
INTERNATIONAL JOURNAL OF ADVANCED LEGAL RESEARCH

BALANCING JUSTICE: JUDICIARY OVERHAUL IN ISRAEL

- Anureet Kaur, Shruti Singh & Praneet Reddy¹

ABSTRACT:

The judicial system in Israel has constantly been scrutinized and is in dire need of reform to enhance its efficiency and, more importantly, its accountability. This research paper outlines the ongoing efforts regarding said judiciary overhaul and all events surrounding it, for example, protests and changes. It also analyses the impact these reforms may have on the rule of law in Israel. Furthermore, this paper draws similarities between the reformatory attempts of Israelis and other Arab countries and makes a comparative analysis. This paper aims to contribute to the ongoing discourse and provide recommendations for a more transparent legal system.

I. INTRODUCTION**1.1. Introduction of the topic**

The Government of Israel, also known as the Knesset, led by Prime Minister Benjamin Netanyahu, has recently undertaken a highly controversial Judiciary Overhaul plan, which garnered international and domestic attention. The plan was officially termed "Judicial Reform," encompassing a chain of legal and institutional changes with a wide range of consequences for the Judicial system of Israel and even the socio-political landscape. This research paper aims to elucidate the critical elements of the initiative and examine its various aspects and happenings in the country. It will also shed light on the overhaul in Israel and its ramifications on other countries related to or dependent on it.

¹ Students at Rajiv Gandhi National University of Law, Punjab

1.2. Object and purpose of the study

The object and purpose of the research study are to understand and provide information regarding the current Judiciary Overhaul taking place in Israel, the reasons behind it, the protests and their impact, and the comparison and effects of it on other countries.

1.3. Review of Literature

The researchers reviewed the journal articles and website sources on the Judiciary Overhaul in Israel for their study. The researchers have carefully consulted many trustworthy sources that provide high-quality data on the subject under investigation and acknowledged these sources by adequately citing them, ensuring correctness and reliability. Journal articles like “*Netanyahu Faces His Own ‘Israeli Spring’*”² by Foreign Policy and “*Israel’s political and constitutional crisis.*”³ David Kretzmer discussed political and judicial crises. Besides using conventional sources such as textbooks, the researchers have consulted several web sources and e-newspaper articles such as “*What is Next for Israel’s Judicial Overhaul.*”⁴ By Isabel Kershner and Patrick Kingsley, published in The New York Times, etc.

1.4. Research Methodology

The sources for this study, which used evaluative research as its method of inquiry, comprised books, articles, blogs, journals, and other kinds of research papers. This research study used these sources, and the authors of those sources have also been given the proper credit. The researcher examines these sources thoroughly. There is a use of books on Israeli politics and online sources such as e-books, articles on websites, and e-journals.

²Aaron David Miller. “Israel Judicial Reform Protests: Prime Minister Benjamin Netanyahu Faces an ‘Israeli Spring.’” *Foreign Policy*, Foreign Policy, 23 Feb. 2023, <https://foreignpolicy.com/2023/02/23/israel-judicial-reform-protests-netanyahu-government-supreme-court/>

³IACL-AIDC Blog. “IACL-IADC Blog.” *IACL-IADC Blog*, 23 Dec. 2022, <https://blog-iacl-aidc.org/new-blog-3/2022/12/23/israels-political-and-constitutional-crisis>

⁴“What’s next for Israel’s Judicial Overhaul?” *The New York Times*, 2023, www.nytimes.com/article/israel-judicial-overhaul-vote.html.

1.5. Limitations of the study

The absence of primary data-gathering techniques, such as sample surveys or interviews, is a significant limitation of this study. Instead, it extensively uses secondary sources, such as previously published reports and research articles. This constraint results from the researchers' inexperience and lack of knowledge in primary research. Also, the topic chosen is relatively recent, and there is a lack of available and reliable data on the internet.

I. JUDICIAL SYSTEM IN ISRAEL

A solid commitment to law and justice characterizes Israel's long and rich history. From the country's inception, the fundamental principles of justice and the rule of law have been deeply embedded within Israeli culture. Throughout their homeland, the Israelites consistently upheld a system of judgment, ensuring their society's fair and equitable treatment. At its zenith, the renowned '*Sanhedrin*,' commonly known as the 'Great Court in Jerusalem,' epitomized this pursuit of justice. Widely recognized as the foremost authority for Jews residing in the land of Israel and the diaspora, it was frequently referred to as the esteemed '*Great Sanhedrin*.'⁵

As head of the Sanhedrin, the highest court in Israel, the Presiding Judge became the President's deputy. This office gained enormous importance when the Great Sanhedrin was the highest '*Rabbinic Court*.' It was a Supreme Court and took on the twin duty of a scholarly *House of Learning*, or *Beth Midrash*.⁶ Furthermore, it expanded its purview to include serving as the ultimate legislative body for '*Halakha*,' the collection of Jewish religious laws drawn from both the Written and Oral Torahs. It also had a crucial function as a go-between for the Jewish community living in the Land of Israel and the Roman authorities.⁷

⁵ Hirshberg, Samuel. "Jurisprudence Among the Ancient Jews." *Marquette Law Review*, vol. 11, no. 1, Jan. 1926, p. 25, <https://scholarship.law.marquette.edu/mulr/vol11/iss1/3> accessed on October 11, 2023.

