ADVANCING JEWISH THOUGHT

Mosaic

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EDITOR'S LETTER

This week in *Mosaic*

Jonathan Silver looks back at the week

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Israel's parliamentary system produces weak governments that are increasingly liable to capture by minority parties, who have every incentive to indulge their most radical plans.

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Dear friends,

Individuals and the Israeli coalition

When looking at politics, we tend to focus on the actions and tendencies of individuals. And so, when looking to analyze Israel at this tenuous civic moment, we tend to look at the prime minister, the president, the leader of the opposition, the justice minister, and so on.

This week, however, in his analysis of the current judicial reforms and the political dilemmas they've put before the country, Neil Rogachevsky looks instead at the form of Israel's coalition politics, how its parts relate to one another, and how the parts relate to the whole of the government. It's an entirely different and highly acute way of analyzing what's happening there.

Evelyn Gordon's featured essay this month argues in favor of the judicial reforms as long as they're instituted in a way that promotes widespread social trust. Here, Rogachevsky looks at one of the formal factors that stands in the way of widespread agreement and compromise: the way, as he puts it, that Israel's parliamentary system produces weak governments that are increasingly liable to capture by minority parties.

Saudi signals

Last week, news broke that Saudi Arabia had normalized relations with its regional rival Iran. This has generated a great deal of concern, not least because the arrangement was brokered by China. Since Saudi Arabia and Israel have been growing closer in recent years—in large measure because of the threat from Iran that they both have felt—news of Saudi Arabia's reconciliation with Iran could plausibly be interpreted as a retreat from normalization with Israel.

On our podcast this week, I host a conversation with the Middle East analyst Jonathan Schachter, who sees things differently. He notes that the day before news of the deal was reported, Saudi Arabia had publicly announced some of their conditions for normalizing with Israel and further integrating themselves into the American-led security architecture of the Middle East. Schachter believes that the Saudis have just sent President Biden a message: the United States can address our security concerns with Iran, and in return the Saudis will normalize with Israel and strengthen the American alliance structure, or the United States can continue to withdraw from the Middle East, and in return the Saudis will cut the best deal they can with the Iranians. Where would that leave Israel? You can listen to our conversation here.

From the archives

149 years ago next week, Harry Houdini was born. An escape artist and magician, Houdini was one of the most fascinating cultural figures of the 20th century. He was also, as Michal Leibowitz writes in our archive pick this week, a proud Jew. She delves into the Jewish dimensions of Houdini's character, showing how his persona combined American individualism with devotion to the Jewish tradition.

With every good wish,

Jonathan Silver
Editor
Mosaic

Protests in Israel on March 4, 2023. Amir Terkel/Wikimedia.

NEIL ROGACHEVSKY

MARCH 16 2023

About the author
Neil Rogachevsky teaches at the Straus Center for Torah and Western Thought at Yeshiva University and is the author of *Israel's Declaration of Independence: The History and Political Theory of the Nation's Founding Moment,* published in 2023 by Cambridge University Press..

Israel's Other Tyranny of the Minority

Israel's parliamentary system produces weak governments that are increasingly liable to capture by minority parties, who have every incentive to indulge their most radical plans.

I was happy to read Evelyn Gordon's essay on the need to reform the Israeli judiciary, one of the best explorations of the issues at stake in a perhaps unprecedented moment. Beginning with her seminal articles in *Azure* in the 1990s, Gordon has been one of the foremost analysts not only of the comings and goings of Israel's politics but of the fundamental characteristics of its regime. This latest essay lives up to her own very high standard.

There's much I agree with—and disagree with—in Gordon's essay, though I should state frankly that I oppose the proposals for reform currently before the Knesset. But I'll leave reflection on the nuts and bolts to legal scholars. I would like instead to focus on the *politics* of judicial reform, for the story of how Israel arrived at the current impasse illuminates the ways in which this impasse is the result of a deeper crisis of the political system itself.

Gordon does an excellent job tracing the outsized role of Israel's Supreme Court since Aharon Barak's judicial revolution of the 1990s, and the discontent with the court that has been growing on the right since then. But why *now*? After all, Benjamin Netanyahu's Likud has been in power since 2009, excluding the interregnum of last year. During that time, Netanyahu, fanatically reformist on the diplomatic and economic fronts, showed no appetite for any major social or constitutional reform, and paid no political

price for it. Indeed, Netanyahu fundamentally accepted the status quo on social and constitutional issues—wisely, in my view, since sometimes it's better to leave bad enough alone if the alternative is worse.

