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RECEIVED 13 May 2025 ACCEPTED 13 June 2025 PUBLISHED 14 July 2025

CITATION

Shomer Y, Tzelgov E and Zur R (2025) Editorial: The crises of the Israeli democracy. *Front. Polit. Sci.* 7:1627969. doi: 10.3389/fpos.2025.1627969

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Editorial: The crises of the Israeli democracy

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KEYWORDS

Israel, democratic backsliding, crisis politics, judicial politics, institutions, majoritarian and consensus democracy, legislative politics

Editorial on the Research Topic The crises of the Israeli democracy

Introduction: Israeli democracy's crisis

During the past ten years, Israel has faced a series of challenges, including government instability, recurring elections, increased populism (Levi and Agmon, 2021), intensified polarization (Gidron et al., 2022), democratic decline (Gidron, 2023), corruption (Kubbe and Harel-Fisher, 2021), and an imminent constitutional crisis (Mordechay and Roznai, 2017; Yiftachel, 2023). The political landscape in Israel has significantly deteriorated since the 2022 election. Following the temporary hiatus in his leadership during the 2021–2022 "change coalition," Benjamin (Bibi) Netanyahu reassumed the role of Prime Minister, this time at the helm of a far-right coalition. This coalition's campaign adopted rhetoric characteristic of right-wing populist movements, emphasizing themes such as national pride, security, law and order, the promotion of traditional Jewish values, and a distinct approach to governance (Zur and Bakker, 2025).

On January 4, 2023, only seven days following the inauguration of Israel's 37th right-wing government,¹ Justice Minister Yariv Levin formally introduced an extensive initiative aimed at reforming and restructuring the judiciary (Cohen and Shany, 2023). The legislative initiative, which received minimal attention during the electoral campaign, represented a concerted effort to reform Israel's judicial framework (Roznai and Cohen, 2023). Framing this initiative as an "initial step" toward a more comprehensive endeavor to "repair Israeli democracy," Minister Levin has delineated a series of legislative proposals intended to diminish the judiciary's influence while simultaneously amplifying executive power. This proposed judicial overhaul aimed to restrict the authority of the Supreme Court, reflecting broader tendencies to centralize power within the executive branch (Ariely, 2024; Mark, 2023) and potentially lead to a significant concentration of governmental authority and executive aggrandizement. In his address, Levin aimed to transfer authority over the Judicial Appointments Committee to the coalition, seeking to abolish the judiciary's capacity to employ a "reasonableness" standard when evaluating governmental actions and decisions.

¹ This government has been characterized as the most right-wing administration in Israel's history, to the extent that it has garnered the colloquial designation among Israelis as the "Yamin al Male" which translates from Hebrew to right-wing to its fullest government.

Furthermore, he proposed that the Knesset-the Israeli Parliamentshould be granted the power to overturn Supreme Court rulings by a simple majority. Furthermore, Levin's proposal included measures to allow ministers to select their own legal advisors, potentially reshaping the legal oversight and accountability framework within the Israeli political system (e.g., Akirav, 2025; Ariely, 2024; Mark, 2023; Navot, 2023; Roznai and Cohen, 2023).

The announcement of Levin's judicial plan sparked an unprecedented wave of public resistance, culminating in what became the largest and most persistent protest movement in Israeli history (Tal and Gold, 2023; Wright, 2023). Weekly mass demonstrations erupted across the country, with the largest protests taking place every Saturday evening in Tel Aviv. Protesters also surrounded the Knesset during key votes and marched from Tel Aviv to Jerusalem in opposition to the judicial overhaul. The resistance movement led various forms of civil disobedience, including "disruption days," strikes in the private and public sectors, sit-ins, slow-moving convoys, and direct confrontations with coalition members, all conducted within the bounds of nonviolent protest.

Indeed, Levin's proposal was met with immediate resistance, with critics branding it a judicial overhaul designed to neutralize already limited judicial checks on government power. The political framework of Israel is characterized by a relatively subdued parliamentary system, in which the ruling coalition possesses an inherent legislative majority. Critics argue that the elimination of judicial oversight would lead to a significant concentration of unchecked authority within the executive branch. This situation potentially threatens democratic principles and institutional integrity within the country (The Israeli Law Professor Forum for Democracy, 2023).

