

Israeli Politics & the Judiciary

Cyrus Gazdar

POL377

Dr. Olga Talal

March 31, 2026

I. Introduction

In 2023, one of the largest democracy indices, Varieties of Democracy, released its annual democracy report discussing the state of democracy internationally. Echoing other indexes like Freedom House, the report was filled with concerns about Democratic backsliding. Their reports state that while the majority of the world lives in autocracies, the Middle East and North Africa (MENA) was the most autocratic region, with 98% of the region's population living under autocracies. The only 2% that did not in autocracies were those who resided in the state of Israel,¹ which, according to both V-Dem and Freedom House, is a democratic state. With that being said, Israel has also undergone negative developments in the field of democracy. V-Dem stated that for the first time in 50 years, Israel's democratic status dropped from liberal democracy to electoral democracy. Similarly, Freedom House's rank of Israel dropped from 80 in 2017 to 73 in 2025. According to both indices, the answer points to the same spot: the judiciary. V-Dem claimed that the Knesset's 2023 bill stripping the Supreme Court of the power to declare government decisions was "unreasonable."² Similarly, Freedom House argued the judiciary had come under "growing political pressure," also referencing the 2023 Knesset Bill.³

There is no denying the fact that there is an overlap between the judiciary and democratic governance. A vast literature exists breaking down the various ways that the courts influence and are influenced by democratic politics. The same holds for Israel, where the courts have played an incredibly important role in the construction of Israel's political and social fabric. As such, rapid changes in Israeli politics are also bound to conflict with the courts. I will argue that judicial attacks in Israel have coincided with an erosion of liberal rights. There are a number of grounds on which I will be arguing this form. The first argument, and the

¹V-Dem Institute, *Defiance in the Face of Autocratization - DEMOCRACY REPORT 2023*, Democracy Report (Varieties of Democracy, 2023), 13.

²V-Dem Institute, *Democracy Winning and Losing at the Ballot - DEMOCRACY REPORT 2024*, Democracy Report (Varieties of Democracy, 2024), 14.

³Freedom House, "Israel - Freedom in the World 2023," *Democracy Index*, Freedom House, Washington, D.C, 2023, <https://freedomhouse.org/country/israel/freedom-world/2023>.

most clear-cut one, will be that the more rights the judiciary has, the freer Israeli society is. While Israel ranks well as a “free” country in some capacity accounting to Freedom House and V-Dem, the unique upbringing of Israel means that it is filled with many ethno-religious groups outside of Jewish people. As such, I will also claim that judicial freedom also corresponds to the treatment of minority groups in Israel proper. Finally, since almost all countries have some form of highest court, the main distinction between a liberal democracy and an authoritarian regime is the court’s capacity to deliver a fair trial to anyone brought before it. As such, I will argue that attacks on the judiciary correspond to a decrease in fair trials and equality under the law.

The paper will open with a breakdown of relevant discussion on the importance the judiciary plays in democratic politics. This will touch briefly on the general literature, but also look at Israel itself. As will be discussed, the courts in Israel have played a remarkably large role in upholding social, political, and economic rights as outlined in the Declaration of Independence. After this, the paper will lay out the structure for the testing. This includes breaking down the models and their relevant variables. The V-Dem index is useful for yielding effective statistics from our tests. After this, we will look at our findings to verify our hypotheses. Once this is done, the paper will give a descriptive breakdown of our results.⁴

II. Literature Review

Research on the role that the courts play in democratic politics is expansive and continues to grow over time. Despite the fact that courts are generally seen as an institution that upholds or turns down certain policies, extensive research has been done into the role that the courts play in mediating policy discussions between political parties and different orders

⁴While descriptive statistics are not enough to uniquely contribute to new findings, the size and scope of this paper do not allow for a deep dive into prescriptive statistics or a discussion about why our findings are the way they are.

of government.⁵ Additionally, literature also discusses the role the judiciary plays in the processes of democratization,⁶ and how the courts have been used to push political agendas.⁷ Finally, dense qualitative and quantitative research exists that breaks down the place of the judiciary in democratic backsliding. In modern politics, this has taken on many forms, such as judicial purges in Eastern Europe,⁸ a restriction of judicial autonomy in the United States,⁹ and the expansion of other branches of government at the expense of the courts.¹⁰