⁶ Hoenig, Sidney B. "Hamishpat Haivri: Toldotav, M'Korotav, Ekronotav (Jewish Law: History, Sources, Principles). By Menachem Elon. [Magnes Press, Jerusalem, 1973, 3 Vols., 1594 Pp.]" *Israel Law Review*, vol. 10, no. 2, Apr. 1975, pp. 265–66. *Cambridge University Press*, <https://doi.org/10.1017/S0021223700005239> accessed on October 11, 2023.

⁷ "Development of the Law in Israel- The First 50 Years." *Embassy of Israel: Israeli Missions Around The World*, September 25, 2000,

The Sultan gave the ‘*Qazi*,’ who oversaw the Sharia Courts, the authority to handle disagreements that broke out between people and the empire. At the same time, the nation's Jewish communities unconditionally followed the laws and rulings that came from their religious convictions. The British established their rule over the State of Israel in 1917 to further their agendas. The British administration in Israel used pre-existing local government entities to streamline their operations. Consequently, Israel was compelled to apply the English legal system.⁸

During this timeframe, the governmental court system in Israel was structured in distinct layers, encompassing various types of courts. A crucial segment among these layers consisted of civil courts. The Supreme Court represented the highest echelon of this judicial structure. Additionally, various religious tribunals operated efficiently, including tribal, Christian, Jewish, Muslim, and Jewish-Rabbi courts. Despite the judges being nominated by the High Commissioner, the judicial system strived to maintain its autonomy from governmental influence. Hence, before establishing an independent state of Israel, this framework constituted the prevailing legal system within the country.⁹

The Knesset has gradually passed several essential laws since the creation of the State of Israel. The people appointed judges to serve them during turbulent times, and the Sanhedrin was critical to maintaining the integrity of the legal system.¹⁰ Jewish communities worldwide have proven unwaveringly committed to upholding the law and significantly contributed to the state's legal structures.

1.1.Evolution of Judiciary in Israel

<https://embassies.gov.il/MFA/AboutIsrael/state/Democracy/Pages/Development%20of%20the%20Law%20in%20Israel-%20The%20First%2050%20Yea.aspx> accessed on October 11, 2023.

⁸ "Israel Judicial Branch: History & Overview." *Jewish Virtual Library*, <https://www.jewishvirtuallibrary.org/history-and-overview-of-israel-s-judicial-branch> accessed on October 11, 2023.

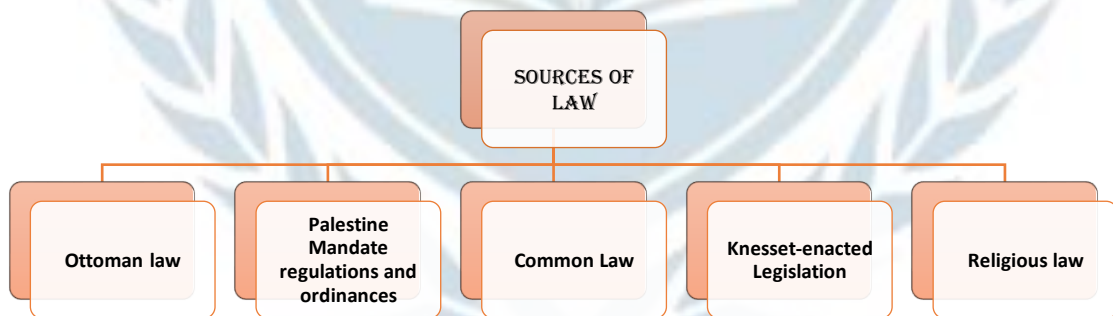
⁹*Supra* note 1.

¹⁰ Edelman, Martin. "The Judicialization of Politics in Israel." *International Political Science Review / Revue Internationale de Science Politique*, vol. 15, no. 2, 1994, pp. 177–86. *JSTOR*, <http://www.jstor.org/stable/1601565> accessed on October 11, 2023.

As a burgeoning state, Israel's courts and legal system draw upon diverse historical traditions that have shaped their development. These include the influence of Ottoman and Mandate customs, British legal practices, and longstanding Jewish and Islamic perspectives on law. However, there has been a noticeable decline in the emphasis placed on British law, which can be attributed to several factors. One prominent reason is the multicultural nature of Israel, which has attracted individuals from diverse countries, each with distinct educational backgrounds from various legal institutions. Furthermore, Israel is witnessing the swift development of a different legal framework. Ideas about civil rights and the rule of law influence this new legal landscape, which is a big step forward for Israel's legal system.

Israel possesses 'five' primary sources of law that play a significant role in shaping its legal system. As widely recognized, Israel does not have a formalized and written constitution, resulting in the country's legal framework primarily dependent on these prominent five legal sources.¹¹

SOURCES OF LAW IN ISRAEL



1. Ottoman law: Ottoman Law was the source of law in Israel until the defeat of Turkey at the end of the First World War.

¹¹ Warsoff, Louis A. "THE LEGAL SYSTEM OF THE STATE OF ISRAEL." *NYLS Law School*, Volume 2 Issue 4 NEW YORK LAW FORUM, vol II, number 4, October, 1956, pp. 382-384. *NYLS*, https://digitalcommons.nyls.edu/cgi/viewcontent.cgi?article=1787&context=nyls_law_review accessed on October 14, 2023.