In the face of this wave of legislation, and unlike many established democracies, Israel lacks several key institutional checks and balances that serve as guardrails against the overreach of executive power. Unlike countries with a formal, codified constitution, Israel's legal framework is based on a set of Basic Laws, most of which can be amended by a simple parliamentary majority, making them far more susceptible to political manipulation (Taylor et al., 2014). Furthermore, the Israeli system does not have a bicameral legislature-there is no upper house to counter the Knesset, nor does it operate within a federal structure, which in other democracies grants regional governments a degree of autonomy and limits centralized authority. The absence of these institutional buffers, coupled with the fusion of the government and the Knesset, makes Israel's democracy heavily dependent on judicial oversight, particularly the role of the Supreme Court in reviewing government actions and legislation. Therefore, any fundamental restructuring of the judiciary, especially one that weakens its power to review and overturn government decisions and legislation, and enables the government to control the justices' nomination process, poses an acute risk to democratic governance by removing one of the few remaining institutional checks on executive authority.

While the "judicial overhaul" initially centered on curtailing the power of the Supreme Court, it must be analyzed within a broader political context. The reforms aligned with patterns of executive aggrandizement and populist in power democratic backsliding, where governing coalitions seek to centralize authority and reduce vertical, horizontal, and diagonal accountability mechanisms (Khaitan, 2020), which could restrict their ability to govern without constraints. Political Scientists for Israeli Democracy (2023) have characterized this overarching governmental agenda as a "regime coup," aimed at eroding the democratic fabric of the state.

This characterization invites critical inquiry into the nature of the judicial overhaul: Was it merely a targeted effort to recalibrate power relations within the legal system, or does it represent a more systemic trajectory toward democratic erosion and the establishment of illiberal governance? This inquiry is fundamental to understanding the implications of such reforms for the future of democracy in Israel. If the latter is accurate, we would expect signs of democratic erosion to manifest beyond the judiciary, extending into other critical governance domains. This means that the erosion of democracy should be observable not just in legal reforms but also in other areas such as civil liberties, political pluralism, media freedom, and electoral integrity. Shomer and Lavi (2025) collected and examined the coalition-sponsored legislation (more than 380 anti-democratic bill proposals by April 2025), concluding that the judicial overhaul was symptomatic of a deeper attempt to deteriorate Israel's democracy.

The objectives of the current edited volume are to present a comprehensive and nuanced analysis that engages in a critical discourse regarding whether these changes represent an effort to revert the pendulum of power away from an empowered Supreme Court, a shift that followed the Knesset's enactment of two Basic Laws in 1992 and the subsequent broadening of judicial review, or whether these initiatives constitute a systematic effort to undermine Israel's democratic principles, potentially steering the state toward an illiberal, non-democratic regime.

The contributions of this edited volume

The six articles in this Research Topic address the central query of whether the events that transpired from January 4th, 2023, constitute a systemic democratic backsliding effort or whether they merely constitute an overdue judicial reform. The work of Mussel and Shugart puts the recent events in a broader institutional perspective, arguing for the important role of increased majoritarianism in a traditionally consensual democracy, while Navot and Goldshmidt argue that the crisis can lead to and be designed for the deconstruction of the Israeli state. Both the works of Sommer et al. and Rosenthal and Meydani revoke popular claims regarding the High Court of Justice (HCJ) and its role in Israeli politics. The former demonstrates that the judicial evolution of the courts from the 1990s onward should not be understood as a power struggle between the judiciary and the legislature, but a reaction to the popular will and changes in international politics. Similarly, Rosenthal and Meydani show that the HJC is a legal problem-solver, rather than an activist institution. One cause of the current crisis is the legislators' lack of commitment to democratic values. Arad and Freedman find strong partisan differences in the conceptualization of democracy among Members of the Knesset (MKs). Akirav introduces theoretical claims and empirical evidence that the increase in populist views and behavior of Israeli legislators translates into a decline in the quality of legislative work. Below, we further discuss these articles. In what follows, we briefly delineate

each article, and in the next section, we provide a few suggestions for future research.

The article by Mussel and Shugart examines the emergent paradox of majoritarianism within Israel's traditionally consensusbased democratic framework, a phenomenon catalyzed by increasing judicialization and political polarization. They present a theoretical argument and place it in a comparative prism. Israel, often characterized as a consensus democracy due to its proportional representation (PR) electoral system and coalition governance, has seen a pronounced deviation from this model following the 2022 elections. The authors assert that consolidating a right-wing coalition under Netanyahu has leveraged a parliamentary majority to instigate significant judicial reforms, thereby surfacing a previously obscured majoritarian dynamic.