Judicial importance is especially true in Israel. Despite lacking a formal constitution, the courts are empowered to uphold a series of *Basic Laws* which act as the foundation for the nation's legal landscape.¹¹ Since Israel became a constitutional democracy following the passing of the Basic Laws, the judiciary has played a large role in upholding these laws, making the judiciary an increasingly big part of Israel's political system.¹² As such, it would not be a far shot to imagine that judicial independence is also in line with protections both for democratic institutions and also civic rights. Key rulings show this, such as the 2000 *Qaadan v. Katzir* case, which saw the Supreme Court of Israel rule that Israeli Arabs cannot be legally stopped from buying state-owned property.¹³

⁵Ran Hirschl, "The Judicialization of Mega-Politics and the Rise of Political Courts," *Annual Review of Political Science* 11, no. 1 (2008): 93–118, <https://doi.org/10.1146/annurev.polisci.11.053006.183906>; Ran Hirschl, "The Judicialization of Politics," in *The Oxford Handbook of Law and Politics*, 1st ed., ed. Gregory A. Caldeira et al. (Oxford University Press, 2009), <https://doi.org/10.1093/oxfordhb/9780199208425.003.0008>.

⁶A. Mazmanyanyan, "Judicialization of Politics: The Post-Soviet Way," *International Journal of Constitutional Law* 13, no. 1 (2015): 200–218, <https://doi.org/10.1093/icon/mov003>.

⁷Martin Belov, ed., *Courts, Politics and Constitutional Law: Judicialization of Politics and Politicization of the Judiciary, Comparative Constitutional Change* (Routledge, Taylor & Francis Group, 2020).

⁸Larry Diamond, "Four: The Authoritarian Temptation," in *Ill Winds: Saving Democracy from Russian Rage, Chinese Ambition, and American Complacency* (Penguin Books, 2019).

⁹Meghan E. Leonard, "Democratic Backsliding in the American States: The Case of Judicial Independence," *Publius: The Journal of Federalism* 54, no. 3 (2024): 573–97, <https://doi.org/10.1093/publius/pjae009>.

¹⁰Stephan Haggard and Lydia Tiede, "Judicial Backsliding: A Guide to Collapsing the Separation of Powers," *Democratization* 32, no. 2 (2025): 513–37, <https://doi.org/10.1080/13510347.2024.2381092>.

¹¹Amnon Rubinstein, "Israel's Partial Constitution - The Basic Laws," Jewish Virtual Library, Jewish Virtual Library, April 2009, <https://jewishvirtuallibrary.org/jsource/isdf/text/Rubinstein.html>; Ruth Gavison, "Constitutions and Political Reconstruction? Israel's Quest for a Constitution," *International Sociology* 18, no. 1 (2003): 53–70, <https://doi.org/10.1177/0268580903018001004>.

¹²Ariel L. Bendor, "The Israeli Judiciary-Centered Constitutionalism," *International Journal of Constitutional Law* 18, no. 3 (2020): 730–45, <https://doi.org/10.1093/icon/moaa057>.

¹³See footnote 108 in Ilan Peleg and Dov Waxman, *Israel's Palestinians: The Conflict Within*, 1st ed. (Cambridge University Press, 2011), 42, <https://doi.org/10.1017/CBO9780511852022>.

III. Theories & Methodologies

0.1 Theories & Hypotheses

Since judicial rights are a critical component of liberal democracy, I will posit H1: the more attacks the judiciary faces, the more democracy will be harmed. Electoralism, however, is only one part of contemporary democracies. While there is extensive debate over whether or not Israel is a liberal democracy or not, it should not be ruled out that minority rights should be protected. While Israel is a state “for Jews by Jews,” since Israel’s founding, the state has ensured the protection of minority rights, as outlined in its Declaration of Independence. Whereas political parties are more likely to pursue partisan political agendas, the judiciary is required to adhere to codified laws and landmark documents. As such, H2 will argue that minority rights are more likely to be supported when the judiciary has more freedom. Finally, since a tenet of democratic states is the independence of courts, we can also assume that an attack on the courts would not serve rational judicial decision-making but rather controlled decisions to push political narratives. To support this, H3 will argue that when the judiciary undergoes dramatic reforms, people are more likely to undergo unfair treatment before the law. To counterbalance these hypotheses, I will also test for H0: there is no relationship between the rights of the courts and liberal democracy in Israel. If our findings are in line with the thesis, we should be able to affirm all three hypotheses and confidently reject the null.

