

## IS ISRAEL ON THE BRINK OF CIVIL WAR?

By Robert O. Freedman  
Johns Hopkins University

As I write this blog, it is the eve of Tisha B'av, the Jewish holiday that commemorates the destruction of the first two Jewish temples and the Jewish kingdoms that supported them, first by the Babylonians in 586 BCE, and the second by the Romans in 70 CE. According to Jewish tradition, the second temple was destroyed, in part, by "sinat hinam," or senseless hatred between two Jewish groups, a development which facilitated the Roman conquest of Jerusalem. Sadly, it appears that the same problem exists today in contemporary Israel.

On the one hand are the Haredim (ultra-Orthodox Jews), the vast majority of whom do not serve in the Israeli Army (IDF) and live on the government dole as they pursue their religious studies. Allied to the Haredim in the ruling coalition are the Religious Zionists, who advocate the expansion of Jewish settlements on the West Bank and call for the annexation of the area to Israel—irrespective of the millions of Palestinians who live there. The party is led by Bezael Smotrich, a right-wing politician. The third element in the ruling coalition is the Likud Party, headed by Israeli Prime Minister Benjamin Netanyahu, which has always been supportive of Jewish settlement on the West Bank, and like the Religious Zionists, strongly opposes the creation of a Palestinian State.

Opposing the ruling coalition are the Arab parties and the Jewish parties of the Center Right, Center and Center Left who are made up primarily of secular and moderately religious Israelis.

Sadly, the tensions between the two groupings are pushing Israel closer and closer to a civil war. The opposition feels that the ruling coalition has decided to "change the rules" of Israeli politics and is moving Israel toward an authoritarian state by curtailing the power of Israel's High Court of Justice (Supreme Court), which is the only check in the Israeli political system against arbitrary actions by the Israeli Government.

Despite massive popular protests, the ruling coalition, which has a small majority in the Israeli Parliament (Knesset) of 64 seats out of 120, forced through a law that strips the Israeli Supreme Court of its ability to halt government actions on the grounds that they were not "reasonable."

A few examples will suffice to show how the Israeli Supreme Court exercised the principle of reasonableness in the past. In one case, in an Israeli community near the Hamas-controlled Gaza Strip which had faced Hamas rocket attacks, the Israeli Government decided to reinforce only one room in their school against rocket attacks. Parents complained to the Israeli Supreme Court, arguing that all the school's rooms should be reinforced against rocket attacks. The Israeli Supreme Court agreed with the parents, asserting that it was not reasonable that only one room in the school should be reinforced and ordered the government to reinforce all the school rooms.

Another example of the Supreme Court's use of its reasonableness power was the case of Aryeh Deri, whom Netanyahu wanted to make Finance Minister. Deri, however, had been convicted of bribery, fraud and tax evasion, and the Israeli Supreme Court determined that it was not reasonable for him to serve as Israel's Finance Minister.

Consequently, by depriving the Supreme Court of its “reasonableness” power, Netanyahu’s government will have a much freer hand to appoint, or fire, officials and act in an arbitrary manner.

However, this is not all that the ruling coalition wants to do as part of its so-called “judicial reform.” It also wants to change the committee that selects Supreme Court justices in such a way that the government has the majority in the committee.

The most serious “reform” of all which the ruling coalition plans is to pass is a law stating that only a simple Knesset majority would suffice to overturn a Supreme Court decision.

Yet, the ruling coalition wants to go even further in changing Israeli society. The Haredi members of the coalition have already obtained increased stipends for their constituents, who study Jewish texts all day instead of serving in the Israeli army or working in the Israeli economy. Now the Haredi want the study of Jewish texts to be equated with military service in terms of the state benefits they receive. They also want to pass a law guaranteeing that Haredim will not have to serve in the IDF—something that the Israeli Supreme Court has blocked in the past. In addition, they want to increasingly impose their view of Orthodox Judaism on an Israeli public that is at least 80% secular or Modern Orthodox.

Similarly, the Religious Zionist faction of the ruling coalition wants a freer hand in expanding settlements on the West Bank, cracking down on the Palestinian Arabs who live there and ultimately annexing the West Bank to Israel, something that not only the U.S. opposes but also the Israeli Supreme Court, which has ruled against the settlers in a number of cases. Consequently, stripping the Supreme Court of its powers is a major objective of the Religious Zionists.

Needless to say, the efforts by the ruling coalition to change the “rules of the game” in Israeli politics by weakening the Israeli Supreme Court has met massive resistance from Israelis. For 29 weeks, there have been demonstrations by hundreds of thousands of Israelis all over the country opposing the “reforms.” In addition to the demonstrations there have been threats by Israeli military reservists—including air force pilots who would be critically needed should Israel decide to attack Iran’s nuclear installations---not to serve under such a dictatorial government. Israeli doctors have also gone on strike, Israeli business leaders have protested, and as a result of the Knesset vote both Moody’s and Morgan Stanley have called into question Israel’s credit rating ---something very dangerous for a high-tech economy such as Israel’s. Even worse, a recent Israeli poll indicated that 28% of Israelis are thinking of leaving Israel—and these would be the non-Haredim on which the Israeli work force is based.

Yet the public uproar and mass demonstrations did not convince the ruling coalition to moderate its position as it moves ahead with its plans to eviscerate the Israeli Supreme Court when the Knesset next meets in the Fall, after its summer break. The hatred between the ruling coalition and the opposition has grown so strong that there is open talk about a civil war breaking out. The opposition’s hope that the U.S. would forcefully intervene proved in vain. U.S. President Joe Biden, concentrating on the war in Ukraine and the threat from China, would only say that the passage of the anti-reasonableness law was “unfortunate,” and any reform of such a magnitude should have been passed by a large majority of Knesset members.

By contrast, Israel’s enemies were exultant. As the Iran-backed Lebanese Hezbollah leader Hassan Nasrallah gloated: “Israel was once thought of as a regional power that can’t be

beaten...This day, in particular, is the worst day in the history of the (Zionist) entity...This is what puts it on the path to collapse, fragmentation and disappearance, God willing”

Looking to the future, The Israeli Supreme Court will examine petitions against the anti-reasonableness law when it reconvenes in September after its summer break. Whether it will reject the law, or even if it does, whether the ruling coalition will respect the Supreme Court ‘s decision, are very open questions. Indeed, Israel’s Minister of National Security, the far right-wing Itamar Ben-Gvir, has stated that if the Supreme Court strikes down the law it would be “an attempted coup.” In addition, without a check from Israel’s Supreme Court, the ruling coalition can vote itself additional powers, thus putting itself on the path of authoritarian regimes like Hungary and Poland that have moved away from democracy. Under these circumstances, the bond between the United States and Israel, which is based in part on shared values, will erode, and the gap between the majority of American Jews who are non-Orthodox and Israel will grow wider. Meanwhile, if this occurs, the best and brightest Israelis will emigrate, high tech companies will desert Israel, and the Israeli economy will deteriorate.

In sum, unless this process is stopped either by a general strike -- which will bring the country to a halt unless the anti- reasonableness law is rescinded -- or even by a military coup by Israeli generals who don’t want to see the deterrent power of the IDF dissipate, the future of Israel looks quite grim.