – including limitations on judicial discretion, appeals and avenues for defence – signals a move towards addressing allegations of violence primarily through coercive security measures rather than through legal and political frameworks that engage with the broader conflict. This development threatens to deepen the existing divergence between Israel and its allies and partners, including those that have sought to maintain a balanced or intermediary position, over how the occupied Palestinian territories should be governed.

Driven by concerns over international legal exposure and diplomatic repercussions, Prime Minister Benjamin Netanyahu had sought to soften elements of the bill, including restoring judicial discretion in sentencing and removing discriminatory provisions, according to [Israeli media](#). These efforts, however, were resisted by hardline actors within the coalition, highlighting how the framing of the law reinforces a far-right narrative that increasingly collapses the distinction between individuals accused of violence and the wider Palestinian population. This law appears to embed such blurring within Israel’s legal structure.

Countries that maintain diplomatic relations with Israel have [condemned](#) the legislation as illegal, discriminatory, and in violation of international law. However, such reactions are unlikely to lead to a significant change in Israel’s diplomatic relations. As seen during the Gaza war, criticism and condemnation have often

remained largely rhetorical, with limited material consequences for Israel's external engagements.

Indeed, Israel's diplomatic standing has shown resilience despite increasing criticism over its approach to the Palestinian issue and its perceived departure from a political pathway towards peace, as envisaged by its international partners. This suggests that while the law may have some adverse impact on Israel's international image, it is unlikely to fundamentally alter its network of alliances and partnerships in the near future.

Meanwhile, the sustainability of these relationships increasingly rests on an assumption that a political resolution remains achievable. Apart from the declining Israeli public confidence in a two-state solution, the latest move by the lawmakers reflects a broader disconnect between the expectations of external partners and the realities of political sentiment within the Israeli and Palestinian territories.

Conclusion

While framed by its proponents as a necessary instrument of deterrence, the new law signals a deepening alienation not only from the Palestinian peace process but also risks undermining Israel's domestic and international standing as a democratic state and its longstanding claim as the only democracy in the Middle East, which has already been subject to debate and scrutiny.

If Israeli policy continues to shift towards a more hardline approach, how long can external partners sustain relations premised on a two-state solution whose viability is increasingly in question? And does this trajectory also signal a reduced willingness by the Israeli government to make the political compromises necessary for normalisation with states that continue to link engagement with Palestinian statehood?

Nazhath Faheema is a PhD student in international relations at the S. Rajaratnam School of International Studies (RSIS), Nanyang Technological University (NTU), Singapore.

Please share this publication with your friends. They can subscribe to RSIS publications by scanning the QR Code below.