Incidentally: just how bad *was* that status quo? Gordon's examples of Supreme Court overreach are well taken. But such overreach did not inhibit Israel's extraordinary run of political, economic, and cultural success over the last decade, even though the court's understanding of the scope of its powers has grown steadily over this time, at least in theory. In practice, an informal balance of terror had been achieved between the court and the Knesset. Though arrogating to itself powers of interpretation and perhaps even the authority to cancel Basic Laws, the court had been constrained somewhat for fear of whipping up popular sentiment against it. This is hardly a Madisonian separation of powers. But it constitutes a species of separation of powers all the same.

Indeed, I do not believe it was inevitable that this balance would break down. Why did it? Netanyahu's opponents would say that the prime minister disrupted this tenuous arrangement because of his ongoing corruption charges and a desire to neuter the court. But that explanation is hard to square with the fact that Netanyahu reportedly first sought to form a national unity government with Benny Gantz (which would never have favored judicial reform) after the last election before settling on a narrower right-wing/religious government. Gordon's alternative explanation is more persuasive: "Netanyahu had no choice but to form an exclusively rightist/religious coalition. This also explains why coalition MKs are treating the reform as a matter of such urgency: they recognize this as a political opportunity that may not soon return."

In other words, the Netanyahu reform agenda is better thought of as a project of a small minority that, because of the all-too-typical weakness of this government, has managed to capture the majority. And that is no way to introduce major constitutional reform in a country that hopes to operate by the consent of the governed. Thus, to partisans on the other side, it appears like the effort of an impassioned minority to impose its will on the country at large.

And this view has proved hard to refute. Judicial reform had not been a major plank of the Likud party before the last election. Opposition to the court has galvanized right-wing voters for a long time, but it hadn't produced a political agenda. In the 2022 election, Netanyahu did not make restricting the power of the Supreme Court a major theme of his campaign. Fighting inflation, the incompetence of Yair Lapid, peace with Saudi Arabia, blowing up buildings in Iran: those were the main planks of his platform. Doubtless he'd prefer to be spending his time on those matters now. Indeed, Netanyahu's *lack* of interest in this effort has been one of the most interesting aspects of this story.

In the grand scheme of Israeli politics, judicial reform has historically been a minority concern, promoted mostly, though not exclusively, by niche

political actors who have long been devoted to this issue—in some cases representing a very small portion of the electorate. MK Simcha Rothman is a good example: he's been focused on judicial reform for years, well before he entered the Knesset, and realized that the last election left him with a chance to pursue it. Although religious parties of various stripes, which have tended to be most concerned about the judiciary, have been growing in recent times, together they represent only slightly more than 25 percent of the Knesset.

Israel's system of coalitions has always meant that governments have short shelf lives, and are at constant risk of being brought down by the smaller parties. For reasons of personnel and policy, that tendency has become the dominant fact of Israel's politics over the last several years. Minority parties are as powerful as ever before. One of those minority leaders, Naftali Bennett, became prime minister even though his party had won only seven of 120 seats in the Knesset. Bennett's short-sighted but successful gambit no doubt provided a powerful precedent for leaders of other small parties: they could get not only subsidies for their voters but the vision of the state that they want, without having to persuade a majority of voters to come along.

The most vehement critics of the court often speak of a judicial dictatorship, asking why fifteen unelected judges should be able to decide political matters that ought to be resolved by the people and their political representatives. Defenders of the court view it as a bastion against the tyranny of the majority and a defender of minority rights. I would say that the real problem lies with a different minority: Israel faces a kind of dictatorship of small parties in the Knesset, whose influence over the larger parties in the coalition is increasingly making *all* government unstable.

Throughout his time in office, Benjamin Netanyahu has been extremely adroit at managing coalition partners, catering to their most pressing concerns without subsuming the national agenda to their ideological wants. For whatever reason, the old formula has not worked this time. There's a reason why many Likud rank-and-file voters, to say nothing of supporters of the parties outside the government, have been leery of judicial reform, as well as of other policies advanced by the ḥaredi or religious Zionist parties in the current coalition. This isn't what they signed up for.

To be sure, the minority origin of a reform idea condemns neither its substance nor its political prospects. Many successful political programs or ideas, such as the supply-side economic movement of the 1970s in the U.S. and UK, began as niche ideas of a few intellectuals and politicians.

But judicial reform is not a mere modification of the tax regime, rather it touches on fundamental questions of the organization of the state. A serious campaign of national persuasion would have to be undertaken to win

broad support for its political logic. Proponents of the reforms have complained that the attorney-general has prevented Netanyahu from speaking directly on the matter, since, owing to the corruption charges against him, he has a "conflict of interest." But how could there not be a plan for dealing with this massive, but wholly predictable, political liability?