Mussel and Shugart contend that the Israeli Supreme Court's expanding judicial activism since the 1990s has, perhaps unintentionally, undermined the mechanisms of consensus democracy. By interjecting its authority into legislative and executive domains, the court has elicited perceptions of partisanship, particularly among right-wing and religious constituencies, exacerbating political polarization. This perception of judicial bias has galvanized efforts from the current coalition to curtail judicial independence, indicating a troubling dynamic where the designed accommodation of diverse interests through coalition-building is increasingly threatened.

Moreover, the authors highlight that Israel's unentrenched constitutional framework, which permits alterations with a simple majority, renders the political system particularly vulnerable to majoritarian encroachment during periods of heightened polarization. Mussel and Shugart caution that, unless mechanisms to foster political compromise are restored and judicial overreach curtailed, Israel may face further decline in its democratic integrity. Nevertheless, they express a measured optimism, proposing that Israel's historical commitment to consensus politics may ultimately prevail through adaptive political practices and societal resilience.

In "The Deconstruction of the Israeli State," Navot and Goldshmidt provide a convincing, original, and parsimonious explanation for Netanyahu's coalition's attempts at state capture: the raw pursuit of these elements. Using political declarations, legislative proposals, policy measures, and structural changes, the authors highlight a process whereby Netanyahu's regime has been undermining the moral and legal authority of unelected state institutions. This is accomplished by challenging the very idea that state institutions can serve the public interest, by questioning the objectivity of laws, and by suggesting that the overarching state structure has never promoted the interests of the populace. This attack is part of a deconstructive move that offers leaders greater leeway under the protection of a new state ideology; under this ideology, a politicized state apparatus will have replaced the old, illegitimate system. These processes echo some of the well-researched authoritarian populist strategies, and the authors concede that some elements in Netanyahu's coalition use populist imagery and promote policies that can be construed as populist. However, focusing on populism misses a key element: a coordinated attack on the state, the dismantling and deconstruction of the state's institutions and the liberal-democratic order, and the creation of a vacuum that can then be filled by a politicized version of state apparatus under the control of the government, in the name of a new sovereign-the *Jewish* population in Israel.

The conditions for such an attack are ripe in Israel. Parties representing Israeli settlers have, for decades, been targeting and vilifying counter-majoritarian institutions as political foes. They have saved their most aggressive lines of attack for the judiciary, which is the highest hurdle to the implementation of a radical-right vision of a legal system that would legalize and institutionalize the discrimination of Palestinians in the territories and the Arab minority within Israel. Further, Ultra-Orthodox parties, representing a sector that is disproportionately subsidized by the state, have declared their loyalty to Netanyahu, who, facing serious corruption allegations, requires a political alliance willing to challenge the rule of law. With the Likud party now hollowed and acting in Netanyahu's name, this triad of political forces is unleashing its attacks on the state, in an attempt to deconstruct it.

But, as the authors note, there are important parallels and similarities between Israel and other cases. For example, in March 2025, Netanyahu seemed to have crossed yet another Rubicon, stating on the Plenary floor of the Israeli Parliament that the cooperation between his two enemies, the bureaucracy of the Deep State and the Israeli mainstream media, "did not work in the United States, and it will not work here." Indeed, attacks on state institutions and the idea of state impartiality resonate most recently in the United States, but they also remind us of the Hungarian case, where a coordinated assault on state institutions led to the consolidation of an "illiberal democracy," in which loyalty to party and leader replaced allegiance to liberal-democratic institutions. In all cases, the probability of state deconstruction depends, at least in part, on the ability of those deconstructing to create and sustain a belief that the state, as a concept, has failed. If state institutions are so dysfunctional and corrupt, and the underlying ethos that served to bring people together was manufactured and false, then there is little harm in letting the state be dismantled and captured.

The article "Reconceptualizing the 1990s Judicial Revolution in Israel and its Implications for 2023-25," by Sommer, Colson, and Schmidt, challenges the narrative that frames Israel's 2023 judicial reform as a necessary correction to judicial overreach from the 1990s. Instead, the authors argue that the constitutional transformations of the 1990s, often attributed to Chief Justice Aharon Barak, were not a unilateral power grab by the judiciary but rather a broader response to global shifts following the Cold War. The article presents an innovative idea that Israel's democratization in the 1990s was part of a global trend toward aligning with Western liberal democracies, which emerged as the dominant form following the collapse of the Soviet Union. The authors support this argument with empirical evidence, including quantitative content analysis (e.g., WordCloud) of Knesset debates, legislative initiatives, and international treaty ratifications. This shows that elected political leaders, not just the judiciary, were actively steering Israel toward a more democratic and rights-based governance model.

