

Israel on Fire: A Legal Slippery Slope to National Disintegration

A proposal to overhaul Israel's judicial system in favor of politicians has polarized the state, army, and populace, exposing Tel Aviv's security vulnerabilities as never before.

By [The Cradle](#)

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Not for the first time, the state of Israel finds itself caught up in a ferocious domestic battle over amendments to the country's legal fundamentals. This time, however, the national controversy caused by Prime Minister Benjamin Netanyahu's judicial overhaul plan has revealed major cracks in the country's social and security structures.

The societal fractures are indeed in part due to the fact that Israel's top political brass no longer seem to share a common vision on the state and its direction. This critical vulnerability has burst to the fore during weeks of domestic infighting. A rudderless and divided state, after all, can no longer expect to efficiently operate its 'deterrence capacity' and 'national security' priorities.

The first major fracture

Back in July 2018, the Israeli Knesset approved what is known as the "Jewish State Law," which determined that only Jewish citizens have the right to self-determination in the country. The law was approved after months of deliberation in a 62-55 vote, with two abstentions.

The law was adopted on the 70th anniversary of the establishment of the State of Israel – a country that to this day remains without a constitution – and stipulated that "Israel is the historical homeland of the Jewish people" and that the right to self-determination is guaranteed "only for the Jewish people."

Provisions to the Jewish State Law were removed at the eleventh hour due to objections from the country's president and attorney general. These called for the establishment of

Jews-only communities and called on the judiciary to abide by religious Jewish law when there was no relevant civil legal precedent. The offending provisions were instead replaced with more ambiguous wording, such as “the state considers the development of Jewish settlement a national value and will work to encourage and support its establishment.”

The Palestinian Authority’s (PA) Ministry of Foreign Affairs condemned the legislation in a statement, saying: “The adoption of this racist and discriminatory law dropped forever all claims to the democracy of the occupying state, being the only democratic state in the Middle East [West Asia], and placed Israel at the top of the dark states.”

A slippery slope to Israel’s disintegration

Today, five years after the Jewish State Law was approved, Israel finds itself mired in turmoil over Netanyahu’s judicial overhaul which aims to limit the judiciary’s powers by empowering the Knesset and prime minister to approve laws and name judges. The far-right government coalition defends the overhaul, saying it seeks to “restore balance” between the executive, legislative, and judicial powers.

But the opposition, and a large portion of the Israeli populace, reject this overhaul plan, describing it as a “judicial coup” and “the end of democracy” in Israel. The Israel Democracy Institute (IDI) issued similar warnings, saying that “the amendment weakens the capabilities of the judiciary and concentrates power in the hands of the coalition that controls the legislative branch.”

Now, Israeli political forces are taking the battle over “judicial reforms” into uncharted territory. As a solution to the country’s rigid polarization, Israeli newspaper *The Marker* has called for dividing Israel into three cantons: One for the Jewish religious movement, another for the leftists, and a third for the Palestinians.

Hijacking the law

The overhaul plan includes four items that the opposition says will eventually lead to the concentration of judicial power in the hands of the executive branch, which already controls the legislative power by virtue of its parliamentary majority.

The amendments in question are: limiting the judicial review of laws approved by the Knesset, allowing the executive branch to appoint judges, abolishing the override clause that allows the High Court of Justice to block executive orders, and converting legal advisors in ministries into political appointees.

While Israel has no official constitution, the nation is governed by a group of ‘Basic Laws’ that regulate the division of powers, human rights, and civil rights. When the Knesset approves legislation that contradicts a Basic Law, the High Court of Justice can step in to rule on its legality.

Netanyahu’s right-wing coalition defends the proposed judicial reforms as “an attempt to restore the right balance between [the executive, legislative, and judicial powers] and to strengthen democracy.”

“The balance between powers has been violated in the past two decades, and more rapidly over the past few years. This is an extraordinary phenomenon that has no equal in the

world,” the prime minister postulated on 8 January.

A few days earlier, after announcing the reform plan, Israeli Minister of Justice Yariv Levin declared: “Many sectors of the public look at the judicial system and do not find their voices heard. This is not democracy.”

“The bill aims to restrict the ability of the High Court of Justice to annul laws and government decisions,” added Levin, a member of Netanyahu’s Likud party, and stressed that he aims to “pass [the reforms] to enable the Knesset to re-legislate laws unless all High Court of Justice judges unanimously decide to drop them.”

The Israeli opposition, led by former prime minister Yair Lapid, believes the overhaul plan will finish off what is left of Israel’s democracy. “When [Netanyahu] completes his authoritarian coup, Israel will cease to be a democracy. The weak will have nowhere to go,” Lapid said in January, according to Hebrew newspaper *Yedioth Ahronoth*.

Former Israeli defense minister and Knesset member Benny Gantz said that the reforms “must meet the needs of the state, not our needs as politicians,” stressing that Netanyahu’s judicial overhaul scheme does the exact opposite.