2. Palestine Mandate regulations and ordinances: During the League of Nations Mandate, the government-administered this source of law.
3. Common Law: This impacts the country's legal system, with a large amount of Israel's current legal framework derived from English Common Law notions.
4. Legislation enacted by Knesset: The Israeli parliament's principal body is called the Knesset. The legislation passed by the legislature mainly shapes the State's legal system.
5. Religious law: Religion is crucial to the Israeli people's day-to-day existence. Specific legal issues, such as marriage and divorce, are governed under this arrangement.¹²

1.2. Jurisdiction and types of courts in Israel

Most of Israel's judicial system comprises 'General Law' courts, often known as 'Regular Courts,' and other organizations with judicial power. The extent of their respective jurisdictions is a crucial difference between these groups. In particular, tribunals and similar bodies are subject to jury

additional restrictions may apply to individuals, entities, or both, while regular courts have more authority.¹³

"Under Israel's *"Unitary State System,"* the nation is governed by a single body of judges based on universal law. Three levels of courts comprise the state's judiciary: district, magistrate, and Supreme Court. According to the legal system, these are two trial courts and an appeal court."¹⁴

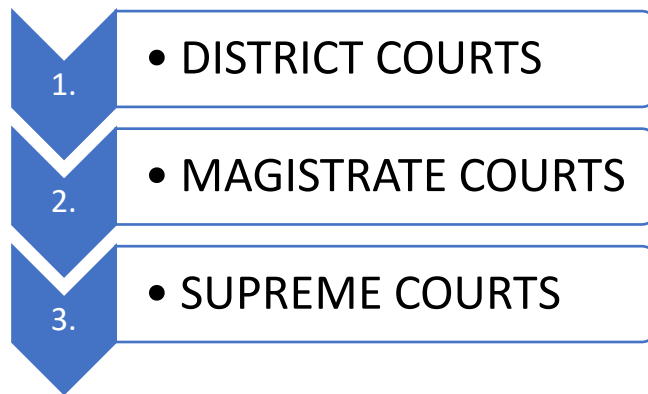
There are three levels of Courts in the state of Israel:

¹²*Ibid.*

¹³ "The Judiciary: The Court System." *Embassy of Israel: Israeli Missions Around The World*, September 25, 2000,

<https://embassies.gov.il/MFA/AboutIsrael/state/Democracy/Pages/Development%20of%20the%20Law%20in%20Israel-%20The%20First%2050%20Yea.aspx> accessed on October 11, 2023.

¹⁴*Ibid.*



The Highest Court of Israel has the jurisdiction to review appeals from lower Court decisions in criminal and civil cases. Direct challenges to matters that fall under the lower Court's purview are permitted there. However, some issues require the Highest Court's previous consent to be appealed. The highest court is the only body with the authority to hear appeals in certain circumstances.¹⁵

The independence provided to judges is a crucial aspect of the success of the Israeli judiciary system. In Israel, maintaining justice and defending civil rights has been greatly aided by its independence. The Highest Court of Israel, which is in charge of the legal system, should be commended for this accomplishment. Nonetheless, there are good reasons to be concerned about the independence of the Israeli judiciary, given current events and the reforms that the current Israeli administration is proposing.

II. THE CHANGES INTRODUCED IN THE JUDICIAL SYSTEM

“For the last two decades, Israel has had one of the most powerful Supreme Courts worldwide. The Court’s powers derive from the broad standing before it, narrow restrictions on justiciability, a broad doctrine of reasonableness in administrative review, authority to apply strong judicial review of legislation, and the power to review basic laws themselves.”¹⁶“A powerful judiciary, it was argued, was necessary in light of the strengthening of the executive vis-à-vis the legislature in the last few decades and the relatively weak mechanisms of checks and balances in Israel: a single

¹⁵“Israel Judicial Branch: History & Overview.” *Jewish Virtual Library*, <https://www.jewishvirtuallibrary.org/history-and-overview-of-israel-s-judicial-branch> accessed on October 11, 2023.

¹⁶Roznai, Yaniv, Rosalind Dixon, and David Landau. “Judicial Reform or Abusive Constitutionalism in Israel.” *Israel Law Review*, *Forthcoming* (2023).

chamber in parliament, no federal system with vertical separation of powers, not a presidential system with veto powers, an electoral system without a regional element or constituencies, and subordination to any regional institution or a human rights court. Israel is the only democracy in the world that has none of these mechanisms.”¹⁷

“Yet the Supreme Court of Israel is now under sustained attack: the Knesset has recently passed a constitutional law purporting to remove the Court’s power to invalidate decisions of ministers and the cabinet on the grounds of unreasonableness.”¹⁸“And the Netanyahu government has floated a much wider raft of judicial “reforms,” which would further limit the jurisdiction of the Court and its power to strike down laws and shift how it is appointed.”¹⁹

“The opposition to these changes in Israel has been vocal and widespread.”²⁰“For months, hundreds of thousands of protesters have flooded the streets in opposition to the proposed changes and in support of the judiciary.”²¹

1.1.Proposals for Judicial “Reforms” in Israel

“The new government has already passed several laws and has made proposals for others that will radically change Israel’s political institutions. The proposals that have so far attracted the most attention concern the judicial system. In early January, Justice Minister Yariv Levin presented a plan for a wide-reaching reform that would significantly diminish the powers of the Supreme Court, change the process through which its justices are appointed, and provide the Knesset (parliament) with the power to override the Court’s decisions.”²²

¹⁷Roznai, Yaniv, and Amichai Cohen. "POPULIST CONSTITUTIONALISM AND THE JUDICIAL OVERHAUL IN ISRAEL." *Israel Law Review* (2023).

¹⁸Gross, Aeyal. “An Unreasonable Amendment: The Constitutional Capture in Israel.” *Verfassungsblog*, July 2023, <https://doi.org/10.17176/20230725-012117-0>.

