

Why Donniel Hartman sees a brighter Israeli future – in 2026



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Israeli anti-judicial reform protesters block the Ayalon highway in Israel, June 3, 2023. (Matan Golan/SOPA Images/LightRocket via Getty Images)

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(JTA) – When Israel’s parliament on Monday passed the first plank in a series of reform proposals meant to curb the power of Israel’s judiciary, it set off alarms among Israel’s supporters abroad.

Liberal and centrist Jewish groups said weakening the judiciary would undermine Israeli democracy. Thomas Friedman, the New York Times columnist, wrote an open letter to President Joe Biden saying that he must save Israel “from being destroyed from the inside.” Conservative Washington Post columnist Jennifer Rubin welcomed news that Israel’s Supreme Court would review the legislation, saying Israeli Prime Minister Benjamin Netanyahu “will have endangered the country for nothing.”

Rabbi Donniel Hartman is urging critics of the judicial reforms and Netanyahu’s government to take a deep breath. Not because he supports the proposals – he agrees they would “undermine the systems of checks and balances necessary to protect Israel’s democratic identity.” But he warns that the bill passed on Monday represents one of the least controversial planks in Netanyahu’s reform plan, and that the massive demonstrations against the proposals have united an Israeli consensus around what he is calling a “new social coalition.”

Hartman is the president, along with Yehuda Kurtzer, of the Shalom Hartman Institute, a Jerusalem-based think tank that promotes pluralism and liberal values in Israel and beyond. Hundreds of North American rabbis and Jewish lay leaders have cycled through Hartman programs, which promote diversity, civil discourse and what it calls the “democratic character of Israel.”

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Hartman recently spoke to a group of rabbis about the public backlash to the reform proposals, and the political implications between now and the next scheduled Israeli elections in 2026. On Thursday, he shared some of those same ideas with the Jewish Telegraphic Agency, explaining why he thinks Netanyahu is playing a weak hand, why the Palestinian issue is on the back burner and why North American Jews should channel their gloom over the current legislation into support for its opponents.

A note on the judicial proposals: The legislation passed Monday would end the Israeli Supreme Court’s ability to strike down government decisions and appointments judges deems “unreasonable.” Other proposals include changing the law to allow ministers to install political appointees as legal advisers in their ministries – which critics say would remove an important check on corruption – and one that would give the Knesset the power to override Supreme Court decisions by a simple majority. Another proposal would give more power to politicians in appointing judges.

For now, those proposals are on pause.

Our conversation was edited for length and clarity.

I've been thinking of the "day after" fear and anticipation after some recent watershed events – Trump's election, the Dobbs decision that overturned Roe v. Wade, maybe the Brexit vote. Did Monday's vote on the "reasonableness" clause mark a before and after?

No. It doesn't feel like a Brexit moment, because the vote on the reasonableness clause is not big enough. The election itself was more significant. The proposal of the reform was more significant. The "reasonableness" clause was the perfect issue for Netanyahu to pick, because it's the most reasonable of the judicial reform proposals. Overall there are five big reform proposals, including the way the Israeli Supreme Court is selected, the power of the attorneys general and the "override" clause. The last is the one the haredi Orthodox want because no matter who is on the Supreme Court or what they decide they could just cancel it out. That's just the end of democracy.

So Netanyahu pushed the right one for a first victory, but in order to stop the slippery slope process, [the opposition] had to pretend as if this was very big. It was a tactical game, to claim that the override clause was the end of democracy. Tom Friedman overplayed his cards. Nope. It's far from the end.

This was just the beginning of a three-year war. This is going to go on until 2026.

Why 2026?

That's when the next elections are.

Assuming the government doesn't fall before then.

