



Removal of power of Israeli Supreme Court to apply a “reasonableness” test to government decisions and appointments

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The Executive Council of Australian Jewry (the ECAJ), the peak representative body of the Australian Jewish community, has voiced its concerns about the Knesset’s decision to abolish the Israeli Supreme Court’s power to overturn government decisions and appointments it deems “unreasonable”.

“Regardless of one’s views about the merits or otherwise of the various components of the judicial overhaul’ in Israel, the manner in which the removal of the Supreme Court’s ability to apply a “reasonableness test” has been steam-rolled into law is shredding Israel’s social consensus and adversely impacting on Israel’s international reputation”, said ECAJ President Jillian Segal.

“Israelis of all political stripes have taken to the streets to protest these changes. The situation demands a compromise, as called for by Israel’s President. It is a supreme irony that as we approach Tisha B’Av, the hard lessons of Jewish history about the dangers of internal disunity seem to have been forgotten.”

Ms Segal added, “In every mature democracy there are constraints on the powers of the elected government, usually in the form of a Constitution, a parliamentary upper house of review and acknowledged conventions. Israel has no such restraints. The Courts provide the only checks and balances. Even if a government is democratically elected, if it has untrammelled powers that can ride roughshod over fundamental rights and freedoms, this does not equate with democracy. It is well past time for the Israeli government to call a halt to the judicial overhaul and to search in earnest for a consensus, as President Herzog has called for.”

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