¹⁹Blog, Iacl-Aidc. “Israel’s Political and Constitutional Crisis — IACL-IADC Blog.” *IACL-IADC Blog*, 23 Dec. 2022, blog-iacl-aidc.org/new-blog-3/2022/12/23/israels-political-and-constitutional-crisis.

²⁰ Miller, Aaron David. “Israel Judicial Reform Protests: Prime Minister Benjamin Netanyahu Faces an ‘Israeli Spring.’” *Foreign Policy*, 19 July 2023, foreignpolicy.com/2023/02/23/israel-judicial-reform-protests-netanyahu-government-supreme-court.

²¹ Lieber, Dov. “What’s Happening in Israel? Protests and Strikes Over Netanyahu’s Judicial Overhaul.” *WSJ*, 26 July 2023, www.wsj.com/articles/israel-protests-judicial-overhaul-netanyahu-7e264a71.

²²“The Risk of ‘Creating a Monster’: An Interview With Constitutional Expert Yaniv Roznai on Judicial Reform in Israel.” *International IDEA*, www.idea.int/blog/risk-creating-monster-interview-constitutional-expert-yaniv-roznai-judicial-reform-israel.

“Levin put forward a package of “legal reforms,” which he stated would be the first in a series of planned packages. The first step alone included the following package:

They were, first, limiting the Supreme Court’s authority of judicial review. Nowadays, in a diffused manner, every court in the country can engage in judicial review over executive and legislative action. If a law violates the Basic Laws, the courts may declare it unconstitutional. Levin proposed that judicial review would be centralized in the Supreme Court, which would be able to d a law only by a decision of the full bench of 15 Supreme Court Justices and only by a super-majority of 12. Such a super-majority requirement would severely undermine the effectiveness of constitutional review.

Second, Levin proposed removing the authority of the courts to review basic laws. In Israel, basic laws have a constitutional status. They function as the constitution but are also subject to judicial review. According to the Court's jurisprudence, basic laws cannot violate the state's core values as a Jewish and democratic state, nor can they be abused for personal or temporary matters without justification.”²³ “According to the proposal, basic laws will no longer be subject to judicial review. This proposal is extremely problematic because basic laws are flexible and may be enacted or amended by an ordinary majority in parliament (other than in some exceptional situations) in a single day. Since 1958, the first Basic Law was enacted, and Israel has had 140 constitutional changes (i.e., new basic laws adopted and existing basic laws amended). Providing complete immunity from judicial review by merely entitling a law "basic law" seems incompatible with modern principles of constitutionalism.

Third, Levin proposed enacting an override clause. According to the proposal, an override clause would be passed that will allow a majority of Knesset Members – 61 out of 120 – to override a decision of a court that a law is unconstitutional (according to one proposal, even in advance) and re-enact the law notwithstanding its unconstitutionality. This proposal needs to be considered along with the proposal requiring a supermajority of the Court to invalidate a law based on unconstitutionality. Given that under the constitutional system in Israel, the Government enjoys a parliamentary majority, allowing a majority of parliament members to override a

²³Navot, Suzie, and Yaniv Roznai. "From supra-constitutional principles to the misuse of constituent power in Israel." *Eur. JL Reform* 21 (2019): 403.

judicial decision would put fundamental rights and freedoms at risk and grant the executive absolute powers.”²⁴

“A fourth element in Levin’s proposal is to abolish the reasonableness standard in judicial review of administrative action. According to the existing jurisprudence, the Israeli Supreme Court applies a broad standard of reasonableness to examine all administrative actions. This standard of review requires all administrative bodies or officials to consider the relevant factors in their decision-making and to maintain a proper balance between them. It provides the court with a large place for intervention, although the court grants the executive a broad margin of appreciation and intervenes only in extreme cases. What seems to worry the executive is the court's relatively unique intervention in appointments, for example, of ministers, based on this standard of review.”²⁵

“A fifth element is the modification of how judges are selected. In Israel, judges are selected by a committee of nine members: three supreme court judges, two ministers, two Knesset Members, and two members of the Israeli Bar Association. A decision to select a candidate for the Supreme Court requires a special majority of 7 out of 9. This gives the legislature and the judges effective veto powers, which, in turn, requires them to reach an agreement on candidates. The proposal seeks to change the system to one in which the parliamentary coalition (controlled, as noted, by the Government) would control the appointment of judges (This was later reduced to the appointment of "only" two judges).”²⁶

“Sixth, and finally, the proposal aimed to revamp the process for appointing government and ministerial legal advisors – from an independent committee to a personal appointment process, while reducing their legal authority from binding to non-binding advice.”²⁷

²⁴Roznai, Yaniv, Rosalind Dixon, and David Landau. "Judicial Reform or Abusive Constitutionalism in Israel." *Israel Law Review*, *Forthcoming* (2023).

²⁵Dotan, Yoav. "Impeachment by Judicial Review: Israel's Odd System of Checks and Balances." *Theoretical Inquiries in Law* 19.2 (2018): 705-744.

²⁶Breuer, By Eliav. "Will the Knesset Be Back to Judicial Reform Mayhem Post-recess?" *The Jerusalem Post* | *JPost.com*, 8 Apr. 2023, www.jpost.com/israel-news/politics-and-diplomacy/article-738616.

²⁷Roznai, Yaniv, Rosalind Dixon, and David Landau. "Judicial Reform or Abusive Constitutionalism in Israel." *Israel Law Review*, *Forthcoming* (2023).