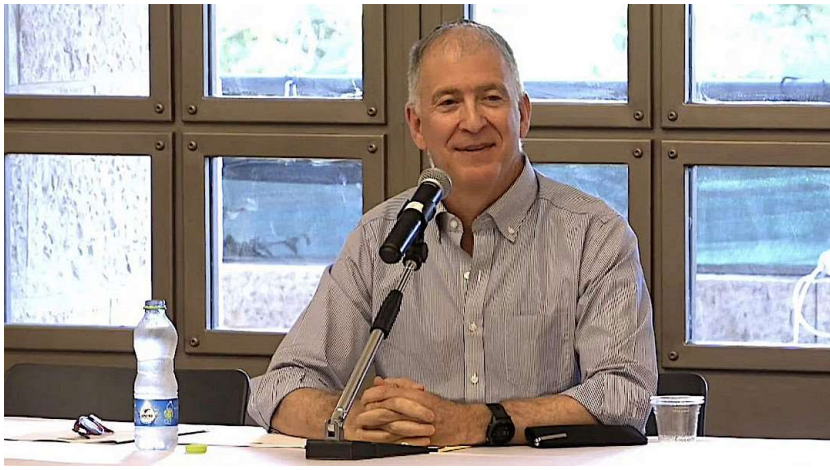
It can't fall. Because unless there's an internal split in Likud [Netanyahu's party], neither [far-right government ministers Itamar] Ben-Gvir or [Betzalel] Smotrich or the haredim will ever join with the Joint List [an Arab coalition] or Avigdor Lieberman [a nationalist opposition member] to vote this government out. They'll kvetch, they'll complain, they'll threaten, but they can't leave and that's what makes it so strange that Netanyahu seems so intimidated by them. Because he holds all the power. They have no power. Where are they going to go? Who are they going to sit with? If they vote against the right-wing government, their careers will be over.

You said the 2022 election was the real watershed moment. In what way?

The consequence of the election was the judicial reform proposals, which raised a fundamental question: What is the nature of our country? Trump wasn't the end of America, but his election asked the question, What is America?

Can Israelis right the ship as they see it in the next election?

I believe this is the last Likud-led government and it certainly is the last right-wing government. That's assuming that Netanyahu is not going to be prime minister. This whole reform issue has created an awareness that there are different coalitions being formed in Israel, which aren't being formed around the right-left wing divide. That divide doesn't really exist anymore. There is a broad centrist camp that agrees on Judea and Samaria [the West Bank] and economic theory. And there is no possibility of a two-state solution anyway – I just don't know how to implement it. On the fringes, there is a left-wing socialist camp, let's call it, and there is a right-wing settler group. Other than that, 80% of Israel is not divided under the left wing-right wing categories. You see at the demonstrations and in the polls that 20 to 30% of those who used to be on the right or are still on the right no longer want to vote for Netanyahu, Smotrich and Ben-Gvir. They want to find alternative expressions for their identities.



"If you fight and you stand up and you don't walk away, there are partners in Israel who are looking at you and who feel encouraged by you," said Rabbi Donniel Hartman, president of the Shalom Hartman Institute. (Courtesy)

What we need to do over the next three years is to frame a new social coalition in Israel, around internal values of liberal Zionism and liberal Judaism, which 80% of Israelis accept. Then we can win and that's where 2026 is going to change.

You said "assuming that Netanyahu is not going to be prime minister." How does he keep this new social coalition from happening?

As long as he runs, the center and the left won't join a coalition with him. They're like never-Trumpers. They despise him. They don't trust him. The Likud kept Netanyahu because he gave them 32 seats [a formidable bloc in the 120-seat Knesset, where 61 seats are needed to form a government]. But if he goes down to 26, there's a whole bunch of people who are just waiting to replace him.

You used the term "liberal Zionist" before. I think you use it differently than an American Jew might. Here it means someone who is pro-Israel but is desperate to see a resolution to the Israeli-Palestinian conflict.

It's very interesting how the category of liberalism has been reclaimed in Israeli society. While in America the term is very divisive, actually in Israel it is becoming much more inclusive. It's the old liberalism of liberties — a belief in Zionism and the right of the Jewish people to a state but one that believes in human rights and a diverse public sphere and that respects law and the Supreme Court. It's the old Likud. It's the old [Ze'ev] Jabotinsky [the pre-state leader of Revisionist Zionism]. It's the old [Likud Prime Minister] Menachem Begin. It's not Smotrich or Ben-Gvir, and it's not the haredi parties.

