

Netanyahu suffers defeat on curbing judiciary, but Supreme Court and opposition parties back Gaza genocide and planned war on Iran

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Israel's Supreme Court has narrowly overturned the "reasonableness" amendment passed last July 14 by Prime Minister Benjamin Netanyahu's far-right government.

This was nominally a political victory for last summer's mass protest movement against Netanyahu's efforts to remove minimal checks on his government by ending the Supreme Court's power to strike down decisions of elected officials by citing their "unreasonableness"—though the retirement of two "liberal" members of the court, Esther Hayut and Anat Baron, means the conservatives are set to have a 7-6 majority.

The amendment, one of a package of planned curbs of the judiciary, met unprecedented opposition because it would enable Netanyahu and his fascist and ultra-religious coalition partners, Jewish Power and Religious Zionism, to assume virtually dictatorial powers to mount an assault on social and democratic rights in Israel and press ahead with plans to annex large swathes of the West Bank through the expansion of illegal settlements, while denying the Palestinians citizenship rights.

The amendment, if successful, would also have paved the way for legislation enabling Netanyahu to evade conviction on charges of corruption. One of the issues that brought Likud into conflict with the Supreme Court was its January 2023 ruling that it was "unreasonable in the extreme" for Aryeh Deri, chair of the Shas party, to be appointed as a cabinet minister due to his past criminal convictions.

Israel has no constitution and its pretensions to be "a Jewish and democratic state" rest on just 12 Basic Laws passed since 1958, portrayed as the basis for a "future constitution" of the State of Israel.

The majority of one in the 8-7 ruling against the Netanyahu-backed law pitted previous Basic Laws against Netanyahu's amendment, also a Basic Law passed as an amendment, which was judged to be incompatible with its predecessors.

Moreover, in a separate vote of far greater significance, 12 of 15 Supreme Court judges ruled for the first time that the court had the authority to exercise judicial review of Israel's Basic Laws, in exceptional and extreme cases where the Knesset had exceeded its legislative powers and authority, and to prevent "unprecedented

and severe harm to the democratic values of the state."

During the mass protests, preserving the authority of the Supreme Court was proclaimed by their Zionist leaders as the central aim of an oppositional wave that included more than 10,000 army reservists refusing to serve in the Israel Defense Forces. But there was never any real concern for democratic rights represented by the Supreme Court and its political advocates, who prevented the development of a genuine oppositional movement through their insistence on loyalty to the Zionist state.

As the *World Socialist Web Site* explained, the sole concern of Netanyahu's opponents—former ministers, generals and security and intelligence chiefs—was that he was destabilising Israel and risked discrediting it politically, "under conditions where Israel is a social and political powder keg and the entire Middle East has been destabilised by the deepening global economic crisis, the pandemic, climate change and US-led plans to escalate the war against Russia in Ukraine and its regional allies, Iran and Syria, with Tel Aviv as its chief attack dog."

The democratic bona-fides of the Supreme Court never withstood scrutiny. As was noted by Amnesty, "Israel's judiciary has regularly upheld laws, policies and practices which help to maintain and enforce Israel's system of apartheid against Palestinians—the Supreme Court has signed off on many of the violations that underpin the apartheid system."

This has included signing off on the demolition of thousands of Palestinian homes and even entire villages, and upholding administrative detention orders imprisoning Palestinians without trial or charge. Above all, the Supreme Court upheld the 2018 "nation state law", defining Israel as the exclusive "nation state of the Jewish people" and endorsing settlement expansion as a "national value."

In addition, in a January 1 op-ed complaining, "If only the 'reasonableness law,' nixed by Israel's top court, had never been initiated", *Times of Israel* editor David Horovitz writes of how "The fiercely independent and world-renowned top court, it should be noted, has been vital to Israel's capacity to push away efforts by international courts and tribunals over the years to prosecute the IDF [Israel Defense Forces], its commanders, soldiers and political

overseers for war crimes and other alleged offenses.” He fears that without a credible judiciary that is ostensibly capable of examining human rights abuses and war crimes, Israel will be open to investigation and prosecution by the international courts.

If further proof of the reactionary character of Israel’s Supreme Court were needed, then its response to Israel’s genocidal assault on Gaza provides it.

