Global Decline in Public Trust in Democracy – Israel as a Test Case

Dr. YARON KATZ
HIT – Holon Institute of Technology, Israel

Abstract

    The issue of public trust in democracy in Israel has become a major issue of global concern following the plan of the new Israeli government to enact a reform that would weaken the judiciary's power to protect minority rights. Warning about the outcomes led global leaders to advocate for public consensus in the process of the fundamental change in the structure of the judicial system. Trust in democracy has been widely debated as concerns about the fragility of Israeli democracy have grown with the political instability which led to five consecutive election cycles in just four years. The research examines the level of public trust in democracy in Israel - an issue which has been on the top of the public agenda since the newly-elected government initiated a massive judicial reform plan. The initiative to diminish the Supreme Court's power and give the government control over judicial decisions has become very controversial, with massive civil demonstrations and public outrage. The plan has been widely attacked by opposition leaders and social activists and received much criticism including from global leaders. The debate puts a shadow on public trust in the democratic process of elections, since critics of the reform say that it will undermine democracy, while government officials argue that the reform will strengthen democracy and that public trust to governments' policies was in fact awarded by the people in the election that took place just a few weeks before the plan was unveiled.

Keywords: public trust, democracy, election, Court, Israel

INTRODUCTION

The research examines the complex issue of public trust in Israeli democracy and electoral process, based on the complications to resolve the political deadlock which ended up in five consecutive elections in just four years. The examination of public trust put forward examines the nature of public debate on the way that the democratic process should be conducted, since despite the conclusive result of the last election with a right-wing majority, public trust has been shaken by the plans of the new government to enact changes in the legal system by providing more independence to the government and preventing the Supreme Court from overruling its decisions. The argument is that matters of national security should primarily be within the authority of the government and the security agencies, allowing them to make prompt decisions without judicial interference. The opposition to the plan claims that the legal system in Israel plays a critical role in upholding the rule of law and protecting the rights and security of its citizens.

    Since its establishment, the State of Israel has committed itself to the principles of the rule of law and the protection of human rights, both in times of combat and in times of calm (Gabizon, 2016). Public trust in democracy has been a subject of

both strength and challenges for the country. Israel places a strong emphasis on democratic values, such as free and fair elections and protection of minorities and individual rights (Hayut, 2019). The Supreme Court's role in security issues has been a subject of debate and criticism that the court's interventions is limiting the government's ability implement its policy and to respond to security threats. According to the current policy, the Supreme Court has the power of judicial review, enabling it to examine the constitutionality and legality of laws, regulations, and actions taken by the government and security agencies. This includes assessing whether security measures, such as emergency regulations or counterterrorism policies, comply with constitutional protections and international law. However, due to the unique security challenges faced by the country, the government issued a policy for reforming the legal system to better address these issues (Barak, 2003).

The argument made by the government is that since Israel is in a constant state of facing security issues and terror acts related to the Israeli-Palestinian conflict, and due to the unique security challenges faced by the country, reforming the legal system is required to better address these issues. Supporters of the reforms argue that the security challenges require a legal framework that enables the government and security forces to effectively act without being restricted by the Supreme Court, since the ongoing conflict and security challenges raise criticism about the ability of the Supreme Court to address these issues effectively, practically overruling government decisions in security issues

According to the policy of the Supreme Court, Israel's battle against threats to its national security must be waged within the framework of the law, and in accordance with the legal norms practiced among the family of democratic nations. in relation to matters of national security (Shinar, 2021). The argument made is that the legal system plays a critical role in upholding the rule of law and protecting the rights and security of its citizens. According to this policy, the judicial review is not intended to replace security and operational decisions, but reflect the State's commitment to the rule of law (Dotan, 2018).

This has led to debates about the balance between security measures and civil liberties, which can influence public perceptions of democratic values, since opponents to the reforms maintain that the proposed legal changes are a danger to democracy. The argument made is that Israel is committed to the international law and human rights standards, which requires balancing security needs with the protection of civil liberties by a neutral and nonpolitical court system, which is the only unbait institution that can guarantee these obligations.

