

## Zulat's Opposition to Proposed Abolishment of Reasonableness Standard

Zulat for Equality and Human Rights promotes the defense of the rule of law and democracy and opposes all elements of the regime revolution declared by Israel's 37th government upon its establishment.<sup>1</sup> The proposed amendment of the reasonableness standard is part of a legislative package and other government moves designed to effect a regime revolution in the State of Israel.

The bill introduced by the chairman of the Knesset Constitution, Law, and Justice Committee on 20 June 2023 to amend Article 15 of Basic Law: The Judiciary with respect to the reasonableness standard heralds the resumption of the committee's discussions of various laws presented by the government with the aim of weakening the judiciary and fully subordinate it to the executive branch, which had seemingly been suspended until recently while opposition and coalition representatives engaged in a dialogue at the Presidential Residence in Jerusalem. The purpose of the proposed amendment is to abolish the reasonableness standard as it relates to decisions of "the government, the prime minister, a minister, or other elected officials to be determined by the law."<sup>2</sup>

**Zulat's position:** Abolishing the reasonableness standard will significantly limit the power of the courts to review governmental decisions that inflict extreme harm to Israel's citizens. It will deepen governmental corruption and inflict long-term damage to the Israeli economy.

- The sought amendment is another step in the government's aspiration to eliminate any effective criticism of its actions by those branches of government whose purpose in a proper democratic regime is to monitor and restrain its actions for the good of the public.
- For example, when the government makes appointments based on extraneous considerations that are not in the public interest, are devoid of any standard of professional competence and/or propriety, and are instead intended for the personal benefit of elected officials or of a limited circle of close associates, the reasonableness

<sup>1</sup> Eitay Mack, [Pseudo Democracy: State of the Regime in Israel](#), *Zulat*, 20 June 2022.

<sup>2</sup> Constitution, Law, and Justice Committee, [Background: MK Rotman's Proposed Amendment of Reasonableness Standard in Basic Law: The Judiciary](#), *Knesset*, 20 June 2023 (Hebrew).

standard is the sole and exclusive anchor for the protection of the rule of law and justice.

- In the absence of the reasonableness standard, the danger will increase of a transition from a democratic regime based on the good of the general public to a sectorocratic regime based on the personal interests of politicians and power groups connected to the government.
- These moves will deepen governmental corruption in Israel, a phenomenon that inarguably inflicts serious damage to the rights of a country's citizens, its economy and financial stability, and whose repercussions are clearly borne by all its citizens.
- In light of the above, the abolishment of the reasonableness standard amounts to an extreme violation of the rule of law and enables the violation of the civil and human rights of individuals and groups that are not "useful" to the elected officials.

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