



The Risks Of Israel's Judicial Reform

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"[T]he basis of [U.S.] support" for Israel, longtime U.S. diplomat and Israel watcher Dennis Ross wrote back in 2015, "is driven by the perception of Israel as a country that shares America's values... The last thing Israel needs now is to have its basic democratic character called into question."

By that time, President Obama had clashed repeatedly with Israeli Prime Minister Benjamin Netanyahu over Israel's failure to make peace with the Palestinian people, asserting that Jerusalem's approach to the Palestinian issue threatened the nation's future as a free and vibrant democracy.

What was true then — with U.S. concerns about Israel's democracy complicating U.S.-Israeli relations — is far truer today, as Netanyahu's current coalition begins to dramatically limit the power of its independent judiciary to strike down parliamentary laws, appointments, and other actions.

More ominously for U.S.-Israeli relations over the long term, the coalition's initial foray into "judicial reform" this week is part a broader plan to subordinate Israeli's judiciary and give Netanyahu's coalition (and any that come later) unprecedented power to work its will. All told, the reform plan would give the coalition a majority of seats on the committee that selects judges for the court, and it would enable the coalition to overturn judicial decisions with a simple majority vote.

In Washington and around the world, elected officials and their constituents watch as hundreds of thousands of Israelis protest in the streets, while the police spray them with water hoses, showcasing a nation in crisis. The world also observes an uptick in Israeli-Palestinian strife in the West Bank and hears coalition leaders dismiss the bloody impact on Palestinians and even imply they'd welcome more of it.

To be sure, no sovereign nation can or should dictate the precepts of governing to another. Israel, a 75-year-old miracle of democratic and economic progress in a region of long-time autocracy and continuing stagnation, has every right to elect a parliamentary majority that then will implement its agenda.

While imposing their will at home, however, Netanyahu and his top ministers are playing a dangerous game abroad — threatening U.S.-Israeli relations and potentially leaving Jerusalem estranged from its most important ally at a time of both great opportunity and great peril for the Jewish state.

Through the Abraham Accords, Israel inked normalization agreements with Arab nations that would have seemed unimaginable not many years before. Jerusalem wants to deepen those relationships and normalize relations with as many other Arab nations as possible, which would boost its security, grow its economy, and potentially strengthen its hand as it confronts a dangerous enemy in the Iranian regime.

Israeli progress on that front will prove much harder with a judicial reform that's tearing the nation apart and amplifying Israeli-Palestinian strife, according to Arab officials. Those from Abraham Accord nations, and those from other countries that might be tempted to join the accords, will find themselves embarrassed to cozy up to a nation in crisis and to a government that seems oblivious to — or even disdainful of — the impact of its activities on important global audiences.

Meanwhile, with Iran advancing its nuclear and ballistic missile programs, Jerusalem needs to work more closely than ever with Washington and Arab governments on how to respond. Judicial reform that threatens Israel's democracy will complicate Jerusalem's work with other governments — and especially with Washington, where the Biden administration will be forced to navigate complicated political waters.

Even before judicial reform, Israel had become a more partisan issue than ever before in U.S. politics. Now, such reform holds great potential to further undermine decades of deep bipartisan support.

In recent years, Democratic progressives increasingly have questioned close U.S.-Israeli ties, due to Jerusalem's allegedly unfair treatment of the Palestinians and refusal to negotiate a "two-state" solution in earnest. Republicans, in turn, chastise Democrats for their less than full-throated support for Israel and, not surprisingly, seem more comfortable than Democrats with a right-wing government in Jerusalem.

Israel, of course, is stronger than ever before and no hostile power (except perhaps Iran) harbors hopes of destroying it. But, facing threats from multiple directions (e.g., Iran, Syria, Hezbollah in Lebanon, Hamas in Gaza), Jerusalem hardly needs a reminder that power is one thing, omnipotence quite another.

For all of Israel's growing might, the world remains a profoundly anti-Israeli place. The United Nations, its Security Council, and its Human Rights Commission devote vastly disproportionate time and attention to alleged Israeli human rights abuses while mostly giving the world's worst abusers a free pass.

Jerusalem needs Washington to continue to veto anti-Israeli Security Council resolutions and help retain support for Israel throughout the General Assembly. It also needs Washington to help confront Iran's nuclear progress, and to continue providing aid that maintains Israel's "qualitative military edge."

Yes, the coalition in power in Jerusalem can do what it wants to reshape Israeli society. But the geopolitical costs could be huge.