

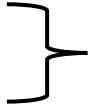
The Constitutional Crisis in Israel

Analysis, Explanation, Path Forward

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Roadmap

1. Three problems in Israeli structure of government
 1. An expansion of the supreme court (reformers are largely right)
 2. A weak Knesset (parliament)
 3. A weak government

(problems that reformers do not address)
2. The reform goes beyond what is necessary to solve problem 1 and exacerbates problems 2 and 3. One example:
 1. The plan to transform judicial appointments
 2. The prohibition on judicial review
3. What else can be done?
 1. Moving to a two-Knesset process for legislating in constitutional matters
 2. Instituting better procedures for constitutional litigation at the Supreme Court

Israel's Structure of Governance



15 member Supreme Court
(appellate + constitutional
court)



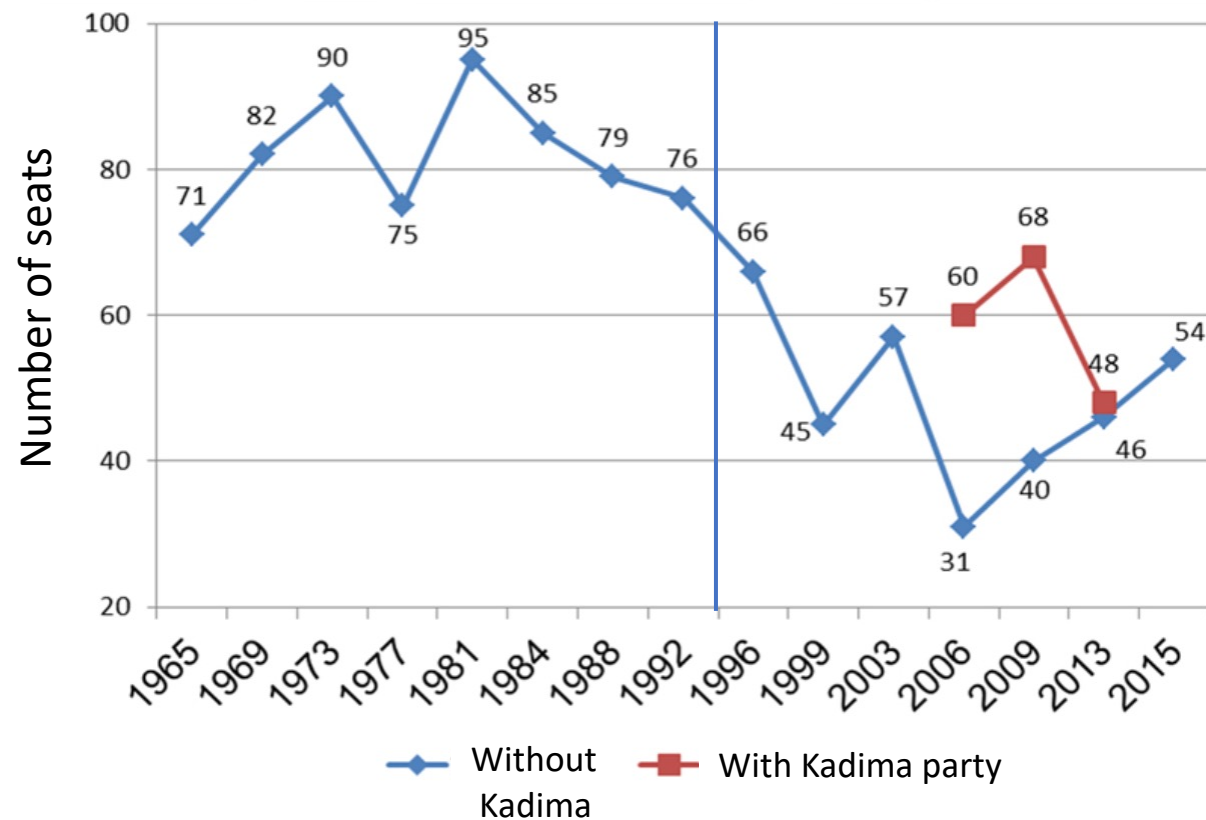
30+ member Executive
(depends on and controls the
legislature)



120 member Knesset
(unicameral national legislature)

Political Changes Effecting the Power of the Executive

Overall number of seats held by the two large parties, 1965-2015



Three separation of powers problems – not one!

A combined legislative + executive weakness, translating to:

- Either the tyranny of the small parties and concentration of power among a minority of the public
- Or governance paralysis due to the untimely collapse of the government

The middleground – a stable executive, working for the benefit of the entire citizenry, and benefits from effective checks and balances by an independent legislature – has become a rare sight.

→ Crucial background to understand the expansion of the Supreme Court powers

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The plan to transform judicial appointments

- The plan:
 - **A permanent majority for the government in the judicial appointments committing, allowing it to appoint judges to all courts on its own** (New bill: 3/4 HCJ appointments)
 - Giving the coalition an effective power of 90 MKs, and the opposition only 30 MKs
 - Plus, appointing the President of the Court

--> The Judiciary merges with the Executive-Legislature

- Consider differences from the American model:
 - No collaboration between two independent branches of government
 - Twisting electoral results
 - Plus, [do we want the American model?](#)
- If we want a less politicized court, getting politics in is not the answer.

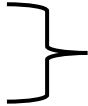
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Over Half of Americans Disapprove of Supreme Court as Trust Plummets

Trust that the U.S. Supreme Court is operating in the best interests of the American people has plummeted.

By the Annenberg Public Policy Center

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Thank you!

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