Aharon Barak had assiduously laid out the theoretical groundwork for his judicial revolution. And he had found precursors in decades of Supreme Court judicial construction. That change was indeed brought about, as Evelyn Gordon says, without majority electoral support. But Barak and his disciples had at least endeavored to persuade "enlightened public opinion" to support what they were up to. And they in part succeeded. A comparable intellectual and political effort would be required if one were serious about rolling back Barak's revolution. Far from preparing the public mind for this major change, the reform agenda was not a priority for Netanyahu or most of his party.

At the time of writing, it is hard to predict how this spiraling crisis will unfold. But even if a compromise over the judiciary is reached, the deeper fissures in the Israeli order remain. Israel's parliamentary system, the core of its regime, produces weak and distracted governments that are increasingly liable to capture by minority parties, who have every electoral and political incentive to indulge their most radical plans. This, in turn, seriously damages the cause of effective government as well as the legitimacy of the system itself. And, in this case, I fear the status quo is genuinely unsustainable.

A man in Tehran holds a newspaper reporting the China-brokered deal between Iran and Saudi Arabia to restore ties, signed in Beijing the previous day, on March, 11 2023. ATTA KENARE/AFP via Getty Images.

JONATHAN SCHACHTER AND TIKVAH PODCAST AT MOSAIC

MARCH 17, 2023

About the authors

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A weekly podcast, produced in partnership with the Tikvah Fund, offering up the best thinking on Jewish thought and culture.

Podcast: Jonathan Schachter on What Saudi Arabia's Deal with Iran Means for Israel and America

The foreign-policy analyst on how the China-brokered deal came about and what signals the Saudis are sending.

Podcast: Jonathan Schachter

News broke last week that China had mediated a restoration of diplomatic relations between Iran and Saudi Arabia. Afterwards, analysts of the Middle East wondered what that means for the quiet relations that Israel and Saudi Arabia had been building recently, thanks primarily to their joint opposition to Iran. Had Israeli domestic politics or the return of Benjamin Netanyahu turned Saudi Arabia away? Did the American withdrawal from the Middle East over the last decade create a vacuum that China saw an opportunity to fill? How, if it all, did this relate to reports of recent liberalization in Saudi society, or the ongoing protests in Iran? Would this deal breathe new strength into the latter regime at the very moment that it has acquired new fighter jets from Russia and grows closer to breakout nuclear capacity?

Jonathan Schachter, one such American observer of the Middle East, thinks that the Iran-Saudi deal is, in significant measure, a diplomatic signal directed at President Biden and the United States. In conversation here with *Mosaic*'s editor Jonathan Silver, he looks at that deal in light of a

set of Saudi announcements that were released just one day before. Those announcements hint at what might induce Saudi Arabia to formalize its relations with Israel and even more deeply root itself in the American-led, Western alliance structure. He believes that the Saudis are sending America a question: do you, the United States, want to see us go in the direction of our Thursday announcement, or do you want us to go in the direction of our Friday one?

A Harsh Peace Treaty Didn't Pave the Way for the Rise of Nazism

MARCH 13, 2023
From Kyle Orton
at *It Can Always Get Worse*

Concluded in June 1919 by the victorious Allies, the Treaty of Versailles, which brought World War I to an end, was famously condemned by the economist John Maynard Keynes as a "Carthaginian peace." Since then, it has become widely accepted in the West that the treaty's cruel measures left Germany economically crippled and humiliated, paving the way for the collapse of the Weimar Republic (the new postwar regime the Allies helped to establish) and the eventual rise of Adolf Hitler. Conventional wisdom draws many lessons from this account, which is based on fundamental misunderstandings of the past, as **Kyle Orton** argues:

> Wartime censorship had hidden from Germans the true course of the [First World War], meaning that their defeat came as a total shock, and the sense of disbelief never went away. As far as Germans knew, things were going well, and then suddenly they were told they had lost; internal treason was a very attractive explanation to bridge that gap. . . . German troops were able to march home in formation with their weapons, which they had quite deliberately been allowed to keep in case they had to quell a domestic Communist revolution, where they could be met by crowds with flowers and flags. No less a figure than the [Social Democratic] Weimar president Friedrich Ebert told troops as they reached Berlin on December 10, 1918: "No enemy has defeated you," a first articulation of the stab-in-the-back myth.
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> Had German defeat been visible and unarguable, the population would have been able to move on. Instead, Germans felt they were left with a mystery (where in fact none existed)—i.e., Why had their leaders signed a treaty recognizing a defeat that never occurred?—and a determination to fight the last war, to try to reverse the costs imposed on them after the Great War. If the defeat never happened, those costs were by definition unjust. In such a political environment, Versailles was devastating to the legitimacy of the Weimar state in its very foundations.
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> The economic travails in Germany through the early 1920s related to Versailles are clearly a contributing factor in the Weimar state failing to gain widespread acceptance. . . . As an explanation for the breakdown of the Weimar Republic, however, Versailles and the economic impact from it only go so far, not least because the Treaty of Versailles was never really enforced, and by 1924 the hyperinflation crisis caused by Germany's efforts to work around the reparations [imposed by the treaty] had been solved. . . . Between 1924 and 1929, the situation in Germany looked rather optimistic.

> What remained after 1924 was Versailles as a symbol of wounded national pride, widely seen as inflicted unfairly by vengeful foreigners and conspired in by domestic traitors, especially socialists, probably of Semitic extraction.

As Orton explains at length, it was the very lack of harshness on the part of Allies that made the German nation willing to fight again. And the supposedly inexplicable defeat could be best explained by pointing to the Jews.

Iran's Theocracy Has Bred Secularization

MARCH 14, 2023
From Shay Khatiri
at *Providence*

During the Iranian revolution of 1979, the deep-seated religious feeling of an overwhelmingly traditional and pious population was a major factor in Ayatollah Ruhollah Khomeini's success in establishing an Islamic state. But paradoxically, the effect of totalitarian theocratic rule has been a growing hostility toward religion—the consequences of which are apparent in the ongoing anti-hijab protests. **Shay Khatiri** argues that these results should be a lesson to anyone who believes that religious coercion can help restore traditional morality and social cohesion:

> The reaction against Islam has also turned Iranians away from what American conservatives call family values. The fertility rate is 1.7, below replacement. Fewer people are getting married each day. Instead of traditional religion, the growing nihilism among younger Iranians has made pagan ideals popular. Just for a couple of examples, orgiastic sex parties are popular, and the public attitude toward out-of-wedlock birth is in transition from openness to celebration, both expressions of "the Western openness" of Iranian minds.
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> In sum, trends American conservatives worry about as signs of a declining civilization are being embraced by increasingly secular Iran as a demonstration of their "open-mindedness" against "rotten" religious mentality. The logic is as follows: whatever Islam stands for is bad, and so the opposite must be good. The integration of Islam and government has meant that Iranians associate the religion with totalitarianism. They don't just see Islam in its political form as problematic, but rather Islam in itself.
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> [It is true that] many of America's contemporary problems are partially the result of the decline in religious practice. The hope for religious revival is a noble one, but using the heavy hand of the state is the best way to accelerate, not reverse, current trends toward secularism. In Iran, religion became the ideology of a failing and oppressive state. Therefore, Iranians want to punish the mosque because it is a symbol of tyranny.
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> The late Rabbi Lord Jonathan Sacks articulated why politics and religion cannot be integrated: in politics, compromise is a necessity, while in religion it's a sin. The integration of politics and religion in Iran has led to absolutism in government and compromises in the mosque, making the former tyrannical and the latter corrupt and hypocritical, ultimately making both unpopular and unjust.

Why Mizrahi Jews in Israel Tend to Vote the Way They Do

MARCH 13, 2023
From Lyn Julius
at *Fathom*

The support of Jews from the Arab world was a crucial factor in the rise of the Israeli right in the 1970s, and Mizraḥim remain an important part of the right-wing coalition today. To one left-wing activist, the path to winning over Mizraḥi voters goes through the promotion of the "shared culture" that connects them to Arabs near and far, which can in turn be an antidote to the "anti-Arab racism" that, he claims, has been promoted among Israelis of Middle Eastern ancestry by Ashkenazi politicians. **Lyn Julius** is unconvinced:

> Firstly, what "shared culture" are we talking about? . . . When Arab countries had Jewish communities, Jews interacted with Arabs in business and trade, but each community led siloed lives: intermarriage was rare. Jews spoke their own dialects of Arabic and had their own, self-contained, rich religious culture.
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> Secondly, the culture of the Jews of Middle East and North Africa was not monolithically Arab. It is true that Jews and Arabs might share a love for the songs of Um Kulthum or Farid al-Atrash. Egyptian singers and films were very popular all over the Arab world in the 1930s and 1940s. But Jews also flocked to the cinema to see the latest American films. Many Jews living in Arab countries were influenced by Western culture, educated in French-speaking schools, bore European names, and many had a marked preference for Edith Piaf over Um Kulthum.
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> Mizraḥi mistrust of Arabs . . . is real and not the result of Ashkenazi gaslighting. It is borne of bitter experience—a hostility Mizraḥim brought with them from Muslim countries. This is the elephant in the room, ignored or downplayed by the Ashkenazi left: the subliminal memory of Arab and Muslim persecution experienced by parents and grandparents—violent riots, arrests, torture, even executions in the recent past, coupled with the atavistic fears of a vulnerable and servile minority at the mercy of an unpredictable majority. Mizraḥim view the Palestinian jihad against the Jews of Israel as just the latest chapter in a long story of Arab and Muslim anti-Semitism.
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> And here is another fallacy about "shared culture." It will not save you from missiles, or a mob which wants you dead, or a government hellbent on scapegoating your people. A "shared culture" did not save the "Arabized Jews" of Iraq, any more than acculturation saved the German Jews from the Nazis.

Anti-Semitism in the Netherlands Is on the Rise

MARCH 14, 2023
From Hans Wallage at *Algemeiner*

According to a recent survey, 40 percent of Dutch school teachers report witnessing at least one anti-Semitic incident in the past year. **Hans Wallage** comments on the two factors most likely to bring hostility to Jews to the surface, the first being public discourse surrounding the Israel-Palestinian conflict.

> The Dutch media landscape plays a critical role in [the problem]: there is little room for a nuanced analysis or historical background in news coverage and opinion pieces. More and more often, there is also a glaring lack of knowledge about the conflict, resulting in very one-sided, incomplete, and sometimes even incorrect reporting. In recent times, the conflict has been increasingly depicted from a perpetrator-victim perspective, with barely any attention for the fact that Israel is fighting a war against terrorists, who aim to kill civilians.
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> The report also demonstrates that soccer rivalries in and outside stadiums are a huge trigger for anti-Semitic agitation. Since the 1970s and 1980s, supporters of the Amsterdam soccer club Ajax have nicknamed themselves as "Jews." This Jewish identity is based on the historic (and largely inaccurate) perception of their club being rooted in the Jewish community.
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> At first glance, the nickname seems harmless, as Ajax supporters claim to be proud of the so-called "Jewish" identity of the club and its fan base. However, supporters of rival clubs use this identity as a stick to attack the team. As a result, anti-Semitic lyrics that have nothing to do with soccer can be heard during every professional match. "Hamas, Hamas, Jews to the gas," "Jews burn the best," "It's cold and stormy, throw some Jews on the fire," and "whoever does not jump is a Jew" are some of the slogans, part of a large repertoire of anti-Semitic slurs.
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> Although this problem has existed for decades, nothing has been done about it so far. Politicians, soccer organizations, and supporters' groups shift responsibility and point to each other. In addition, this hatred is often dismissed as a [purely sports-related] issue and therefore not considered anti-Semitic. The opinion of the Jewish community is not taken into account.

American Judaism's Great Rabbi Shortage

MARCH 14, 2023
From Paula Jacobs at *Tablet*

More than ever, Conservative and Reform Jews in the U.S. want to be part of small congregations with ample opportunities for intimate interactions with their rabbis. But at the same time, enrollment at the major non-Orthodox seminaries is down. **Paula Jacobs** explains:

> When Rabbi Irwin Kula attended the Jewish Theological Seminary (JTS) rabbinical school 40-plus years ago, his studies emphasized a text-based, academic approach. And when he was ordained in 1982, most of his class of approximately 40 rabbinical graduates—all white and male—took pulpit jobs. In spring 2023, JTS plans to ordain twelve rabbis and three cantors—a diverse group of graduates in terms of gender, age, and sexual orientation, as well as Jewish and professional [backgrounds], but far smaller than Kula's class. The current first-year class at the Conservative seminary is even smaller, consisting of seven rabbinical and five cantorial students.
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> Nor is JTS alone. Non-Orthodox rabbinical schools across America are experiencing a significant decline in enrollment, affecting both these institutions and the American Jewish community at large as the demand for rabbis exceeds supply, particularly as baby boomers retire and others leave because of burnout. . . . But rabbis are still in demand—a demand that outstrips supply, even as congregations shrink. This year, like last year, the Conservative movement—50 percent of whose rabbis in North America serve congregations—anticipates a shortage of rabbis to fill available positions.

Yet, as Jacobs goes on to detail, the seminaries are seeking new ways to keep up with these changes—and there is even some reason for optimism.