0.2 Data & Methodologies

V-Dem serves as a free, open-source repository for testing our variables.¹⁴ First, I will test H1 in a cross-time test. The plot, however, will not reveal the relationship between these two variables; rather, it will only show their relative scores year over year. As such, we will

¹⁴All relevant variables can be found at Varieties of Democracy Institute, Varieties of Democracy (V-Dem) Codebook V16 (Varieties of Democracy Institute, 2026), <https://v-dem.net/data/the-v-dem-dataset/>.

also have to test all of our theories in regression models and plot the coefficient graphs that carry significance. The variables picked will all be numeric and ratios across all tests.¹⁵

To test H1, the variables selected will test the effect judicial attacks (*v2jupoatck*) have on liberal democracy (*v2x_libdem*). According to V-Dem, judicial attacks are identified as attacks on the judiciary in political discourse. There are a couple of adjustments that need to be made to make our results as accurate as possible. First, since this variable covers political conversation, we could also test it alongside material political actions that may also influence liberal democracy. As such, our model covering H1 will include an interactive effect between judicial attacks and also judicial purges (*v2jupurge*). What we should see is the impact of political rhetoric on liberal democracy, influencing judicial purges, giving us a unique coefficient. Finally, shuffles in the judiciary are not a sign of illiberalism on its own, as there may be legitimate reasons for membership changing. Therefore, the model will also control for judicial accountability (*v2juacct*) and judicial corruption (*v2jucorrdc*). In order for our hypotheses to be verified, we need to see a significant negative relationship.

To prove H2, we do not necessarily need to use the same variables as H1. Since Israel has several unique ethnic groups that are separated into different enclaves within the state's borders, we do not need to look at the national level of liberal democracy, but rather how effectively civil liberties are applied within these enclaves. An example of this would be the American judicial system during the Jim Crow era, where African Americans were not granted the same civil liberties as whites in the Deep South. As such, while our IV stays the same, the DV will change from looking at liberal democracy to looking at the effect on subnational civil liberties (*v2jucorrdc*). Since we are looking explicitly at the effect judicial rulings have on subnational communities, we should control for preexisting social civic rights (*v2clsocgrp*). Additionally, we will also control for judicial reforms (*v2jureform*). Judicial reforms can occur on multiple levels, and do not necessarily mean an attack against a given court. I will also treat for accountability and corruption, as Model 1 did.

¹⁵Important to note, not all variables in the codebook are scaled the same, so a standardized -1 to 1 scale was introduced for all variables. Specific scaling for each variable can be found in the codebook.

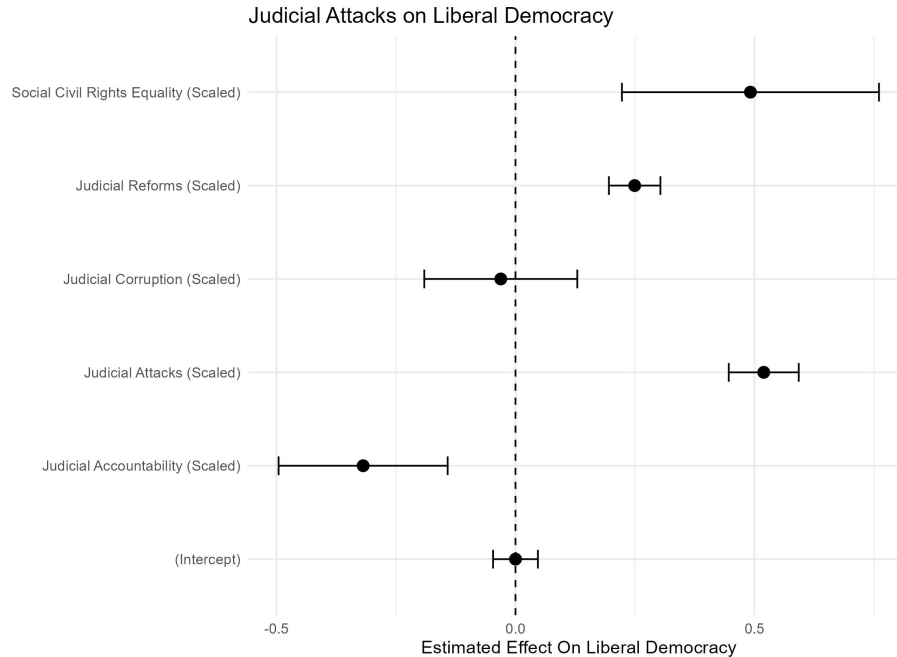


Figure 1: Judicial Attacks & rights of subnational communities

The last test will be more closed, only looking for direct cause and effect. Rather than test with several right-hand and control variables, the model will run a test that sees the effect judicial reforms have on equality before the law (*v2xcl_rol*). The reason for this is, as mentioned earlier, judicial reforms do not perfectly reflect attacks against the judiciary. So, ultimately, all the test is doing is seeing how reforms, positive or negative, will impact judicial equality.