The study also proposes an alternative framework for understanding Israeli politics, shifting away from the traditional left-right ideological axis toward a continuum between democratic and Jewish elements in Israel's national identity. The authors argue that the constitutional ambiguity of Israel, particularly its lack of a formal constitution, has historically allowed political leaders to navigate tensions between these two foundational elements. In this context, the judicial changes of the 1990s were not a power grab but rather a manifestation of popular will and a broader political shift toward democratization. The 2023 judicial reform, the authors contend, is not merely an effort to correct judicial activism but should be understood as an attempt to tilt Israel's balance back toward its Jewish identity at the expense of its democratic institutions. By situating these judicial and political shifts in a larger historical and international framework, the article refutes populist claims that frame the judicial reform as merely a reaction to Barak's legacy and instead reveals deeper ideological struggles shaping Israel's political trajectory.

One of the more intellectually coherent justifications for the executive's attempts to limit the power of the judicial branch in Israel is the claim that it has become an overly active political actor. This perspective is supported by a developed theoretical literature addressing the judicialization of politics, a trend identified by constitutional scholars and pointed out by scholars of populism as a potential trigger for populist backlash and efforts to curb judicial power (Hirschl, 2011; Mudde, 2021). This conception is clearly articulated in the thinking and writing of one of Israel's most influential politicians advocating for judicial overhaul, Member of Knesset Simcha Rotman. Rotman, who heads the current Constitution, Law, and Justice Committee, has authored a book titled *The High Court of Justice Party*, in which he claims that judicial overreach in Israel has morphed into "judicial imperialism."

Rosenthal and Meydani, "The agenda premises of the judicialization of politics: policy attention in Israel's high court of justice" is an empirically and methodologically ambitious test of this judicialization thesis. Based on the Comparative Agenda Project coding system, the authors develop clear theoretical expectations on the extent to which the Israeli High Court of Justice (HCJ) is a judicializing politics court. In short, if the HCJ is acting as a judicializing actor, then its limited attention should be devoted to core political issues—those that are promoted and emphasized by partisan actors—and it should not be "distracted" by a variety of issues. In contrast, the authors posit that the agenda of a court functioning more as a legal problem-solver should be more diverse, as the court responds to whatever legal challenges are presented to it.

To test these expectations, the authors created an original dataset of decisions from Israel's High Court of Justice, coding them according to the Comparative Agendas Project criteria. They examined both the distribution of policy attention-testing whether the court's attention is stable or punctuated-and the diversity of topics the court engages with. They find that along both dimensions, although the court periodically engages more with specific core topics, it acts as a legal problem solver. Of course, the findings do not imply that the court is completely nonpolitical. It would be naive to expect such institutional behavior, especially given the lack of a rigid, written constitution in Israel. However, claims that the court engages in judicial imperialism have, as the authors convincingly state, been extremely exaggerated. In other words, the research elegantly undermines claims of judicial imperialism as the motivation for a rapid and uncompromising judicial overhaul in the Israeli case.

Moving from the court's agenda to the Knesset's, Arad and Freedman, in their article "The Crises of Israeli Democracy:

Political-Ideological Framings by Members of Israel's 24th Knesset," explore how political and ideological identities of MKs shape their conceptualization, understanding, and definition of democracy. Through qualitative critical discourse analysis of public statements, media, and social media content of 72 Knesset Members, the authors find clear ideological patterns. Liberal Knesset Members emphasize substantive democratic values such as pluralism, minority rights, and institutional safeguards, whereas conservative representatives primarily define democracy through a populist interpretation emphasizing majority rule. Furthermore, religious MKs tend to subordinate democratic governance to Jewish religious law. Their findings complement existing literature on parties' announced policy positions on these issues (Zur and Bakker, 2025) and politicians' social media behavior (Tzelgov and Wilson, 2024).

