Does the Judiciary really constitutes a third independent branch of government in Israel? This question arises when one witnesses the continuous attempts to change the existing balance of power and limit the court from applying judicial doctrines and legal standards to executive and parliamentary decisions.

In his talk, Professor Hofnung will discuss how the appointment of justices, the power of judicial review, and even the legitimacy of Israel’s Supreme Court have become permanent and compelling issues in Israeli politics.

Background

In the early years of the State of Israel, Supreme Court justices were appointed by the government. However, the enactment of the Judges Act in 1953 formally anchored the principle of judicial independence, transferring the power of appointment from the Government to the President of the State. In the 1980s, with changing voting patterns, competitive elections, and shaky coalitions, the court was frequently asked to intervene in political decisions. Petitions to the High Court of Justice became another tool for the parliamentary opposition and civil society to have their voice in shaping public policy. This trend was enhanced following the enactment of the 1992 Basic Laws on human rights, and consequent rulings that established the power of judicial review.

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