

Opinion **Middle Eastern politics & society**

A changing, weakened Israel should worry everyone

The undermining of the judicial system is one of a number of dangerous developments

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Despite sparking mass protests, the sweeping set of reforms are likely to pass the Knesset by April © Jack Guez/AFP/Getty Images

Eran Yashiv YESTERDAY

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Israel has been experiencing political and social turbulence on a seismic scale of late. While the world hears of a shift in Israeli politics and shrugs it off as yet another victory for the political right, millions of Israelis and Jews are watching unfolding events with great concern. One alarming scenario worth paying close attention to is whether Israel may be changing from a liberal democracy to a non-democratic weak state.

The country's judicial system has long been under attack. The governing coalition now aims to pass a [sweeping set of "reforms"](#) geared to greatly weaken it. The basic principle is to terminate the independence of the judicial branch of government, something taken straight from the modern playbook of illiberal states.

In Israel, these reforms are seen as the undoing of the "constitutional revolution" led by Supreme Court president, Aharon Barak, 30 years ago. Barak was operating within a fragile democracy in a polarised society lacking a constitution but his activist approach succeeded in putting in place judicial foundations. This structure endowed Israel with a high-quality public institution, providing essential checks on the executive and legislative branches

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While the Supreme Court has used its powers prudently and very restrictively, society has become even more polarised, public debate more abrasive and politicians ever more corrupt. A former prime minister, a former finance minister and a former interior minister have served jail time. Benjamin Netanyahu is himself a defendant in three corruption cases, being tried at the Jerusalem district court. His new government now seeks to undermine the existing judicial structures. Despite sparking [mass protests](#), these measures are likely to pass the Knesset by April and could turn Israel into something akin to Hungary, Poland or Turkey.

There are other dangerous developments as well. Particularly worrying is a resurgence of religious forces seeking to turn [Israel](#) into a country governed by Jewish law. This agenda is being pursued by two distinct minority groups. One is the Ultra Orthodox, who now constitute 12 per cent of Israel's population and are forecast to be at least a third of it by 2065. The second is the Zionist religious group. Together they are represented by 32 Knesset members (out of 120) having won a quarter of the November 2022 parliamentary elections vote. Through population growth, their power is likely to increase.

The confluence of judicial reforms and imposition of religion is mutually reinforcing. It is, of course, very difficult to forecast the consequences. If mass protests and political compromises succeed, they may thwart the danger, at least for now. If the next elections bring other parties to power, some changes may be reversed (though not all). There is however one possible scenario, in which Israel will slowly become a weak or failed state or a clerical one, in which rabbinical courts officiate.

If so, and over time, the secular, economically strong parts of the population are likely to leave. A case in point is the flourishing [tech sector](#). With around 10 per cent of employed workers, 15 per cent of GDP and more than 50 per cent of exports, it is the linchpin of the economy and a highly mobile one. In January, one tech entrepreneur at a business valued at over \$2bn announced on TV that he and the company are leaving. Once gone, taking with them a corresponding share of Israel's tax revenues, those left behind will have diminished resources. A vicious cycle might ensue.

There has been a recent response to all of this. Street demonstrations have taken place; some tech businesses are going on symbolic strikes; a leading CEO wrote to his employees hinting at an emigration scenario. Meanwhile Jacob Frenkel and Karnit Flug, two former Bank of Israel governors, issued warnings of an international bond rating downgrade for Israel and flight of private investors, while the current governor, Amir Yaron, has issued a similar warning in a private conversation with the PM.

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Petitions from academics, and in particular one by economists, have drawn much attention. In December the departing Finance Minister, Avigdor Lieberman, warned of a tax revolt.

But these actions may not be enough. It should be recognised that they face two formidable impediments: they require large-scale co-ordination among people and businesses, and they risk the break-up of society. The weakening of Israel as a bastion of democracy in the Middle East is not in the interests *of* the western world. The possibility that it may change from a modern, dynamic, liberal democracy to a potentially illiberal, non-democratic, religious state is a danger *to* the western world. It is not just Israelis who should be concerned.

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