



The Sabra Report

Israel's New Government Unveils Plan to Weaken Supreme Court

Isabel Debre and Josef Federman, AP, January 4th 2023

Recap:

Justice minister Yariv Levin proposed an overhaul to the judicial system following campaign promises to increase the power of elected officials.

The Context:

- ✦ The proposal includes restricting the High Court's capacity to strike down government decisions, requiring just a simple Knesset majority to override Supreme Court rulings and changing the process for choosing judges [1]. Supreme Court judges are currently appointed and dismissed by a committee made up of professionals, justices and select lawmakers.
- ✦ Proponents of the overhaul say the move will "strengthen democracy, rehabilitate governance, restore faith in the judicial system, and rebalance the three branches of government."
- ✦ Critics say the plan will upend Israel's system of checks and balances and undermine its democratic institutions by giving absolute power to lawmakers. "What Yariv Levin presented today is not a legal reform, it is a threat. They threaten to destroy the entire constitutional structure of the State of Israel," said Opposition Leader and former prime minister Yair Lapid [2].
- ✦ Levin presented the proposal less than 24 hours before the High Court was set to hear the case against Shas MK Aryeh Deri's ministerial appointment [3]. Deri was chosen to serve half a term as the minister of health and interior affairs, before becoming finance minister. He will also hold the post of deputy prime minister. Attorney General Gali Baharav-Miara wrote a 77-page dissenting argument declaring Deri's selection "extremely unreasonable [4] since it comes less than a year after he was convicted and given a suspended jail sentence [5].

Conversation Points:

- ✦ Why did Levin release his proposed changes so close to Deri's confirmation hearings?
- ✦ What is the proper balance between court and state?
- ✦ Should lawmakers have the ability to override Supreme Court decisions?

Notes:

1. [Justice minister unveils plan to shackle the High Court, overhaul Israel's judiciary](#), JEREMY SHARON, Jerusalem Post, January 4th, 2023
2. [Under threat, High Court hears petitions against Deri's ministerial appointment](#), Times of Israel, January 5th, 2023
3. [Israel's new gov't proposes controversial reforms to justice system](#), Jerusalem Post, January 4th, 2023
4. [Supreme Court deliberates convicted Deri appointment as minister](#), Gilad Morag, Ynetnews, January 5th, 2023
5. [Under threat, High Court hears petitions against Deri's ministerial appointment](#), Times of Israel, January 5th, 2023

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