The IDI, which is affiliated with Tel Aviv University, said in a recent study that “supporters of the [overhaul plan] justify that these are necessary to rein in the unaccountable judiciary.” While “opponents of the changes fear removing the only effective oversight over the executive branch in Israel will endanger civil liberties, economic prosperity, and Israel’s international standing.”

Undermining Israel’s security state

As the political rift grows in Israel, the discussion has turned to the effects this will have on the state’s security apparatus, and in particular on the army’s reserves, which make up around 70 percent of the army’s ranks.

The depth of the security crisis was made evident over recent weeks as recently-ousted Defense Minister Yoav Gallant butted heads with Netanyahu.

As Gallant prepared to hold a televised press conference last week calling on the government to halt its overhaul plan, Netanyahu was forced to step in and have a one-on-one conversation with his war chief in his Jerusalem office.

“At the request of the prime minister and in light of his planned speech this evening, the defense minister is postponing his statement,” Gallant’s office said in a statement. Gallant said that during his brief chat with Netanyahu, he explained “the impact of legislative processes on the army and the defense establishment.”

Gallant reportedly threatened to resign in fear of the crisis’ military ramifications: Security officials have raised concerns that army ranks could be depleted by resignations and mass desertion.

On 26 March, Gallant was finally relieved of his duties by Netanyahu over his continued opposition to the prime minister’s legislative offensive.

The decision was met with mass protests. Hundreds of thousands of flag-waving Israelis took

to the streets of Tel Aviv and Jerusalem, while crowds gathered outside Netanyahu's house in Jerusalem and broke through the security cordon from one side.

Washington has now expressed "grave concern" about the situation in Israel and the inability of its political leaders to reach a settlement.

But Gallant was not the only Israeli security head to warn Netanyahu about the impending disaster. Army Chief of Staff Herzl Halevy issued similar warnings over the past few weeks, telling Netanyahu he was concerned about widespread insubordination that "could harm the [army's] operational capacity."

Shin Bet chief Ronen Bar also warned Netanyahu that Israel was headed toward a very dangerous place and presented the prime minister with a "very bleak" picture of his plan's consequences. Channel 12 quoted Bar as saying, "The combination of security threats and the social situation in the context of the Judicial Reform Law is taking Israel to a dangerous place."

Former senior security official Amos Yadlin recently penned an article for the same network, in which he called Netanyahu "the father of the failure of 2023," and cautioned that while Tel Aviv and the political system focus on the interior issues, "we must look at what is happening along our external borders."

Yadlin went on to warn of a "perfect storm" that could severely shake Israel's "national security pillars:"

"The Israeli army is shaky and torn from the inside, and there is disunity and mistrust in our relations with our most important ally, the United States. Israeli deterrence is at an all-time low, the economy is deteriorating and heading for a sharp decline, social unity has been replaced by a deep rift, and the sense of destiny and shared destiny have been dealt a heavy blow."

Yadlin believes that Netanyahu and his cabinet have "lost touch" with reality and now "live in social networks," ignoring the growing threat of Israel's enemies, chief among them Iran.

He also warned of the risk of Hezbollah moving from "inciting speeches to direct activity from Lebanon against Israel," highlighting the group's missile and ground capabilities and how the cracks forming inside Israel could prove beneficial to the Lebanese resistance group.

The conflagration ahead

In addition, says Yadlin, the period of Ramadan, Easter, and spring holidays could see several Palestinian fronts ignite at the same time, "in Jerusalem, Judea, Samaria, Gaza, and the mixed cities in Israel and the northern front."

In the face of these multi-pronged threats, Yadlin accused Israel's government of weakening its national army by creating an unprecedented crisis of confidence among reservists and enlisted troops. "Those who believe that the crisis will not extend to the regular army are mistaken: the cracks are already visible, Efficiency levels are weak, and deterrence is weak."

With the crisis rapidly escalating into dangerous territory, Hebrew media on 27 March

announced that Netanyahu was preparing to announce a freeze of his overhaul plan.

Despite internal strife among coalition members – with some senior officials threatening to resign if the prime minister presses pause on the reforms – the [freeze was announced](#) on Monday evening, delaying the overhaul plan until the next Knesset session in May.

Netanyahu’s refusal to scrap his divisive plan has devolved into mass strikes within the public and private sectors, school shutdowns, the closing of Haifa port, the grounding of flights at Ben Gurion airport, further large-scale street protests, and now, calls for counterprotests from far-right groups that back the coalition’s plans.

As tens of thousands rallied against the judicial reforms outside Israel’s Knesset, “religious Zionist” rabbis called on the government to move forward with its plans, according to Israel’s Army Radio.

National Security Minister Itamar Ben Gvir, the government’s most visible right-wing extremist, also rallied his radical supporters to take to the streets, saying on Monday: “Today we will stop our silence.”

Meanwhile, Yadlin warned, “The Israel we knew will not return.”

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