PUBLIC TRUST IN ELECTION

Another aspect that has influenced public trust in Israeli democracy is the country's complex political landscape. Israel has a multi-party system, which often leads to complex coalition governments and frequent political negotiations. Israel uses a proportional representation system, which allows for diverse political representation and ensures that smaller parties have a chance to be represented in the Knesset (Israeli parliament) (Rahat and Hazan). Although the intent of this electoral system is to allow representation of a wide range of political ideologies, Israel is experiencing an unprecedented political crisis with five general elections in only four years, between 2019 and 2022.

In 2019 two successive elections (April and September) produced no clear outcome with the result that the country lacked a fully empowered government for

more than a year. The instability continued in 2020. After the third round of election (March), a national unity government was agreed, but it collapsed after about seven months. After the March 2021 election a new coalition government survived for merely a year, and new election had to be scheduled for November 2022. All first four election campaigns were undecided or very close and left to the influence of small parties that represent minorities and undecided voters, with the result that no large political party succeeded to form a governing coalition.

The result of the last election cycle in November 2022 was led by the largest party in the Knesset, the Likud, which gained only 31 members, although the new government is dominated by right-wing and ultra-Orthodox parties, totaling a majority of 64 Knesset Members out of 120. Yet the dominating right-wing and minority structure of the government escalates a public debate about the role of small parties with extreme agenda that represent right-wing hard line. Although the consecutive election campaigns were a competitive contest between two main governing alternatives, one from each side of the political map – the right-wing and the center-left wing - the election results demonstrated the weakness of the large mainstream parties, allowing target groups headed by ideological and small parties to determine the final outcome.

Despite the political deadlock and the continuance tie between the two major political blocks, a poll conducted prior to November 2022 election found that 56% of Israelis expressed trust in the election while 39% said that they question if the results precisely reflect how the public voted (Hermann and Anabi, 2022). These results show that although a majority of the public trusts the democratic process, a substantial group of voters do not trust the purity of the elections and think that the results do not accurately reflect how the public actually voted. These numbers are quite surprising, if taking into account the unstable political system of Israel. The high level of public trust in elections is also surprising when examining these results in comparison with global public trust, which clearly demonstrates that despite the political instability of the Israeli political system, the trust of its people in the democratic process has remained higher than other countries. Thus said, only 35% of the UK population stated that they trusted the national government, which is lower than the Organization for Economic Co-operation and Development (OECD) average (41%). The UK Trust in Government Survey is a part of an international study commissioned and coordinated by the Organization for Economic Co-operation and Development (OECD). The survey looks at people's trust in governments and institutions, opinions about public services and attitudes towards political issues (Office of National Statistics, 2022). The comparison shows that the level of public trust in Israel (56%) is much higher than the average public trust in OECD countries (41%) and public trust in the UK (35%).

PUBLIC TRUST IN ISRAEL AS A GLOBAL ISSUE OF CONCERN

The issue of public trust in democracy in Israel has become a major issue of global concern following the plan of the new Israeli government to enact a reform that would weaken the judiciary's power to protect minority rights. Warning about the outcomes led global leaders to advocate for public consensus in the process of the fundamental change in the structure of the judicial system. The most conspicuous leaders have been U.S. President Joe Biden, U.S. Secretary of State Antony Blinken and French President Emmanuel Macron.

In a statement to The New York Times, Biden said that "the genius of American democracy and Israeli democracy is that they are both built on strong

institutions, on checks and balances, on an independent judiciary. Building consensus for fundamental changes is really important to ensure that the people buy into them so they can be sustained."

New York Times columnist Thomas Friedman, to whom the President sent the statement, wrote that this marked "the first time I can recall a U.S. President has ever weighed in on an internal Israeli debate about the very character of the country's democracy." According to Friedman (2023), Biden's concern is that the radical transformation of Israel's judicial system could seriously damage Israel's democracy and its close ties to America and democracies everywhere.

Biden's statement followed the warning issued by Secretary of State Antony Blinken during his trip to Israel just a few days earlier, that "building consensus on new proposals is the best way to ensure not make sure not only that they are embraced but that they endure." In his statement, Blinken emphasized the importance of maintaining public trust in democracy as the mutual standards of the United States and Israel: "throughout the relationship between our countries, what we come back to time and again is that it is rooted both in shared interests and in shared values. That includes our support for core democratic principles and institutions, including respect for human rights, the equal administration of justice for all, the equal rights of minority groups, the rule of law, free press, a robust civil society – and the vibrancy of Israel's civil society has been on full display of late" (U.S Department of Justice, 2023).

