



ISSUE BRIEF: RESOURCES ON “EXTREME UNREASONABLENESS” & ISRAEL’S JUDICIARY

Dylan Williams, SVP of Policy and Strategy
Issue Brief #13 | July 31, 2023

On July 24, 2023, the extreme right-wing government of Prime Minister Benjamin Netanyahu amended an Israeli Basic Law governing the judiciary by [taking away](#) the court’s power to veto certain government decisions under the legal doctrine of “extreme unreasonableness.” This change to the established structure for guiding judicial review is the first enacted part of a larger judicial overhaul plan that has triggered months of [unprecedented protests](#) by a broad swath of Israeli society in defense of judicial independence and other critical elements of Israeli democracy.

Israeli experts on the details, significance and potential impact of the new law:

- [“Doing Away with the Standard of Extreme Unreasonableness”](#) – explainer by the Israel Democracy Institute
- [“Israel’s Recent ‘Unreasonableness Amendment’ and Its Implications”](#) – memo by the Israeli Law Professors’ Forum for Democracy
- [“What Israel’s ‘Reasonableness Standard’ Is and Why Axing It Is Dangerous”](#) – analysis by Haaretz journalist Allison Kaplan Sommer
- [“The Knesset Passes the ‘Unreasonableness Amendment’: What’s Next?”](#) – explainer by David Kretzmer, Emeritus Professor of Constitutional Law, Hebrew University of Jerusalem

Quotes from prominent pro-democracy Israelis about the new law:

- [Former Israeli Prime Minister Ehud Olmert](#): “This is a serious threat, this has never happened before and we are going into a civil war now.”
- [Dozens of Former Senior Israeli Security Officials including IDF, Mossad & Shin Bet Heads](#): “...the Israeli government under [Netanyahu’s] leadership is promoting legislation with complete disregard for the harm done to Israeli democracy. This legislation is destroying the common foundations of Israeli society, ripping the people apart, dismantling the army and inflicting fatal harm to Israel’s security.”
- [Former Attorney General Avichai Mandelblit](#): “The reasonableness bill’s “purpose is to crush the independence of the entire justice system... [It] will crush Israeli democracy’s last line of defense – the Supreme Court... [It] could lead to tyranny, without any balance or defense, and therefore this in itself is a full-blown regime coup.”
- [Admiral \(ret.\) Ami Ayalon, Gilead Sher & Orni Petruschka](#): “[T]he reality here in Israel is that the progress of the judicial coup d’état continues apace... Israel is by now on the threshold of dictatorship.”