But it doesn't extend to the Palestinian issue.

Liberal Zionism in Israel recognizes that we don't want to be an occupier of another people. But for the vast majority of Israelis, "the Palestinians want to murder me." There is no Palestinian Authority today. The Palestinian Authority controls the Mukata [the P.A. headquarters in Ramallah] and three upper-middle-class towns in Judea and Samaria. Hamas and Islamic Jihad would run away with any election.

It's very hard to even have a conversation about Palestinian rights in Israel, when you feel you're talking about a society that wants to kill you.

I just finished a book that is getting published in November, and I have a whole section on it challenging North American liberal Jews to recognize that they have liberal partners in Israel, even though they don't agree with you on Judea and Samaria, or the

West Bank, or what you even call it.

And yet, for a lot of American Jews — as well as for American anti-Zionists and a lot of progressives — Israel is judged only to the degree that it solves the Palestinian problem. Liberal Zionists define themselves around their commitment to a two-state solution, but you're asking them to see common ground around other liberal issues.

I distinguish between tolerable occupiers and intolerable occupiers. Intolerable occupiers are those who believe that we have a right to all of Israel, and that Palestinian lives don't matter. It's a combination of ultra-nationalism, fascism and messianism. That's one group. Then there's a whole massive group for whom the only reason why the occupation continues is that they believe that there is no peace partner and that Israel's survival is in danger if we do anything.

People think I'm liberal. I'm more or less liberal. I'm for a two-state solution. I just don't know how to implement it. Tell me what I could do now? I'm willing to stop settlements. I'm willing to curb settlements. I'm willing to do everything. I used to be for unilateral withdrawal. What would happen if you had unilateral withdrawal from Judea and Samaria?

Now, when you have a government that is not willing to admit that Palestinians have rights, or is not yearning for a peaceful solution, then of course we lose. That's what Netanyahu's doing since he sits with these [far-right] people. He has quieted all moral conversation when it comes to Israeli political life. So when that happens, of course, people with a moral voice would say, "What's going on here?" Because it's true, as you said, Zionism has ceded the moral conversation to the anti-Zionist camp.

Still, I think we can create a unified liberal Zionist conversation even though North American Jews and Israeli Jews might have a different opinion on what is the most viable solution right now.

Since we're talking on Tisha B'Av, I went to services last night and the person who led the services gave a scorched-earth lament for Israel, basically saying his dreams for Israel are dying and he tied the week's events, as a lot of people have, to the cataclysms that we acknowledge on the fast day, including the destruction of the First and Second Temples. What are you telling either Israelis or Diaspora supporters of Israel who are talking in apocalyptic terms about this week's vote and the push for judicial reform by this government?

We mourn the *destruction* of the Temple. We learn from the *destruction* of the Temple. But we don't declare the Temple destroyed before it's destroyed.

Everything in Jewish history is about hope. It's about working under impossible conditions. And Israel is now working under impossible conditions. That's true. There is a government which is advocating for an Israel that half of Israel and 90% of North American Jewry wants nothing to do with. But Israel is not defined by its government alone, as you discovered when it came to Trump. People have a voice. What the demonstrations make clear is that the vast majority of Israelis do not support these proposals.

It's one thing to turn your back on the Israeli government. But we're out there marching. We don't embrace destruction before it happens, but we get to work. There is a blueprint forward. The vast majority of Israelis now are embracing a liberal Zionism of the type I mentioned. North American Jews now have partners. They might not be perfect partners, but they have partners. Why walk away from Israel, when the majority of Israelis are now saying things they never said before: "I care about the Supreme Court. I care about human rights. I care about the rights of minorities"? This is what they're talking about at every demonstration.

So I would go back to your [prayer leader] and say to him, “We waited 2,000 freaking years to have this country. Could you wait three more years? And could you fight for three years?” Because if you fight and you stand up and you don’t walk away, there are partners in Israel who are looking at you and who feel encouraged by you. We can build it.



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