Similarly, French President Emmanuel Macron told Israeli Prime Minister Benjamin Netanyahu during his visit to France that if there will be no changes to his government's far-reaching plans to overhaul the judicial system "Paris should conclude that Israel has emerged from a common conception of democracy". He expressed concerns that the proposed judicial shakeup "threatens to break the power of the Supreme Court, the only institutional counter-power in the government."

This perception of the role of the court in democracy is explained in a statement of Secretary of State Blinken in the midst of the legislation confrontation, objecting to Israeli Settlement and Outpost Legalization Announcement: "We are deeply troubled by Israel's decision to advance reportedly nearly 10,000 settlement units and to begin a process to retroactively legalize nine outposts in the West Bank that were previously illegal under Israeli law. Like previous administrations, Democratic and Republican, we strongly oppose such unilateral measures, which exacerbate tensions and undermine the prospects for a negotiated two-state solution" (U.S. State Department, 2023).

GLOBAL DECLINE IN PUBLIC TRUST IN ELECTION

As we have seen from the public statements of U.S. President and Secretary of State as well the French President, the issue of public trust in democracy in Israel has become a global issue of interest and has critical consequences to global public trust in democracy. The question that should be asked however is if the debate that is undergoing in Israel and the consequent danger to democracy reflects on a broader issue of global decline in public trust in elections and in democracy.

As advocated by this research, fear of declining public trust in the democratic system has concerned people around the world. According to a survey of the Few Research Center (2020), concern for democracy's future is based on the view that democracy is at risk because those with power seek to maintain their power by building systems that serve them, not the masses. In 2021, the level of democracy enjoyed globally by the average person was down to 1989 levels (V-dem Institute, 2022).

According to a global survey on democracy in 55 countries, democratic gains of the last 30 years have been greatly reduced and the number of countries leaning to authoritarianism is three times that of those leaning to democracy (Reynié, 2022).

Concern about declining public trust has also been the focus of interest of political leaders. President Biden maintains that democracy is under more pressure than at any time since the 1930's, explaining that not only has democracy stopped spreading but that it is actually in retreat. In his keynote speech in "Summit for Democracy" in December 2021, Biden declared that "democracy is facing sustained and alarming challenges" (U.S. Department of State, 2021). His comments were supported by French President Emmanuel Macron, who told Biden that "you have brought us together to talk about the only political model that allows us to defend these rights and freedoms: democracy, and the fight is more necessary than ever". According to the White House, democracy and human rights are under threat around the world, and since day one, the Biden-Harris Administration has made clear that renewing democracy in the United States and around the world is essential to meeting the unprecedented challenges of our time (U.S. Department of State, 2023a). As explained in a Statement by President Biden: "history and common sense tell us that liberty, opportunity, and justice thrive in a democracy, not in an autocracy (the White House, 2022).

The global decline in public trust in elections has been motivated by concerns about lower levels of public trust in politics and democracy, not only in developing countries, but also in major developed countries as well, which have the duty to lead public trust in the democratic process of election. According to OECD (2021), public trust is the foundation upon which the legitimacy of democratic institutions rest and is crucial for ensuring the success of a wide range of public policies that depend on behavioral responses from the public. Hobit (2016) shows that the divide between winners and losers of globalization was a key driver of the Brexit vote. In the United States, since the 2000 election, researchers have taken an interest in the role of voter confidence and its importance as an assessment of public trust in electoral outcomes (Bryant, 2020). In the 2016 Presidential election, rhetoric about "rigged" elections raised concerns about the solidity of public trust in the integrity of the voting system (Levy, 2021). A competing narrative of a "stolen election" also led to low public trust of the election process and outcome in the 2020 U.S. Presidential Election (Persily and Stewart, 2021). As explained by Gaber and Fisher (2021), the undermining of public trust in elections is the result of the ongoing evolution of "spin" in the digital era in leading democracies - the 2016 Brexit Referendum and the 2019 general election in the United Kingdom, and Trump's victory in 2016 and his increased electoral support in 2020. According to Rose (2017), the combination of lows in campaign rhetoric and the rise of fake news shows that we are in an age of "post-truth politics" - in which truth is less important than public attitudes and where everyone has their own facts. Survey by Few Research Center (2020) found broad concern that the rise of misinformation and disinformation is leading to declining public trust in many institutions and lowering incentives to reform and rebuild those institutions.

