

Stepping in it

Israel is experiencing a seismic shift – or maybe just more of the same

BY DANA LANDAU

Having assumed office at the end of 2022 for his sixth term, Benjamin Netanyahu is back as Israel's prime minister. But this time he has the backing of a solid parliamentary majority and Israel's most right-wing government. His Likud party's coalition with Israel's ultra-orthodox and extreme-right parties has triggered alarm bells in Israel and beyond, with concerns raised about his government's long-term impact on Israel's political system and its implications for the Israeli-Palestinian conflict.

The proposed legal reforms have led to a wave of domestic protests that started in January, with large swaths of the public and the traditional establishment worried about their impact on Israel's democracy, rule of law, economy and international standing. Public outrage was initially triggered by announcements stating that representatives of the far-right, anti-LGBTQ+ Noam party would control extracurricular school programming and that discrimination against LGBTQ+ persons, for example in the provision of health services, would be rendered legal under religious freedom rights. But most of the criticism focuses on proposed legal reforms that many fear will involve the end of judicial oversight and curtail the judiciary's independence. At the heart of the reforms is the so-called override clause, which would allow a simple parliamentary majority to block the Supreme Court's ability to revoke laws, as well as proposed changes that would give lawmakers more influence in judicial appointments. Such reforms would dramatically change the nature of existing checks and balances and give a parliamentary majority, and the government, unprecedented power.

Protest and opposition to these reforms comes not only from the left (which has been all but obliterated electorally) but also from citizens across the political center and within the right, including figures with symbolic and political clout, such as former air force officials and ambassadors, scholars, as well as investors and workers in the country's booming high-tech industry. The unusually forceful voice of the business community, which is threatening to withdraw investments and capital from the country if the rule of law cannot be guaranteed, is notable, as this is not a group prone to making public comments on politics.

Netanyahu, who is currently standing trial in three cases of



You like me. You really, really like me. Israeli Prime Minister Benjamin Netanyahu

corruption, claims the proposed reforms aim only to re-balance the separation of powers in Israel from a perceived interventionism by the Supreme Court. However, these reforms certainly go beyond mere personal interest in torpedoing his indictments. Rather, they seem to follow the playbook of democratic backsliding witnessed around the world, of which attacks on the judiciary are always key, as seen from Hungary to Turkey to Poland. While grave, these proposed reforms represent not so much a rupture

most incendiary was the appointment of Itamar Ben-Gvir – who has been indicted on several counts of incitement – as minister of national security, a portfolio that controls the border police in the West Bank. Ben-Gvir then wasted little time before visiting the Temple Mount/Al-Aqsa compound, despite having pledged to hold off on traveling to the flashpoint. Furthermore, the promise made in the coalition agreement with the Religious Zionism party to hand its leader, Minister of Finance Bezalel Smotrich, control

again announced that it would end security coordination with Israel. In the meantime, members of the international community continue to call for calm and reiterate their support for a two-state solution – a call that rings hollow in the absence of a credible peace process.

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of Israel's democratic backsliding – even before the current incursions into the judiciary – have also been consistent in pointing to the question of Palestinian sovereignty amid optimism about the Abraham Accords and Israel's normalization agreements with the UAE, Bahrain, Morocco and Sudan. And here we are. The years of debates focused on “managing” or “shrinking” the Israeli-Palestinian conflict while advancing economic peace across the region – an appealing prospect to domestic and international audiences – served only to let settlement expansion continue as the prospects for Palestinian statehood shrunk. Throughout the past years, the radical right positioned itself to seize a moment like the current one.

So how are these two developments – the hollowing out of the rule of law in Israel-proper (a recent trend) and the emboldening of annexationist forces (an older trend) – linked? The pro-democracy protests in Tel Aviv have thus far largely excluded Israel's Palestinian population, even though they are the minority most likely to suffer from the lack of checks and balances in an Israel shaped by the proposed legal reforms. In addition, they rarely connect the dots between the risks to democracy the reforms pose and Israel's stained democratic track record as an occupying power over the last 50 years. Take, for example, the fact that Israel's Supreme Court – in whose defense tens of thousands flock to the streets every week – in no way lives up to the narrative propagated by those on the right of a court vehemently upholding dovish or pro-minority positions. The Court has, in fact, frequently upheld government policies, including those that involve demolishing the homes of dead terrorists, which appeals have argued constitute a form of collective punishment. Following decades of debates in academic and activist circles regarding the correct characterization of Israel's regime within and beyond the Green Line, the proposed reforms make abundantly clear the de facto erasure of the Green Line.

Much will now depend on how the international community, and Israel's traditional allies, most importantly the United States, will react to both of these developments. Whether the current moment signifies a seismic shift or marks the apex of a longer-running trend, it's an opportune time for the international community to take note of the forces that have precipitated the current state of affairs. If key international actors want to make up for lost time, now is the time to take action. ■

ON THE SECURITY FRONT, NETANYAHU'S APPOINTMENTS OF FAR-RIGHT MEMBERS OF HIS COALITION TO KEY MINISTERIAL POSTS HAS ALARMED WORLD CAPITALS AND HEIGHTENED TENSIONS ON THE GROUND

as a continuation of a trend that has taken shape over the past decade and a half. For years, civil society groups have warned of the increasingly commonplace hostile rhetoric and attacks waged against the judiciary as well as those against NGOs, the media and academics.

On the security front, Netanyahu's appointments of far-right members of his coalition to key ministerial posts has alarmed world capitals and heightened tensions on the ground. Perhaps

over the Civil Administration, the entity in charge of construction, infrastructure and security coordination in the West Bank, which was, until that point, under the jurisdiction of the Defense Ministry, prompted government legal experts to warn of a de facto annexation of the West Bank by Israel. The battle over authority between the security establishment and civilian ministries in the West Bank will likely play out over the coming months, as extremist elements of the set-

the rise again, reaching levels not seen in years. In reaction to the late January IDF operation that left 10 Palestinians dead in Jenin, the Palestinian Authority once

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came into power. Indeed, things began to spiral in the summer of 2021, during the broad coalition that ruled on a mandate to keep Netanyahu out of government and amid Israel's continued demolition of houses, a rise in settler violence, and the criminalization of Palestinian human rights organizations. The escalation of violence we've seen so far this year does not bode well for the future.

With regard to security issues, many civil society groups critical


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