

August 30th, 2022

Dear JPLAN Participant:

The Israeli Knesset elections scheduled for Nov. 1 may well determine whether the Jewish State maintains the independence of its Supreme Court and its judiciary. The matter is even more urgent in Israel than in the United States. Unlike the United States, Israel is a unitary state, with no independent state courts to declare and expand rights, like such as the rights to privacy or equality in education funding. Several Knesset candidates are promising to limit the Court's authority to declare acts of Knesset inconsistent with the Basic Laws which function as the Israeli constitution, prioritize religion over civil rights and equality, and enable the Knesset to override Supreme Court constitutional rulings by a mere majority of 61 MKs. If this happens, the rights to freedom of religion for all Israelis and pluralism of worship and practice for the different strains of Judaism will be subject to the whim of the Knesset majority.

Even worse, many candidates are promising to turn the current diversified Nomination Committee process of appointing Supreme Court justices into the kind of partisan mud-fight that has besmirched our U.S. Senate's handling of confirmations. The current Nominations Committee is composed of representatives of the Court itself, the government, the Knesset and the Israeli Bar. This current arrangement neutralizes, to a great degree, unilateral political appointments. If such measures pass after the new Knesset is elected on Nov. 1 and the new government coalition is formed, it will erode the political independence of the Israeli judiciary as a check and balance against Knesset.

We in the diaspora legal community must raise our voices to help ensure that the rule of law is maintained by Justices chosen by a balanced set of actors, rather than by highly partisan politicians. The full authority and independence of the Supreme Court, including its ability to engage in judicial review, must be safeguarded. Uri Regev, chair of Hiddush and a co-founder of JPLAN put the elections in context urgently and cogently:

**We can already state without hesitation that one of the most important existential struggles to be decided upon in the elections is the question of Israel's identity as a Jewish and democratic state. This outcome is related both to the nature of the Jewish identity that the various parties seek to advance as well as the status of the Supreme Court and its ability to protect the public from the erosion of individual and societal freedoms and rights. This includes the expansion of religious coercion which some of the parties (namely: the ultra-orthodox parties and the "Religious Zionism" party) will demand in return for their support if their votes are necessary for the establishment of the next coalition.**

Given the threat, we in JPLAN, should be educating ourselves and others about the critical need for safeguarding the independence of the judicial branch in Israel. To that end, we will soon be scheduling a webinar on the current threat regarding the independence of the Israeli Supreme Court and its role in protecting religious freedom and equality in Israel. You will hear from us shortly.

Regards, and thank you for your interest in JPLAN. If you have any thoughts you would like to share for the webinar, please contact JPLAN and we will get back to you.

**Peter Buchsbaum, Mark S. Anshan, David Leit and Rabbi Uri Regev**

**Co-Chairs, JPLAN**

**J-PLAN - Jewish Pluralism Legal Action Network**

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