

Judicial Selection Committee Background

Excerpts from—

“NO TO OVERRIDE, YES TO A DIVERSE COURT”—

YAIR ASSULIN, HAARETZ, JANUARY 15, 2023

“The Israeli judicial system in its current form, and as it is reflected in its most representative body, the Supreme Court, is a horrifyingly undiversified system. Many Israelis do not see themselves, or their parents, or Israeli identity as they understand it, reflected in it. Many Israelis, by definition, feel alienated from it. The situation as it is today, in which the absolute majority of judges come from the same places in Israeli society, speak the same Israeli idiom and look more or less the same [most Supreme Court justices are of Ashkenazi origin], is a distorted situation that, by definition, undermines the relevance of the justice system...

I am intentionally not talking about political views when I talk about this deep lack of diversity. Rather, I am referring to the deeper social and sociological contexts of language and consciousness, face and “home.”

A Supreme Court that wants to be the venue where not only laws and constitutional interpretation are determined, but also norms, values, reasonability and so forth, must be an institution in which every segment of Israeli society can find something of itself, something of its own face, something of the Israeli idiom in which it thinks. Otherwise, the court will turn itself... from a venue of trust and identification into one of coercion, which always ends in rejection...

Justice must not only be done, it must be seen to have been done – not merely through the act of judgment, not merely by the intellect, but also through the people who make up the system, through the emotions, through identification. In the long run, society won’t allow any institution with which it doesn’t identify, any institution with whose members it doesn’t identify, to determine norms and reasonability for it...

This discussion of the Supreme Court’s composition must not be allowed to once again be channeled solely into the conversation about ethnicity. Of course Sephardi identity is part of this, but the need for diversity in the system also includes Muslims and Christians and Haredim and LGBTQ people.”