III. THE PROTESTS

In the period commencing from January 2023, Israel has experienced extensive protests in response to governmental initiatives aimed at a comprehensive overhaul of the judicial system. By implementing this change, the government would have significant control over judicial selections, and the Judicial Selection Committee's makeup would be significantly altered. In addition, it would decrease the Supreme Court's authority to decide whether Basic Laws are constitutional, give the Knesset's Basic Laws precedence over the Supreme Court's interpretation of a Basic Law or the nullification of regular legislation, do away with the "unreasonableness" standard for reviewing administrative decisions as politically chosen counsels whose opinions are not legally binding, and give ministers the authority to reject the Attorney-General's advice on any issue.²⁸

About the protests, the newly appointed Justice Minister declared plans to overhaul Israel's legal system on January 4, 2023. These proposed changes encompass a reduction of the Judiciary's authority, a diminishment of the role of government legal advisers, and a substantial increase in the governing coalition's influence within the judicial appointment committee. In response to this announcement, various organizations, including "Prime Minister" and "Omdim Beyachad," declared their intentions to coordinate protest actions in Tel Aviv on January 7.²⁹

In the wake of a temporary suspension of the judicial legislation announced by Netanyahu on March 27, counter-protest movements emerged, garnering substantial support for the envisaged changes.

The protest started on January 7 and initially aimed to contest the establishment of Israel's thirty-seventh government. Approximately 20,000 individuals attended it. A smaller protest occurred in Haifa, drawing 200 participants. On January 14, a second protest occurred at Habima Square, attracting 80,000 protesters.³⁰

²⁸ "Israelis Stage Massive Protests after Government Pushes through Key Reform." *Cbsnews.com*, CBS News, 29 July 2023, www.cbsnews.com/news/israelis-massive-protests-government-controversial-judicial-reform-netanyahu/.

²⁹ "Liberman: Netanyahu an Immediate Danger to the Existence of the State." *Timesofisrael.com*, 2023, www.timesofisrael.com/liveblog_entry/liberman-netanyahu-an-immediate-danger-to-the-existence-of-the-state/.

³⁰Rothwell, By James. "Benjamin Netanyahu Poised for Climbdown after Thousands of Protesters Marched on His Home." *The Telegraph*, The Telegraph, 27 Mar. 2023, www.telegraph.co.uk/world-news/israelis-break-past-security-barrier-near-benjamin-netanyahus/.

From January 14 to February 11, weekly rallies opposing the reform occurred on Kaplan Street, complemented by smaller protests in cities such as Jerusalem, Haifa, Beersheba, Ness Ziona, and Herzliya. The demonstrations on Kaplan Street consistently drew crowds ranging from 60,000 to 150,000 participants.

The vote to decide the fate of various reforms occurred on February 13, accompanied by a significant protest in Jerusalem, where over 100,000 individuals assembled. Professionals in multiple sectors, such as medical practitioners and technology workers, participated in strikes. “The Constitution committee voted 9-7 in favor of the reforms. Subsequently, two additional weekly protests were conducted on Saturdays in multiple Israeli cities, with a central protest on Kaplan Street. Both events attracted over 100,000 participants.”³¹

On March 1, law enforcement agencies responded to the ongoing protests with the use of various techniques, officers, and other methods to diffuse the people, resulting in the arrests of many protestors. The government characterized those blocking roads during the protests as anarchists subject to arrest.

On March 4, there were again protests, with an estimated gathering of over 160,000, according to Channel 12 and Haaretz, respectively. On March 9, the protest movement organized a 'National Day of Resistance,' involving blockades on roadways and maritime routes. Notably, the Ayalon Highway, a pivotal link between significant traffic arteries in Tel Aviv, experienced congestion due to car convoys, and traffic to Ben Gurion Airport surged.³²

From March 11 to 25, a protest conducted on March 11 witnessed a crowd of between 150,000 and 240,000 participants.

On March 26, following news of the dismissal of “*Yoav Gallant*” from the position of Minister of Defence, protestors initiated road blockades at over 150 locations across Israel.³³

The “*Knesset's Constitution, Law, and Justice Committee*” then met on June 26 to discuss legislation that would do away with the "reasonableness standard," which the

³¹Gold, Hadas, et al. “Israel Passed a Bill to Limit the Supreme Court’s Power. Here’s What Comes Next.” *CNN*, CNN, 24 July 2023, edition.cnn.com/2023/07/24/middleeast/israel-judicial-reforms-vote-explained-mime-intl/index.html.

³²Jazeera, Al. “Israel Protesters Vow to Continue until Judicial ‘Reform’ Gone.” *Aljazeera.com*, Al Jazeera, 28 Mar. 2023, www.aljazeera.com/news/2023/3/28/israel-protesters-vow-to-continue-until-judicial-reform-gone.

³³“With Memorial Candles, Protesters 3, www.timesofisrael.com/with-memorial-candles-protesters-across-israel-rally-against-judicial-overhaul/.

courts have used to evaluate particular government and other agencies' administrative judgments. The protest movement increased its efforts in response to these events, blocking roads as part of its protests.

IV. ISRAELI SPRING

The judicial overhaul in Israel points towards the fact that democratic institutions are facing existential threats. Israel is a Middle Eastern country with much influence in its neighboring nations. The situation is not very different from that in other Middle Eastern countries. "There are several obvious hindrances to developing democratic institutions in the Middle East. The first and most obvious is the pattern of autocratic and despotic rule currently embedded there. Such rule is alien, with no roots in either the classical Arab or the Islamic past, but it is by now a couple of centuries old and is well entrenched, constituting a serious obstacle."³⁴

However, recent years have pointed toward a new emerging pattern in these countries. It has been observed that the past several years have seen several protests by the people for their rights, like the Arab Spring movement, the recent protests in Iran, and the ongoing protests in Israel.