Arad and Freedman assert that these ideological differences highlight deepening tensions within Israeli democracy, reflecting divergent interpretations of Israel's dual identity as a "Jewish and democratic state." The authors argue that this ideological fragmentation threatens Israeli democratic stability, as legislators increasingly prioritize ideological, religious, or ethnic identities over universal democratic principles. Moreover, the frequent willingness of legislators to manipulate constitutional norms and institutions, such as the judiciary or Basic Laws, to achieve short-term political goals further exacerbates risks to democratic governance.

Finally, the article situates the Israeli case within broader theoretical frameworks of democratic backsliding and institutional erosion observed globally. It underscores that Israel's unique institutional setting, lacking a formal constitution and possessing limited checks and balances, increases vulnerability to democratic erosion through political maneuvers legitimized by democratic rhetoric. The authors conclude by emphasizing the need for both institutional reform and a renewed commitment among legislators to foundational democratic norms in order to halt or reverse the ongoing erosion of Israeli democracy.

In "Populism and Legislative Backsliding," Akirav examines an arena of democratic backsliding that has been researched less than other institutions. Her measurements for legislative backsliding and authoritarian populist rhetoric mostly build on the scarce work on the decline in quality of parliamentary work in backsliding democracies. The research identifies clear, intuitive, and objective indicators to gauge the quality of legislative work. To assess the hypothesis that the 25th session of the Knesset, particularly the discussions regarding the Basic Law: The Judiciary, reflects significant backsliding in the quality of parliamentary work, the author contrasts this session with another highly controversial piece of legislation: Basic Law: Israel as the Nation-State of the Jewish People, which was debated and passed during the Knesset's 20th session. To this end, she uses discourse analysis to analyze basic law changes and protocols of committee meetings in which those changes were debated, and she supplements this with interviews with experts who participated in the committee meetings.

Even using this high hurdle for comparison, the analysis is staggering. In every aspect, for example, the duration of debates and the time given to participants to prepare, the number of amendments to the bill, the seeking of consensus, the quality of deliberation, the ability of legislators to participate and make informed interventions in the debates and the treatment of legal opinions, civil servants, and external stakeholders, Akirav observe a significant decline in deliberation, professionalism, and adherence to both formal and informal rules. In short, Akirav's research "hits you between the eyes": one cannot help but feel that the coalition's attempt to rush and push through such a massive change to the country's institutional power balance, while ignoring notions of consensus building and deliberation, formal and informal procedures, and adherence to the rule of law as presented by legal experts, is a power grab aimed at politicizing the work of the judiciary and subordinating it to the power of the majority.

The contributions to this Research Topic provide a depth of analysis that transcends the summaries presented above. Each piece critically examines the recent initiatives introduced by the Israeli government, employing a multi-focal perspective that allows for a nuanced understanding of their implications. While there is variation in the conclusions drawn, a shared perspective emerges: the Israeli government's actions cannot be merely characterized as a "reform" to restore a previously disrupted balance of power among the judiciary, executive, and legislative branches. The initiatives in question serve as indicators of democratic backsliding that extend beyond the judiciary. They represent deliberate actions aimed at undermining the foundational democratic principles, practices, and values of Israel. These moves utilize populist rationales to facilitate an expansion of governmental power and enhance government aggrandizement, consequently steering the nation toward an illiberal future.

The road ahead: thematic insights

The attack orchestrated by Hamas on October 7th, 2023, significantly disrupted the Israeli government's agenda concerning constitutional reform. However, this interruption was temporary. The government strategically leveraged the ongoing conflict as both a façade and a justification for advancing its democratic backsliding initiatives.

While the majority of Israeli public attention was focused on the ongoing war—the casualties, the plight of hostages, and the sacrifices made by reserve soldiers—the government capitalized on this diversion, thus obscuring its progression on constitutional matters. By 2025, several key pieces of legislation derived from Justice Minister Yariv Levin's initial proposals (with modifications) had been enacted. Notably, in March 2025, the Knesset approved significant pieces of legislation that politicized the Judicial Appointment Committee and the role of the Ombudsman for Judges. These legislative measures were enacted with minimal public scrutiny and protest, as the government adeptly took advantage of widespread disinterest in domestic reforms amidst the ongoing conflict. This dynamic illustrates a troubling trend of utilizing crises to facilitate shifts in governance that may undermine democratic principles.

