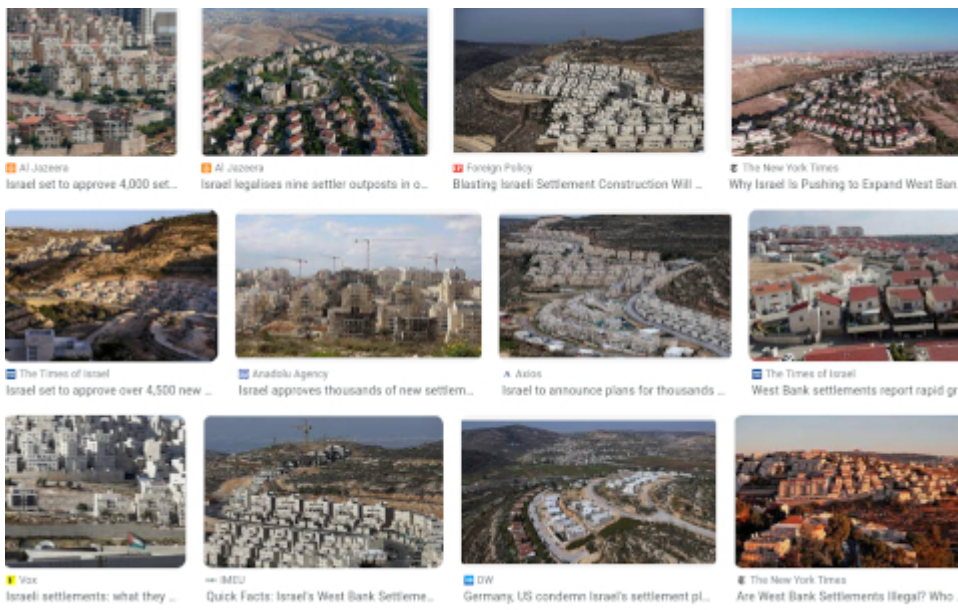


# Too much democracy in Israel



Strong indication that something is wrong: All German media are in agreement. No one is defending the so-called judicial reform in Israel. Something doesn't seem right, does it? There are [multiple perspectives](#) on every political issue – why not here?

The [Anglo-Saxon press](#), in whose tradition Israeli media also stand, reports much more balanced and without the bias of „[anti-right](#)“ rhetoric. Even the [Arab press](#) is more factual than the German media. So let's take a closer look.

## **A judicial reform would be reasonable**

A reform would benefit [the Israeli judicial system](#):

*The Supreme Court acts as the Supreme Court of Appeal, making it the highest appellate court overall. This function is unique to the Israeli system, as the Supreme Court serves as the first and final instance in relevant cases. The Supreme Court has the power to judicially review decisions of other government authorities and has the authority to „remedy matters not within the jurisdiction of another court or judicial tribunal and in which it deems it necessary to grant relief in the interests of justice.“*

So, the Supreme Court is a kind of parallel government that can decide, based on „[reasonableness](#),“ whether to intervene. And one can already guess that it might be important who appoints the judges and why. But why does the [Tagesschau](#) (German news program) speak of a „weakening of independent justice“ when the Supreme Court can make decisions without a legal basis? The Israeli Embassy in Germany describes it this way: *Due to the absence of a written constitution or basic law and the continued validity of provisions from the British Mandate era, as well as the extensive legislative authority, the judiciary in Israel holds a significantly more complex position.*

So, it's quite different from Germany. The Federal Constitutional Court only checks whether the government's laws comply with legal principles, especially the Basic Law ([Grundgesetz](#)), nothing more. In Israel, for example, the Supreme Court can decide: We consider new settlements in Judea and Samaria to be illegal because we see it that way – without any existing law to base it on (no, [Deutsche Welle](#), saying „unconstitutional“ is incorrect because Israel doesn't have a [constitution](#)).

### **A democratic reform with disadvantages**

Even in Germany, the top judges are decided [through negotiations](#): „The Bundestag initially appoints an election committee of twelve members, which proposes a candidate for election. (...) An important feature of the German judicial appointment process is that a large consensus must be sought regarding the candidates. This sets the German system apart from the United States, where a simple majority vote is used.“ Qualifications are not always the only factor here. Sometimes being involved [in migration-related matters](#) is enough.

I have read countless articles on this topic in recent weeks, and there was only one that was objective and to the point: *Netanyahu's judicial reform is not problematic because it is*

*undemocratic, but because it is democratic: because it aims to subject the judiciary, especially the Supreme Court, to the will of the parliamentary majority. It doesn't abolish Israel's democracy, as bestselling author Harari claims – that's an exaggeration. But it creates conditions under which, in the name of democracy, the rights of minorities could be restricted or abolished. ([Alan Posener](#) in „Die Zeit“ [German newspaper])*

### **What is the motive?**

*This brings us to the topic. The [Jerusalem Post summarizes](#) it succinctly and objectively: *Prominent government members want Israel to expand its [West Bank settlements](#) and annex part, or even all, of the contested region.**