Concerns with declining public trust in the ability of governments to address policy issues have become a global phenomenon. Lack of trust is elections has become common to all political systems, with the result that concern with declining public trust in government has become a permanent element of the contemporary political discourse (Van de Walle, Van Roosbroek, and Bouckaert, 2008). The main concern is that public confidence declines due to deficiencies in the conduct of elections and elected officials, including the failure to count votes accurately, the inability of voters to vote or the

difficulties of minor parties to access ballots, as well as the power of lobbyists and donors and the consequent decline in the legitimacy of the political discourse. According to Mellman Group November 2020 survey, 77% of Americans surveyed said counting every vote is more important than having their preferred candidate win. To overcome this, since 2020 American legislatures enacted measures that increase the risk of an election's declared outcome does not reflect the choice of the voters (United States Democracy Center, 2023).

CONCLUSION

Public trust in democracy is a fundamental element of a healthy and functioning society. It is essential to the belief of people in governments and political and institutions, creating a sense of security and stability and allowing public cooperation and social cohesion. With public trust in democracy, people trust their leaders and support policies and decisions, contributing to transparency, accountability and ethical behavior in public and private institutions, ensuring that they act in the best interest of the community. The core of democracy is public trust in elections, which provide the opportunity for citizens to participate in the political process, exercise their right to vote, and shape the future of the country.

The issue of public trust in elections has been widely debated as concerns about the fragility of Israeli democracy have grown with the political instability which led to five consecutive election cycles in just four years. Israel suffers from a chronically divided electorate which to a large extent is due to a political system that gives small parties disproportionate leverage. Those factors have been around for decades, and it is commonly agreed that this can be considered as a main source of the political deadlock which resulted in multiple consecutive election campaigns. Public debate of the role of the government in democracy has largely intensified after the November 2022 election, emphasizing the effects of unstable and declining levels of public trust in the political system and its institutions, as Israel is dealing with an extensive constitutional and electoral crisis.

The trust of the people in democracy in Israel is an important aspect of the country's political landscape. The democratic system in Israel allows for political pluralism, free and fair elections, and the protection of civil liberties, which contribute to public confidence in the democratic process, but the current debate over legal reforms reflects the diverse perspectives within the country's political and legal landscape. The main issue in debate is over judicial activism. While the government claims that the Supreme Court's interventions in government decisions, particularly is issues of security, can undermine democratic decision-making and the separation of powers. In contrast, opponents to the policy of the government argue that judicial activism is necessary to protect individual rights, ensure checks and balances, and hold the government accountable. As concluded in this research, the controversy has global influence, as world leaders argue against global decline in public trust in elections and in democracy, and examine the local debate in global eyes that reflects the global political reality that Israel is the only democracy in the Middle East.

According to this conclusion, the global concern about public trust in democracy in Israel is based on the notion that democracy is considered as one of the critical shared values that form the basis of Israeli global relationship and the respectful global status of Israel. As explained by U.S. Secretary of State, Anthony Blinken: "The commitment of people in both our countries to make their voices heard, to defend their rights, is one of the unique strengths of our democracies. That conversation

will continue, including with other members of Israel's Government and civil society, as part of a perpetual process to defend and bolster the pillars of our democracy, which we are both committed to" (U.S. State Department, 2023).

