

## Judges' Salaries as Political Weapon

### Analysis of Basic Law Bill: Remuneration of Public Officeholders (Legislative Amendments)<sup>1</sup>

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The proposed legislation is another link in the chain of measures aimed at weakening the judiciary and subordinating it to the executive branch. Starting with the law changing the composition of the Judicial Selection Committee, through the Justice Minister's unprecedented boycott of the President of the Supreme Court, and the government's public campaign blaming the Supreme Court for the blunders of October 7, a systematic policy has emerged that seeks to portray the judiciary as a hostile institution that must be brought under political control. In this context, the bill in question constitutes a brutal instrument designed to intimidate judges and secure their compliance by undermining their public standing and employment conditions, thereby weakening the courts from within and eroding the principles of judicial independence and autonomy.

#### Eliminating Judicial Independence Constitutional Guardrail

The mechanism proposed in the bill is expected, first and foremost, to result in a cut in salaries. Judges currently earn more than other officeholders whose wages the bill seeks to standardize, and their compensation includes unique components reflecting the nature, range, and duration of their service. Under these circumstances, the proposed realignment is likely to result primarily in a pay cut, a measure contradicting Section 10(b) of Basic Law: The Judiciary, which prohibits decisions aimed at reducing judges' salaries. Moreover, the bill even seeks to repeal this provision, which serves as a constitutional guardrail of judicial independence as it prevents political authorities from using judges' salaries as a lever of pressure.

§ All references in this document are in Hebrew.

<sup>1</sup> [Basic Law Bill: Remuneration of Public Officeholders \(Legislative Amendments\)](#), *Knesset National Legislation Repository* (24 February 2025). While Basic Laws in Israel are generally reserved for constitutional matters, this bill seeks a new Basic Law to constitutionalize the regulation of remuneration for senior officeholders and to amend existing legislation on the subject.

Repealing this provision would effectively legitimize future salary cuts aimed specifically at judges and make their financial security subject to political influence. A judge who knows that his or her livelihood may be altered by a political decision could face subtle pressure when ruling on sensitive cases, thereby undermining the very essence of judicial independence.

This concern is compounded by the fact that, unlike the current system where the salary of judges is determined in public deliberations of the Knesset House Committee with the participation of relevant professional experts, the proposed public committee would not be required to operate through a transparent public process or according to clear constitutional standards. The proposed mechanism therefore departs from the principles designed to safeguard judicial independence, replacing an accountable institutional framework with one that lacks equivalent guarantees of transparency and constitutional protection.

### **'Public Committee' Mechanism: Illusion of Independence**

The bill portrays the proposed public committee as an objective alternative for setting the salaries of senior public officeholders, but in reality offers only a semblance of neutrality. Although its members are not expected to be politically active shortly before their appointment, both the committee's authority and its modus operandi will be predetermined by the political echelon. The Knesset will decide whether to extend its term in office,<sup>2</sup> and will also curtail its purview through substantive statutory limitations.<sup>3</sup> For example, the committee will not be allowed to grant benefits beyond those expressly authorized by law,<sup>4</sup> and seniority pay (a component that is particularly significant for long-serving judges) will be capped at 15%.<sup>5</sup> Consequently, the committee will merely serve as a tool to implement a policy set by the political echelon, rather than as an independent body exercising professional judgment based on the particular characteristics of each position under its mandate.

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<sup>2</sup> Section 6.6(e) of the bill stipulates that no later than 60 days before the end of its term of office, the Knesset House Committee shall determine whether the term of the Public Committee will expire as scheduled or be extended for one additional term.

<sup>3</sup> Section 6.2(a) stipulates that officeholders shall receive no salary or monetary benefit other than those determined by the Public Committee pursuant to this law.

<sup>4</sup> Section 6.2(b)(5) stipulates that the seniority allowance shall not exceed 15% of the salary.

<sup>5</sup> Section 6.2(b) stipulates a fixed list of allowances that shall be paid uniformly to all officeholders.

### **The Importance of Adequate Compensation**

Judicial remuneration is designed to protect the independence and institutional stability of the judiciary. It is not a personal benefit, but a safeguard of the public interest. Adequate and secure compensation allows judges to discharge their duties without dependence, external influence, or fear of economic reprisal, ensuring that they adjudicate cases solely in accordance with the law and their conscience.

Moreover, a pay cut may impair the judiciary's ability to attract highly qualified and experienced lawyers. Already today, the gap between compensation in the private sector and judicial salaries poses a serious challenge in recruiting leading legal professionals to the bench, and a wage cut would only exacerbate the problem.

### **Blurring Distinction Between Branches of Government Under Guise of 'Equality'**

The bill seeks to establish a uniform salary scale for all officeholders across the branches of government, but in doing so it obscures the fundamental and inherent differences between occupations. Judicial office is characterized by long-term professional tenure, generally lasting until retirement, and by unique obligations of independence, impartiality, and institutional restraint, which do not apply to elected officials who serve fixed terms and operate within a political framework. Consequently, the notion of "equal" pay in this context is misleading, since the positions are not similarly situated in a manner that justifies a uniform compensation scheme. Even if equality is presented as a normative goal, its application in this context is likely to undermine the very constitutional principles that protect the status of judges and the independence of the judiciary, thereby upsetting the constitutional balance between the branches of government under the guise of a technical reform of salary arrangements.

### **Fostering Public Hostility and Delegitimization**

Beyond its legal implications, the bill should be viewed as part of a broader strategy to delegitimize the judicial system. Raising the issue of judges' salaries in the current political climate is not a neutral policy initiative but an attempt to portray judges as a privileged and detached elite, thereby fueling public resentment against them.

By shifting public attention away from the importance of an autonomous and professional judiciary toward populist debates about paychecks, the bill seeks to erode public trust and place the judiciary on the defensive. At the same time, the repeated use of the term "equal"

pay falsely implies that judges enjoy preferential status, reinforcing a narrative that they constitute a select group whose influence must be curbed. In this sense, the proposal forms part of a broader political campaign designed to incite public antagonism toward the very institution charged with protecting citizens' rights and to lay the groundwork for further encroachments on judicial independence.

### **Conclusion**

This bill does not simply deal with salary mechanisms, but with the constitutional status of the judiciary in Israel's democratic system. Judicial independence is not a professional privilege enjoyed by judges but a fundamental prerequisite for preserving the rule of law and the protection of human rights. When judges' salaries become subject to political manipulation, it is not only their personal security that is affected, but also the judiciary's ability to render decisions free from governmental pressure. This undermines one of the defining constitutional principles of a democratic system: the existence of an independent judiciary able to critique government action without fear of institutional or economic retaliation.

Viewed more broadly, the proposed bill reflects a view whereby the branches of government do not balance one another but are instead subordinate to the will of the political majority. Such a notion weakens the system of checks and balances upon which every functioning democracy depends and undermines public confidence in the judiciary's ability to protect citizens from arbitrary government action. Safeguarding judicial independence, including judges' economic security, ensures that even in the face of strong governmental power, citizens will retain access to justice, rights, and legal protection.