*Currently, the Palestinian Authority has some control over portions of the West Bank and shares responsibilities with the Israeli military in others. Roughly 60% of the area is under exclusive Israeli military—but not civilian—control. The international community [who is that? China?] regards the entire West Bank as [militarily occupied territory](#), and the Palestinians consider it the core of their future state.*

*The government's legal reforms would effectively remove the Supreme Court from West Bank-related deliberations, giving the government an almost free hand.*

*At the same time, the government has other laws and policies on its agenda that the opposition bitterly objects to. For example, it wants to shield Israeli soldiers from investigation for suspected misbehavior, retroactively legalize Jewish settlement outposts in the West Bank, and grant more authority to Jewish rabbinical courts.*

*Of course, the religious groups in Israel want more power, more money, and ultimately to change the secular foundations of Israel. But that has nothing to do with the judicial reform; it's a matter of majorities. If implemented as*

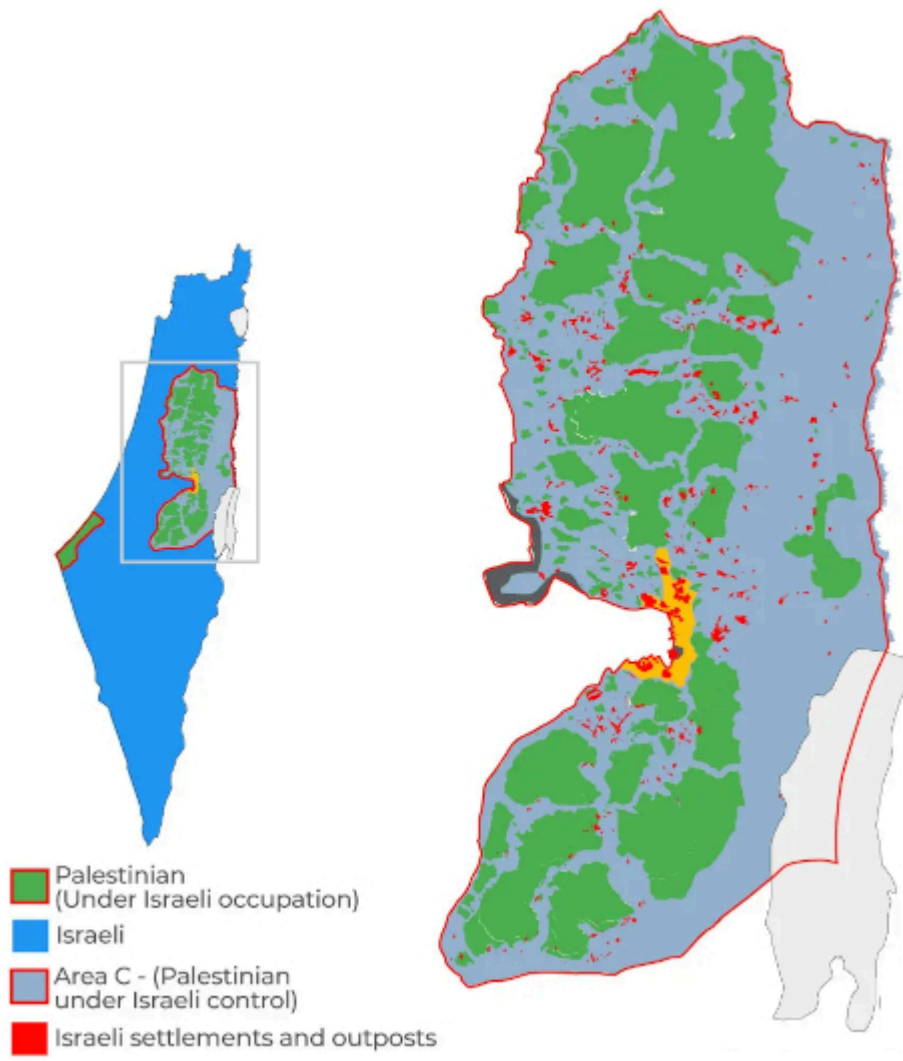
planned, the reform would only acknowledge the facts and consistently continue what is already happening: There won't be a „Palestinian“ state, and in the long run, Judea and Samaria (also known as [Transjordan or the West Bank](#)) will again [belong to the State of Israel](#). And why shouldn't Israel build new cities there for its own citizens? The Supreme Court should not interfere – which it has done in the past.

All of Israel's borders are the result of wars. This is the case for almost all countries, except for islands. So why do the Germans, who should know this best, have such a hard time acknowledging it?

We must also loudly state [the motives of the Israeli voters](#) who gave the so-called „right-wing“ a narrow majority and to which the „left“ has no answer – and this is similar in Germany:

*The Israelis are concerned about the increasing Palestinian terrorism within the pre-1967 borders and in Judea and Samaria. For example, on the day of the election, a street camera filmed an Arab man [attempting to kidnap an Israeli woman](#) in the city of Tiberias and force her into his car. She managed to break free and escape.*

*Hardly a day goes by without an attack, and the Palestinian Authority security forces practically do nothing to stop the terrorists. The outgoing Lapid government, which includes Defense Minister Benny Gantz, has lost the trust of the public because it has been unable to suppress the bloody wave of terrorism.*



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