IV. Findings

The findings yield mixed but generally optimistic findings about our hypotheses. Looking at Table 3,¹⁶ we test judicial attacks independent of the interaction in column 1, and add the interaction in column 2. When tested alone, judicial attacks yield a positive, significant relationship, meaning judicial attacks in political discourse coincide with an increase in liberal democracy, which goes against H1. When the interaction is added, however, we find

¹⁶The tables were not ordered correctly to correspond to their relevant hypothesis because of formatting errors!

our coefficient to be both negative and significant to the 0.01 level, attributing a lowering of judicial power both in discourse and in policy to a weakening of liberal democracy, supporting the hypothesis. Accordingly, we can affirm H1 as partially correct.

Table 1: Judicial Freedom & Minority Rights

	<i>Dependent variable:</i>
	Sub-National Equality
Judicial Attacks (Scaled)	0.519*** (0.037)
Social Civil Rights Equality (Scaled)	0.492*** (0.137)
Judicial Accountability (Scaled)	−0.319*** (0.090)
Judicial Corruption (Scaled)	−0.031 (0.082)
Judicial Reforms (Scaled)	0.249*** (0.028)
Constant	0.000 (0.024)
Observations	156
R ²	0.914
Adjusted R ²	0.911
Residual Std. Error	0.299 (df = 150)
F Statistic	317.282*** (df = 5; 150)
<i>Note:</i>	*p<0.1; **p<0.05; ***p<0.01

Table 1 runs a model that tests subnational civil rights to judicial freedom. With all controls, we find a strong positive coefficient that retains robust significance. Additionally, as shown in Figure 1, it remains the strongest variable, even in contrast to the controls. As such, we can confidently claim that judicial attacks on the judiciary are not in line with subnational protections; the data suggests the opposite — that subnational rights are

Table 2: Judicial Reforms & Rule of Law

	<i>Dependent variable:</i>
	Equality Before the Law
Judicial Reforms (Scaled)	0.518*** (0.069)
Constant	-0.000 (0.069)
Observations	156
R ²	0.268
Adjusted R ²	0.264
Residual Std. Error	0.858 (df = 154)
F Statistic	56.456*** (df = 1; 154)
<i>Note:</i>	*p<0.1; **p<0.05; ***p<0.01

increased when the judiciary comes under attack. As such, H2 can be confidently rejected. Table 2 tests our final model for H3 and yields a positive and significant relationship between legal equality and judicial reforms, rejecting H3. While support for our hypotheses is mixed, an effect is clearly present for all three models, meaning we can confidently reject H0.

V. Conclusion

The important role that the judiciary plays in democratic politics is remarkably important. Israel is no exception. For the brief history of the very young country, the judiciary has played an important role in determining important social, political, and economic rights. This essay sought to connect political and judicial forces to try and find the connection between the judiciary and civil rights in Israel. The paper first looked over important literature both broadly and within the context of Israel. As was demonstrated, courts have played an important role in upholding the rights mentioned above. After this, a theoretical breakdown of the hypotheses and variables was given, with the hypotheses staying in line with the relevant literature. We set up three models to test three different hypotheses, while also testing

Table 3: Judicial Attacks, Purges, and Liberal Democracy

	<i>Dependent variable:</i>	
	Liberal Democracy	
	(1) No Interaction	(2) With Interaction
Judicial Attacks (Scaled)	0.313*** (0.056)	-0.253*** (0.095)
Judicial Accountability (Scaled)	-0.400*** (0.101)	-0.023 (0.108)
Judicial Corruption (Scaled)	0.487*** (0.095)	0.722*** (0.099)
Judicial Purges (Scaled)		-0.024 (0.213)
Judicial Attacks * Judicial Purges		-1.253*** (0.250)
Constant	-0.036 (0.049)	0.254*** (0.058)
Observations	155	155
R ²	0.658	0.749
Adjusted R ²	0.651	0.740
Residual Std. Error	0.605 (df = 151)	0.522 (df = 149)
F Statistic	96.924*** (df = 3; 151)	88.815*** (df = 5; 149)

Note:

*p<0.1; **p<0.05; ***p<0.01

for a variety of control variables which also changes across the models. Additionally, our first model sought to add an interaction effect between policy and discourse.