REFERENCES

1. Barak, Aharon (2003). The Role of a Supreme Court in a Democracy, and the Fight Against Terrorism. http://www.antoniocasella.eu/archica/Aharon_Barak_2003.pdf
2. Dotan, Yoav (2018). Impeachment by Judicial Review: Israel's Odd System of Checks and Balances. Journal Theoretical Inquiries in Law. https://www.degruyter.com/document/doi/10.1515/til-2018-0033/html
3. Gavison, Ruth (2016). Constitutions and Political Reconstruction? Israel's Quest for a Constitution. International Sociology. Volume 18, Issue 1
4. Hayut, Ester (2019). The Role of the Court in Reaching Judicial Decisions that Concern the State of Israel's National Security. Justice Esther Hayut is the Chief Justice of the Supreme Court of Israel. This article is based on a lecture given by Justice Hayut at the INSS 12th Annual International Conference on January 29, 2019. https://strategicassessment.inss.org.il/wp-content/uploads/antq/fe-1116211559.pdf
5. Hermann, Tamar; and Anabi, Or (2022). Israel Democracy Institute. 39% of Israelis Do Not Trust the Purity of the Knesset Elections. https://en.idi.org.il/articles/46175
6. Few Research Center (2020). Themes about the digital disruption of democracy in the next decade. https://www.pewresearch.org/internet/2020/02/21/themes-about-the-digital-disruption-of-democracy-in-the-next-decade/
7. Friedman, L. Thomas (2023). In 46 Words, Biden Sends a Clear Message to Israel. The New York Times, February 12. https://www.nytimes.com/2023/02/12/opinion/joe-biden-bibi-netanyahu-israel.html
8. Hobit, Sara (2016). The Brexit vote: a divided nation, a divided continent. Journal of European Public Policy. Volume 23, Issue 9
9. Levy, Morris (2021). Winning cures everything? Beliefs about voter fraud, voter confidence, and the 2016 election. Electoral Studies. Volume 74
10. Mellman Group November 2020 survey. https://statesuniteddemocracy.org/wp-content/uploads/2020/11/20mem1103-f4-Voter-Protection.pdf
11. OECD (2021). Trust Survey Report. https://www.oecd.org/governance/trust-in-government/
12. OECD (2023). States of Fragility 2022. https://www.oecd.org/dac/states-of-fragility-fa5a6770-en.htm
13. Office of National Statistics (2022). Trust in government, UK. https://www.ons.gov.uk/peoplepopulationandcommunity/wellbeing/bulletins/trustingovernmentuk/2022
14. Persily, Nathaniel; and Stewart, Charles (2021). The Miracle and Tragedy of the 2020 U.S. Election. Journal of Democracy. Volume 32, Number 2
15. Rahat, G., and R. Y. Hazan. 2011. "The Barriers to Electoral System Reform: A Synthesis of Alternative Approaches." West European Politics 34 (3): 478–494.).
16. Rose, Jonathan (2017). Brexit, Trump, and Post-Truth Politics. Jonathan Rose. Public Integrity. Volume 19, Issue 6
17. The White House (2022). Remarks by President Biden on Standing up for Democracy. Columbus Club, Union Station. Washington, D.C. November 3. https://www.whitehouse.gov/briefing-room/speeches-remarks/2022/11/03/remarks-by-president-biden-on-standing-up-for-democracy/
18. Shinar, Adam (2021). Freedom of Expression in Israel: Origins, Evolution, Revolution and Regression. Oxford Handbook on the Israeli Constitution (Aharon Barak, Barak Medina, Yaniv Roznai, eds.)
19. State Department (2023). Israeli Settlement and Outpost Legalization Announcement. Press Statement. Anthony J. Blinken, Secretary of State, February 13. https://www.state.gov/israeli-settlement-and-outpost-legalization-announcement/
20. State Department (2023a). Secretary Antony J. Blinken and Israeli Prime Minister Benjamin Netanyahu After Their Meeting. January 30. https://www.state.gov/secretary-antony-j-blinken-and-israeli-prime-minister-benjamin-netanyahu-after-their-meeting/
21. United States Democracy Center (2023). A Democracy Crisis in The Making: August 2022 Edition. https://statesuniteddemocracy.org/resources/dcitm-august-2022/
22. U.S. Department of State (2023). The Summit for Democracy. https://www.state.gov/summit-for-democracy/
23. U.S. Department of State (2021). Summit for Democracy. https://www.state.gov/summit-for-democracy-2021/
24. Van de Walle, Steven Steven; Van Roosbroek, Steven; and Bouckaert, Geert (2008). Trust in the public sector: is there any evidence for a long-term decline? International Review of Administrative Sciences. Volume 74, Issue 1
25. V-dem Institute (2022). Democracy Report/ Autocratization Changing Nature? https://v-dem.net/media/publications/dr_2022.pdf
26. Reynié, Dominique (2022). Freedoms at risk: the challenge of the century. A global survey on democracy in 55 countries. https://community-democracies.org/app/uploads/2022/01/fondapol-IRI-CoD-KAS-Genron-FNG-Rda-survey-freedoms-at-risk-the-challenge-of-the-century-01-2022.pdf