1.1. Arab Spring

"In early 2011 came the seismic events of the Arab Spring. The Arab Awakening/Arab Spring is a concept denoting a revolutionary sweeping tide of demonstrations, protests, and other forms of opposition to the authorities (both violent and non-violent), riots, and protracted civil wars in the Arab territories, which started on December 18, 2010. Rulers in some parts of the Arab world, such as Tunisia, Egypt (twice), Libya and Yemen, were dethroned from the mantle of leadership; civil rebellions have erupted in countries like Syria and Bahrain; major protests to show dissatisfaction with the government broke out in Algeria, Iraq, Jordan, Kuwait, Morocco, and Sudan; and similar but small scale protests also engulfed places like Mauritania, Oman, Saudi Arabia, Djibouti, Western Sahara, and the Palestinian territories. Similar occurrences outside of the Arab territories included, among others, protests in Iranian Khuzestan by the non-majority Arabs in April 2011 and border skirmishes in Israel in May 2011. The return of the remnant of weapons and

³⁴Lewis, Bernard. "Freedom and justice in the modern Middle East." *Foreign Aff.* 84 (2005): 36.

Tuareg fighters from the Libyan civil war stocked a protracting conflict, which scholars described as “fallout” from the Arab Spring in Maghreb. The sectarian skirmishes in Lebanon were the result of the consequential effect of violence caused by the Syrian political rebellion and, thus, the Middle East Arab Spring.

The protests in all the *Middle East and North Africa (MENA)* countries showed or shared similar methods. To some extent, the civil resistance showed similar patterns involving strikes, demonstrations, marches, and rallies, as much as the effective use of social media like Facebook, Twitter, Instagram, and the like to organize, communicate, and create awareness in the face of the state attempt at crackdown and Internet censorship.”³⁵

“The regional turmoil was not restricted to nations of the Arab world but had a domino effect elsewhere. The early uprisings in North Africa were encouraged by the 2009-2010 uprisings in Iran, and then it swept through the MENA region, in the nations of the neighboring South Caucasus - specifically Armenia, Azerbaijan, and Georgia - and a few nations in Europe, notably Albania, Croatia, and Spain; nations in sub-Saharan Africa, including Burkina Faso, and Uganda; and nations in different parts of Asia, including the Maldives and the People’s Republic of China, where demonstrators and resistance figures were encouraged by the illustrations of Tunisia and Egypt to arrange their dissents. The dissents in the Maldives prompted the resignation of the President. The offer of statehood for Palestine at the UN on September 23, 2011, is likewise viewed as drawing motivation from the Arab Spring after years of fizzled and inconclusive negotiations with Israel. In the West Bank, schools and government offices were closed to permit demonstrations supporting the UN membership offer in Ramallah, Bethlehem, Nablus, and Hebron, emulating the same peaceful riot tactics in other Arab nations.”³⁶

1.2. Arab Spring and the protests in Israel

In recent times, many Middle Eastern countries have been facing protests. The Arab Spring movement started in Tunisia and later spread to neighboring countries. It produced a domino effect. Even though the Arab Spring movement was not entirely

³⁵ Abdel Salam, E. A. “The Arab Spring: Its Origins, Evolution and consequences... Four Years on”. *Intellectual Discourse*, vol. 23, no. 1, June 2015,

<https://journals.iium.edu.my/intdiscourse/index.php/id/article/view/660>.

³⁶ *Ibid.*

successful, it helped gain significant rights for the people of the Middle Eastern countries.

In the recent protests in Iran after the death of Mahsa Amini, “the protestors’ bold acts of defiance against Iran’s Supreme Leader Ayatollah Ali Khamenei and the regime he represents are part of a long struggle for democracy, sovereignty, and independence among people in Iran.”³⁷

These protests point towards the increasing discontent in the minds of people in the Middle East regarding their rights and freedoms. The demonstrations in Israel against the overhaul of the judiciary have the potential to inspire the people from neighboring countries to protest against their repressing governments. Arab Spring movement was not successful, but if these protests were conducted in an organized and planned manner, they have the potential to achieve their aims of having greater rights and freedom.

V. CONCLUSION

Judicial Overhaul in Israel is a complicated and dynamic issue and has significant repercussions for the people of the state. The judicial reforms proposed by the government of Israel have a wide range of consequences for the country's judicial system and even for other countries in the region.

From the country's inception, the fundamental principles of justice and the rule of law have been deeply embedded within Israeli culture. Throughout their homeland, the Israelites consistently upheld a system of judgment, ensuring their society's fair and equitable treatment. The independence provided to judges is a vital aspect of the success of the Israeli judiciary system.

Therefore, there are good reasons to be concerned about the independence of the Israeli judiciary, given current events and the reforms that the current Israeli administration is proposing.

The protests happening in Israel are a clear example of the dissatisfaction of the Israeli people against the current political regime of Israel. These initiatives sought to give the government more control over legal matters by reducing the judicial system's authority and influence in Israel. The protests have been going on for a while now,

³⁷Stanford University. “Understanding Protests in Iran | Stanford News.” *Stanford News*, 15 Dec. 2022, <https://news.stanford.edu/2022/09/26/understanding-protests-iran/>

starting in January 2024 and going on for several months, with thousands of people participating. They draw attention to the pervasive divides that exist throughout the country. This demonstrates the strong public opinion held by the Israelites and their determination to oppose any modifications to the core principles of their legal system that would jeopardize the country's freedom.