Time and again it has cited the “compelling reason” of the October 7 incursion by the Palestinians and Israel’s one-sided war as providing “compelling” national security considerations justifying the abrogation of democratic rights that have included not providing information on Palestinian detainees to civil rights groups, and allowing the government to ban pro-Palestinian speech and the police to ban demonstrations calling for a ceasefire.

At the same time, Israel’s senior law enforcement officials and the courts have taken no action against the plethora of genocidal statements loudly proclaimed by senior Israeli officials.

Israel’s genocide in Gaza refutes forever all claims that democratic rights can be defended in Israel other than through a movement centred on opposition to the systematic and bloody dispossession and repression of the Palestinians, and rejecting any support for the Zionist state and all its political representatives.

Almost every commentary on the Supreme Court verdict, when speculating on its impact on Netanyahu’s future, acknowledges that it is likely that the preservation of wartime “unity” will for now keep him in power.

More grotesque even than the Supreme Court’s role is the rush by Netanyahu’s putative opponents to back the mass murder and ethnic cleansing in Gaza and advanced plans for a wider military conflict led by the US and targeting Iran and its allies in Lebanon, Syria and Yemen.

National Unity Party leader Benny Gantz joined Netanyahu’s war cabinet on October 12, less than a week after hostilities began. The former defence minister, in calling for the Supreme Court ruling to be respected, declared on X, “We are brothers, we all have a common destiny. These are not days for political arguments, there are no winners and losers today. Today we have only one common goal—to win the war, together.”

The other main opposition leader and former prime minister, Yair Lapid of the Yesh Atid Party, warned that if the government did not abandon its struggle against the Supreme Court, then “They have not learned anything from October 7th. They have learned nothing from 87 days of war to defend the homeland.”

It should be added that the other declared “hero” of the protest movement was none other than Netanyahu’s Minister of Defense Yoav Gallant, who opposed the amendment and was temporarily fired, but who now once again leads the IDF.

Given the unswerving loyalty of Gantz, Lapid and their ilk, the major concern expressed over the impact of the Supreme Court verdict is that Netanyahu does not jeopardise this by trying to appease his Minister of Justice Yariv Levin and the fascist Minister of National Security Itamar Ben-Gvir of Jewish Power who has stridently denounced the Supreme Court for weakening “the morale of the fighters in Gaza” and undermining “the war effort.”

Recognising his weakened position, Netanyahu has not yet

commented on the verdict while his Likud party has complained that the Supreme Court has gone against a national desire “for unity” by bringing “a ruling at the heart of the social dispute in Israel precisely when IDF soldiers on the right and the left are fighting and risking their lives in the campaign.”

Horowitz declares in the *Times of Israel*, “For now, the war comes first.” And as far as the Zionist bourgeoisie is concerned, war always comes first. Any professed commitment to democracy, even for Jews, is a sham.

Netanyahu’s position is increasingly precarious, so that even a war he has actively sought may not save him in the end. Already deeply unpopular, he faces a mounting crisis over revelations that the security services and the military under his command knew about the planned October 7 incursion and allowed it to take place to serve as a pretext for a long-planned assault on Gaza.

On January 1, a group of survivors injured at Israel’s Supernova music festival initiated legal action seeking \$56 million in damages from the Shin Bet security service, the Israel Defense Forces, Israel Police and the Defence Ministry for failing to make even a “single phone call” calling for “the party to disperse” immediately, that “would have saved lives and prevented the physical and mental injuries of hundreds of partygoers, including the plaintiffs.”

However, should Netanyahu fall on this basis alone he or his entire government would only be replaced by political forces equally committed to the war against the Palestinians, most likely led by Gantz, who commanded the IDF in the 2014 Gaza War. Launching his 2019 election campaign, Gantz bragged about “sending parts of Gaza back to the Stone Age”—a policy he is now implementing *in toto* as a member of Netanyahu’s war cabinet.

It is urgently necessary for the most farsighted workers and young people in Israel to follow the lead taken by many Jews internationally and take a determined stand against the war in Gaza. Without this, their future, as “citizens” of one of the most hated states in the world, one built on repression and slaughter, is bleak. They face the imminent prospect of being used by Israel’s paymaster in Washington as cannon fodder in a conflict pursuing US imperialist domination that could set the Middle East and the entire world alight.



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