

The Judicial Coup in Israel

What You Need to Know and Why it is Important

The Background

Following the recent elections, Bibi Netanyahu's Likud (mainstream right wing party) formed a ruling coalition with orthodox and extreme right wing parties. The coalition is advancing a series of laws under the euphemism of "judicial reform."

The Justification

The coalition claims that the "reform" will correct 'judicial activism,' reflect the will of the majority, and diversify the judiciary.

What is in the "Reform"

The "reform" seizes key judicial and civil service powers for the ruling coalition and weakens "Basic Laws," that are the closest thing that Israel has to a constitution.

- **Judicial Appointments:** changes the composition of the committee that appoints judges so that the ruling coalition would be able to appoint and remove judges to all the courts **at will**, thus eliminating the independence, professionalism and nonpartisan autonomy of the Judiciary.
- **Judicial Review and Override Clause:** the proposed legislation would abolish judicial constitutional oversight in Israel: it will eliminate any judicial review of Basic Laws, raise the bar so as to make impossible the courts' judicial review of regular laws, and still give the Knesset (parliament) the ability to override the judiciary's rulings with just a slim majority.
- **Legal Advisors in Government Ministries:** will become a "personal trust" appointment, thus replacing career civil servants with political appointees in legal positions, which will in turn severely endanger human rights and proper governance.
- **Elimination of the Reasonableness Doctrine** will prevent courts from blocking grossly unreasonable, arbitrary and capricious executive and administrative actions

What it Means

The laws, together, seize virtually unlimited power for the ruling coalition, which already comprises both legislative and executive branches, effectively removing any separation of powers and checks and balances in Israel's government..

Why They Are Doing This

Crumbling of democratic institutions is scary in itself but the motivations are terrifying. Each party in the coalition has one or more nefarious goals for this "reform." Each party is supporting the reforms desired by the others to get what they want.

- **Escape from legal jeopardy:** Prime Minister Netanyahu is on trial for criminal offenses of Bribery, Fraud and Breach of Trust and Shas leader Arye Deri is currently prevented from assuming a ministership given his criminal record. The “reform” would enable them to co-opt the judicial process.
- **Extreme nationalism:** the far right parties seek unbridled power to abuse human rights that will lead to annexation of the Palestinian territories and diminishment of the legal status and rights of non-Jews within Israel and in the Palestinian territories.
- **Religious coercion:** the ultra-orthodox and religions-nationalist parties seek to impose religious practices and laws on all Israelis and prohibit practices that they oppose, raising grave concerns for the rights of minorities, LGBTQ and secular people. The Right of Return for Jews of the diaspora will be weakened.
- **Perpetual power:** with no boundaries, the ruling coalition can (and will) influence media to amplify supporters and silence detractors, change election law, and take any other action that makes it easier for them to “win” the next election.

How Will the “Reform” Hurt Israel

The fallout from the “reform” is already hurting Israel before it passes. Businesses and financial institutions perceive countries without strong rule of law protections as risky. Cash is flowing out of Israel and investments are drying up. Israel’s calling card as “the only democracy in the Middle East” will be shredded. Security is threatened.

Who Opposes the Judicial Coup

Hundreds of thousands of Israelis have taken to the streets in protest, week after week and now on a daily basis. Ex-pats, Jews and supporters around the world are rising up in opposition and world leaders, legal and economic institutions are sounding the alarm. Importantly, opposition in Israel is not limited to the coalition’s political opponents. Right wing voters, business leaders, religious people, and a who’s-who of the country’s security and legal establishment through the ages oppose this move with all their might!

Can the Opposition Succeed

Research shows that when 3.5% of a population comes out to protest, they can change the course of history, and the anti-corruption protest movement has succeeded in the past. Israel has reached 4% already and some signs are promising- but sustained effort is needed because the Prime Minister’s alternatives are not attractive!

How You Can Help

Attend a rally, Donate, Post, Call your Representatives, Write to your Representatives, Repeat, Repeat, Repeat!