The changes introduced in the judicial system of Israel give opportunity to the government to undermine the independence of the judiciary and subvert the democratic institutions of the country. The situation in neighboring countries is not very different. The citizens of these countries have the power to depose these institutions, which are attempting to undermine the democracy of these nations and seize the freedom and rights of the citizens.

The Arab Spring movement was one such attempt. Though this attempt was unsuccessful, it helped people achieve some of their desired results. The current protests in Israel against overhauling the judiciary are another opportunity for the people. An organized movement against the government could stop the judiciary overhaul in Israel. This could start a domino effect similar to the one in the Arab Spring movement, considering that some protests are ongoing in the neighboring countries.

VI. BIBLIOGRAPHY AND WEBLIOGRAPHY

1.1. Books

- Shetreet, Shimon, and Walter Homolka. *Jewish and Israeli Law - an Introduction*. Walter de Gruyter GmbH and Co KG, 2017.
- Zemach, Yaacov S. *The Judiciary of Israel*. 1993.

1.2. Journal articles

- Hirshberg, Samuel. "Jurisprudence Among the Ancient Jews." *Marquette Law Review*, vol. 11, no. 1, Jan. 1926, p. 25, <https://scholarship.law.marquette.edu/mulr/vol11/iss1/3> accessed on October 11, 2023.
- Hoenig, Sidney B. "Hamishpat Haivri: Toldotav, M'Korotav, Ekronotav (Jewish Law: History, Sources, Principles). By Menachem Elon. [Magnes Press,

Jerusalem, 1973, 3 Vols., 1594 Pp.].” *Israel Law Review*, vol. 10, no. 2, Apr. 1975, pp. 265–66. Cambridge University Press,

<https://doi.org/10.1017/S0021223700005239> accessed on October 11, 2023.

- Edelman, Martin. “The Judicialization of Politics in Israel.” *International Political Science Review / Revue Internationale de Science Politique*, vol. 15, no. 2, 1994, pp. 177–86. JSTOR, <http://www.jstor.org/stable/1601565> accessed on October 11, 2023.
- Warsoff, Louis A. "THE LEGAL SYSTEM OF THE STATE OF ISRAEL." NYLS Law School, Volume 2 Issue 4 NEW YORK LAW FORUM, vol II, number 4, October 1956, pp. 382-384. NYLS, https://digitalcommons.nyls.edu/cgi/viewcontent.cgi?article=1787&context=nyls_law_review accessed on October 14, 2023.
- Straschnov, Amnon. “The Judicial System in Israel.” *Tulsa Law Review*, vol. 34, no. 3, Mar. 1999, pp. 527–36, <https://digitalcommons.law.utulsa.edu/tlr/vol34/iss3/3> accessed on October 09, 2023.
- Roznai, Yaniv, Rosalind Dixon, and David Landau. "Judicial Reform or Abusive Constitutionalism in Israel." *Israel Law Review*, Forthcoming (2023).
- Gross, Aeyal. “An Unreasonable Amendment: The Constitutional Capture in Israel.” *Verfassungsblog*, July 2023, <https://doi.org/10.17176/20230725-012117-0>.
- Miller, Aaron David. “Israel Judicial Reform Protests: Prime Minister Benjamin Netanyahu Faces an ‘Israeli Spring.’” *Foreign Policy*, 19 July 2023, foreignpolicy.com/2023/02/23/israel-judicial-reformprotests-netanyahu-government-supreme-court.
- Lieber, Dov. “What’s Happening in Israel? Protests and Strikes Over Netanyahu’s Judicial Overhaul.” *WSJ*, 26 July 2023, [What’s Happening in Israel? Protests and Strikes Over Netanyahu’s Judicial Overhaul - WSJ](https://www.wsj.com/news/israel/2023/07/26/whats-happening-in-israel-protests-and-strikes-over-netanyahus-judicial-overhaul-wsj).
- Navot, Suzie, and Yaniv Roznai. "From supra-constitutional principles to the misuse of constituent power in Israel." *Eur. JL Reform* 21 (2019): 403.
- Dotan, Yoav. "Impeachment by Judicial Review: Israel’s Odd System of Checks and Balances." *Theoretical Inquiries in Law* 19.2 (2018): 705-744.

- Lewis, Bernard. "Freedom and justice in the modern Middle East." *Foreign Aff.* 84 (2005): 36.
- Abdel Salam, E. A. "The Arab Spring: Its Origins, Evolution, and Consequences... Four Years on". *Intellectual Discourse*, vol. 23, no. 1, June 2015, <https://journals.iium.edu.my/intdiscourse/index.php/id/article/view/660>.
- Eric C Ip, 'Taking a 'Hard Look' at 'Irrationality': Substantive Review of Administrative Discretion in the US and UK Supreme Courts' (2014) 34(3) *Oxford Journal of Legal Studies* 481.
- Navot & Roznai (n 12); Roznai (n 38); Aharon Barak, 'Unconstitutional Constitutional Amendments' (2011) 44(3) *Israel Law Review* 321
- 1Po Jen Yap & Rehan Abeyratne, 'Judicial Self-Dealing and Unconstitutional Constitutional Amendments in South Asia' (2021) 19(1) *International Journal of Constitutional Law* 127.
- Rosalind Dixon & Samuel Issacharoff, 'Living to Fight Another Day: Judicial Deferral in Defense of Democracy' (2016) *Wisconsin Law Review* 683, 689.