The tests entailed looking at a variety of civic and political rights associated with liberal democracy, both on the broader Israeli population and minority groups. The results were mixed. While attacks on the judiciary do yield a significant negative relationship with liberal democracy, this is only when we apply an interactive effect that combines both discourse and policy. Our tests also signalled that legal protections for minorities are actually increased

when the judiciary is attacked strictly in the field of discourse. Our final tests also indicate that general judicial reforms coincide with the strongest equality before the law. Our findings are relatively surprising, as the preexisting research states that infringement on the judiciary branch is generally seen as an attack on liberal democracy, including in Israel. Our findings need to be better framed in the necessary context to produce better hypotheses and theories.

Work Cited

- Belov, Martin, ed. *Courts, Politics and Constitutional Law: Judicialization of Politics and Politicization of the Judiciary*. Comparative Constitutional Change. Routledge, Taylor & Francis Group, 2020.
- Bendor, Ariel L. "The Israeli Judiciary-Centered Constitutionalism." *International Journal of Constitutional Law* 18, no. 3 (2020): 730–45. <https://doi.org/10.1093/icon/moaa057>.
- Diamond, Larry. "Four: The Authoritarian Temptation." In *Ill Winds: Saving Democracy from Russian Rage, Chinese Ambition, and American Complacency*. Penguin Books, 2019.
- Freedom House. "Israel - Freedom in the World 2023." Democracy Index. Freedom House, Washington, D.C, 2023. <https://freedomhouse.org/country/israel/freedom-world/2023>.
- Gavison, Ruth. "Constitutions and Political Reconstruction? Israel's Quest for a Constitution." *International Sociology* 18, no. 1 (2003): 53–70. <https://doi.org/10.1177/0268580903018001004>.
- Haggard, Stephan, and Lydia Tiede. "Judicial Backsliding: A Guide to Collapsing the Separation of Powers." *Democratization* 32, no. 2 (2025): 513–37. <https://doi.org/10.1080/13510347.2024.2381092>.
- Hirschl, Ran. "The Judicialization of Mega-Politics and the Rise of Political Courts." *Annual Review of Political Science* 11, no. 1 (2008): 93–118. <https://doi.org/10.1146/annurev.polisci.11.053006.183906>.
- Hirschl, Ran. "The Judicialization of Politics." In *The Oxford Handbook of Law and Politics*, 1st ed., edited by Gregory A. Caldeira, R. Daniel Kelemen, and Keith E. Whittington. Oxford University Press, 2009. <https://doi.org/10.1093/oxfordhb/9780199208425.003.0008>.
- Leonard, Meghan E. "Democratic Backsliding in the American States: The Case of Judicial Independence." *Publius: The Journal of Federalism* 54, no. 3 (2024): 573–97. <https://doi.org/10.1093/publius/pjae009>.
- Lurie, Guy, and Yuval Shany. "The Institutional Role of the Judiciary in Israel's Constitutional Democracy." *SSRN Electronic Journal*, ahead of print, 2021. <https://doi.org/10.2139/ssrn.3762937>.

- Mazmanyanyan, A. "Judicialization of Politics: The Post-Soviet Way." *International Journal of Constitutional Law* 13, no. 1 (2015): 200–218. <https://doi.org/10.1093/icon/mov003>.
- Peleg, Ilan, and Dov Waxman. *Israel's Palestinians: The Conflict Within*. 1st ed. Cambridge University Press, 2011. <https://doi.org/10.1017/CBO9780511852022>.
- Rubinstein, Amnon. "Israel's Partial Constitution - The Basic Laws." Jewish Virtual Library, Jewish Virtual Library, April 2009. <https://jewishvirtuallibrary.org/jsource/isdf/text/Rubinstein.html>.
- Varieties of Democracy Institute. *Varieties of Democracy (V-Dem) Codebook V16*. Varieties of Democracy Institute, 2026. <https://v-dem.net/data/the-v-dem-dataset/>.
- V-Dem Institute. *Defiance in the Face of Autocratization - DEMOCRACY REPORT 2023*. Democracy Report. Varieties of Democracy, 2023.
- V-Dem Institute. *Democracy Winning and Losing at the Ballot - DEMOCRACY REPORT 2024*. Democracy Report. Varieties of Democracy, 2024.