The government has adopted the ongoing war not merely as a mechanism to obscure its implementation of judicial reforms but also as a pretext for infringing upon other democratic principles, such as civil liberties and human rights. The government also tried to control the media and increased its scrutiny of the education system, particularly higher education. Notable actions include the promotion of the privatization of the Israeli Public Broadcasting Corporation and Galei Tzahal, the Israel Defense Forces' radio station, which aims to consolidate governmental influence over media narratives. Additionally, legislation has been passed to prohibit the display of flags from countries that do not recognize Israel as a Jewish and democratic state, as well as laws allowing the Shin Bet and IDF to access any computer equipped with stationary cameras. Furthermore, the government is promoting a bill empowering the Vice Chairperson of the Education Ministry to dismiss educators suspected of supporting terrorism without due process.

These measures, among many others, have been legitimized through arguments related to the war on terrorism, the imperative to bolster security, and the unique circumstances Israel has faced since October 7th, 2023. It is noteworthy that several of these bills were initiated prior to the devastating terrorist attack and subsequent conflict, suggesting that the government's agenda may have been premeditated, utilizing the wartime context as a fa cade to justify the necessity of such legislation. Indeed, while before October 7th, 2023, the government initiated 223 anti-democratic laws, in the year and a half that passed, it added 173 such bills (Shomer and Lavi, 2025).

Overall, the research presented in this volume clearly indicates that the objectives of the 37th Israeli government-the most rightwing coalition in Israel's history-extend beyond merely reforming the judiciary and restructuring the balance of power among the three branches of government. "Together, we will win!" was the slogan coined by Netanyahu's government following the October 7th attacks, a slogan that quickly swept the nation and could be seen on thousands of billboards across Israel. Five days after the attacks, the centrist National Unity (HaMachane HaMamlachti) party supported Netanyahu's coalition and formed an emergency government. Given how controversial the regime coup/judicial overhaul/judicial reform was among the Israeli public prior to October 7th, one could plausibly assume that the government would follow its own slogan and halt, or at least slow down, its attempts to change Israel's regime. Indeed, even some coalition legislators suggested that a period of reflection, soul-searching, and consensus-building would be required.²

However, the evidence indicates that these expectations were misplaced, and rather than stopping, the government is pushing ahead and even expanding its attempts, most recently by attacking and attempting to politicize the military and the Israeli Security Agency—two institutions that were previously considered central to Israeli consensus. One of the main objectives of future research will therefore be to investigate the extent to which the security crisis that arose on October 7th has impacted or modified the government's objectives, and how it has been used by the radicalright government to expand its attempts at regime change. In that regard, further attacks on civil liberties and the use of emergency powers, as well as assaults on electoral institutions or even the

² For example, see: Maariv Online, Galit Distel Reflects: The division I created in society contributed to the massacre on October 7th (accessed May 13, 2025).

postponement of the electoral process, seem as avenues for future research.

The Israeli experience offers key insights into how democratic backsliding can unfold gradually through legal reforms that weaken checks and balances while preserving the appearance of democratic rule. Like recent developments in countries such as the United States, Hungary, and Poland, Israel's case shows how attacks on judicial independence and democratic norms often come from within elected governments. It also demonstrates that civil society, the media, political actors, and citizens should take populists at their word: when they claim that one day they intend to, for example, dismantle the Supreme Court, or "encourage" Palestinians to emigrate, if given the opportunity, they are not likely to moderate and will act to implement their vision (Pappas, 2019).³ Other democracies should closely examine how populist leaders justify such reforms as efforts to "restore balance" or "correct judicial overreach," when in fact they may be centralizing power and eroding democratic safeguards. Recognizing these patterns early is essential to preventing deeper institutional decay.

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Author contributions

YS: Writing – original draft, Writing – review & editing. ET: Writing – original draft, Writing – review & editing. RZ: Writing – original draft, Writing – review & editing.

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³ Betzael Smotrich, the Chairman of the Religious Zionism list, and a minister in the Defense Ministry, has written a strategic plan in 2015 in which he recommends encouraging Palestinians to leave the occupied territories. See, Betzael Smotrich, "Israel's Decisive Plan," Accessed June 3rd 2025, https://hashiloach.org.il/israels-decisive-plan/. Moti Yogev, a parliamentarian from the Jewish Home party suggested in 2015 that it was time to use an armored bulldozer in order to put the judicial branch in its place and show who the real sovereign is., See, Moti Yogev, "Use an Armored Bulldozer Against the Supreme Court," Israel Hayom, accessed June 9, 2025, https://www.israelhayom.co.il/article/301987.