1.3.Web sources

- Aaron David Miller. "Israel Judicial Reform Protests: Prime Minister Benjamin Netanyahu Faces an 'Israeli Spring.'" *Foreign Policy*, Foreign Policy, 23 Feb. 2023, <https://foreignpolicy.com/2023/02/23/israel-judicial-reform-protests-netanyahu-government-supreme-court/>
- IACL-AIDC Blog. "IACL-IADC Blog." *IACL-IADC Blog*, 23 Dec. 2022, <https://blog-iacl-aidc.org/new-blog-3/2022/12/23/israels-political-and-constitutional-crisis>
- "What's next for Israel's Judicial Overhaul?" *The New York Times*, 2023, www.nytimes.com/article/israel-judicial-overhaul-vote.html.
- "Development of the Law in Israel- The First 50 Years." *Embassy of Israel: Israeli Missions Around The World*, September 25, 2000, <https://embassies.gov.il/MFA/AboutIsrael/state/Democracy/Pages/Development%20of%20the%20Law%20in%20Israel%20The%20First%2050%20Yea.aspx> accessed on October 11, 2023.

- "Israel Judicial Branch: History & Overview." Jewish Virtual Library, <https://www.jewishvirtuallibrary.org/history-and-overview-of-israel-s-judicial-branch> accessed on October 11, 2023.
- Blog, Iacl-Aidc. "Israel's Political and Constitutional Crisis — IACL-IADC Blog." IACL-IADC Blog, 23 Dec. 2022, blog-iacl-aidc.org/new-blog-3/2022/12/23/israels-political-and-constitutionalcrisis.
- "The Risk of 'Creating a Monster': An Interview With Constitutional Expert Yaniv Roznai on Judicial Reform in Israel." International IDEA, [The risk of "creating a monster": An interview with constitutional expert Yaniv Roznai on judicial reform in Israel | International IDEA](https://www.idea.int/publications/working-papers/the-risk-of-creating-a-monster-an-interview-with-constitutional-expert-yaniv-roznai-on-judicial-reform-in-israel).
- Breuer, By Eliav. "Will the Knesset Be Back to Judicial Reform Mayhem Post-recess?" The Jerusalem Post | JPost.com, 8 Apr. 2023, [Will the Knesset be back to judicial reform mayhem post-recess? - Israel Politics - The Jerusalem Post \(jpost.com\)](https://www.jpost.com/israel-news/will-the-knesset-be-back-to-judicial-reform-mayhem-post-recess-678888)
- "Israelis Stage Massive Protests after Government Pushes through Key Reform." Cbsnews.com, CBS News, 29 July 2023, [Israelis stage massive protests after government pushes through critical reform - CBS News](https://www.cbsnews.com/news/israelis-stage-massive-protests-after-government-pushes-through-critical-reform/).
- "Lieberman: Netanyahu an Immediate Danger to the Existence of the State." Timesofisrael.com, 2023, [Lieberman: Netanyahu an immediate danger to the state's existence | The Times of Israel](https://www.timesofisrael.com/liberman-netanyahu-an-immediate-danger-to-the-existence-of-the-state/).
- Rothwell, By James. "Benjamin Netanyahu Poised for Climbdown after Thousands of Protesters Marched on His Home." The Telegraph, The Telegraph, 27 Mar. 2023, [Benjamin Netanyahu poised for climbdown after thousands of protesters marched on his home \(telegraph.co.uk\)](https://www.telegraph.co.uk/news/2023/03/27/benjamin-netanyahu-poised-for-climbdown-after-thousands-of-protesters-marched-on-his-home/).
- Gold, Hadas, et al. "Israel Passed a Bill to Limit the Supreme Court's Power. Here's What Comes Next." CNN, CNN, 24 July 2023, edition.cnn.com/2023/07/24/middleeast/israel-judicialreforms-vote-explained-mime-intl/index.html.
- Jazeera, Al. "Israel Protesters Vow to Continue until Judicial 'Reform' Gone." Aljazeera.com, Al Jazeera, 28 Mar. 2023, [Israel protesters vow to continue until judicial 'reform' gone | Protests News | Al Jazeera](https://www.aljazeera.com/news/2023/3/28/israel-protesters-vow-to-continue-until-judicial-reform-gone)

- “With Memorial Candles, Protesters 3, [With memorial candles, protesters across Israel rally against judicial overhaul | The Times of Israel](#)
- Stanford University. “Understanding Protests in Iran | Stanford News.” *Stanford News*, 15 Dec. 2022, <https://news.stanford.edu/2022/09/26/understanding-protests-iran/>
- 7 JP Staff, 'A Little sensitivity wouldn't hurt': Coalition MKs reject Ben-Gvir tweet' Jerusalem Post (July 23, 2023)
- On his failing popularity, though still plurality support, see, e.g., Maayan Lubell, 'Israel's Netanyahu down in polls over judicial reform' Reuters (July 26, 2023), <https://www.reuters.com/world/middle-east/israels-netanyahu-down-polls-over-judicial-reform-2023-07-26/>.
- For the radical “reading down” of attempts to limit court jurisdiction in a comparative context, see, e.g., *Anisminic Ltd v Foreign Compensation Commission* [1969] 2 AC 147; see, e.g., P. Murray, ‘Reconsidering Ouster Clauses: The High Court’s Decision in *Oceana*,’ U.K. Const. L. Blog (5th July 2023) (available at <https://ukconstitutionallaw.org/>).

