**Supplemental Appendix**

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**A Brief Summary of Recent Events realted to the Israeli Supreme Court[[1]](#footnote-1)**

Although Israel, which was established in 1948, has no formal constitution, the power of the Court to review the actions of the legislature was established in the mid-1990s. The Israeli Supreme Court pronounced that there were five Basic Laws providing fundamental principles that the government could not contravene. Since then, the court has exercised a power akin to judicial review when it comes to these basic principles.

Like many nations, the Israeli political spectrum runs the gamut from extreme left to center to the extreme right. It is a parliamentary demonocracy with a multiparty system and coalition governments. As leader of the rightwing Likud party, Netanyahu has been the Prime Minister under different governing coalitions from 1996 to 1999, then again from 2009-2020, and most recently since December 2022. Over this time there have been many changes in the coalition government he leads, which is generally portrayed as increasingly extremist, with significant religious orthodox and nationalist contingents.

When PM Netanyahu took power again in December 2022 with a new rightwing coalition, he had his sights set on reforming the Israeli court system. Pundits and political opponents argued that this was part of an ill-disguised attempt to escape culpability on formal corruption charges that had been brought against him based on activities during his prior administration. Formally, the new government argued that change was necessary because a left leaning Court was regularly usurping the power of the Knesset, preventing the will of the people from being reflected in state policy.

Many of his opponents have criticized the Prime Minister for engaging in authoritarian political tactics. Recent attempts at judicial reform have been criticized on such grounds. Three elements of the coalition government proposal to curb the power of the Court are especially relevant to our inquiry and have caused a significant amount of controversy in Israel in 2023. The first is a direct assertion of legislative supremacy which would allow a majority of the Knesset to overrule decisions of the Court. The second would change the way justices on the Israeli Supreme Court are appointed, giving control to the ruling coalition which would essentially transform the current merit selection system to a system of political appointment with close to full control of the ruling coalition. The third element involves doing away with the standard of “reasonableness” that the ruling coalition must follow when taking certain types of government action, and has been used extensively by the Court in its rulings limiting government powers.

After the new coalition took power in December of 2022, they swiftly moved to reform the system. Since the beginning of 2023, there were mass protests across the country in opposition to these measures. Moreover, members of the opposition and military officials expressed misgivings about such tactics. Indeed, in Spring of 2023 the government pressed the pause button on judicial reforms to seek broader public consensus when members of the Israeli armed forces said they would not continue to serve if the measures were put into place and the Minister of Defense, Yoav Galant, was fired and then reinstated shortly thereafter. Significant weekly protests in Tel Aviv and across the country continued for many, many weeks until the October 7, 2023 attack by Hamas terrorists, where 1200 people were murdered, many were raped, mutilated and burned, and about 250 were taken hostage into Gaza. In the war the ensued in the aftermath of the attacks, the judicial overhaul was put on the back burner.

These protests, every Saturday night drew hundreds of thousands of citizens opposed to judicial reform and what were seen as increasingly authoritarian tactics by the government. On July 24, 2023 the Knesset ended its “pause” on reform, taking the first of several votes required to implement the proposed changes to the judicial system by preventing judges from striking down actions taken by the government because they were deemed “unreasonable.” Just before the October 7 incursion, the tension surrounding the proposed reform again intensified when the Chief of Police in Tel Aviv was fired for failing to take more stringent measures against the weekly protesters.

Some argue that the rift in Israeli society over reform measures helped to embolden the members of Hamas who planned the incursion on October 7, 2023. The opposite may also be true, when the protests showcased Israeli democracy at its best, putting Israel squarely within the axis of Western liberal democracies and highlighting the support the country would receive from the United States and its allies in case it was attacked. Either way, the issue of judicial reform has certainly taken a back seat in light of the ongoing war, which directly affects many citizens who had their safety directly threatened, have family members who are currently serving, or are of age to be called to the military to serve during the conflict, who lost family members, or whose family members are held hostage. While other political debates persist, particularly around a prisoners deal that would bring the hostages in Gaza back home, a year into the war, with few exceptions the issue of the reform is off the political agenda for the most part.

It should be mentioned that although recent events have certainly put the issue of judicial reform on the back burner in terms of the public and international attention it was receiving before the October 7 incursion, on January 1, 2024, the Israeli Supreme Court did take action to overrule the measure passed by the Knesset in July of 2023. In an 8-7 decision, the Court ruled that doing away with the unreasonableness standard caused “severe and unprecedented harm to the core character of the State of Israel as a democratic country.” By a vote of 12 to 3, the justices also reasserted their authority to overturn actions inconsistent with the Basic Laws of Israel. The ruling clearly sets the stage for a direct conflict between the judiciary and elected branches of government which are both essentially controlled by PM Netanyahu in the parliamentary system. As such, current unrest in the region notwithstanding, the conflict over judicial authority is not over.

**The Israeli Student Sample**

The Sample and Descriptives

As detailed further below given the demographics we have for our student sample it is evident they do not approximate the larger Israeli population in terms of age ideology, or ethnicity. Besides being significantly younger (as one might expect) the students in are sample are disproportionately Jewish, liberal individuals who generally oppose the government, support equal treatment for minority groups. Again, this might not be too surprising as Tel Aviv, itself, is sometimes referred to as “the bubble” where ethnic and religious tensions are not felt as deeply as they are in other parts of the region like Jerusalem. Jerusalem is about an hour away but home to both more religious Jews and more Palestinian enclaves. Tel Aviv is also closer to the northern region of Israel and so more proximate to some of the northern counties with substantial populations of ethnic Arab Israeli citizens. During the initial administration weekly protests concerning those measures were ongoing in Tel Aviv; our second administration occurred after the October 2023 attack and these protests were not as prominent. All this is to say the students who took part in our study were likely subject to these influences and may have been reluctant to express views or affiliations where they felt they did not comport to that of a majority of students.

The population in Israel is about 75% Jewish, 20% Arab (’Arab Israelis’), about 5% of the population identifies as “other” (Druze, Christians who are not Arab, etc). In terms of religiosity nearly 20% of the population identifies as Muslim, about 33% of Israelis identify as secular or non-religious jews. Another 25% identify as “traditional” (not wholly non-religious but not too religious), and about 10% each identify as orthodox and ultra-orthodox, respectively. Less than 2% identify as Christian or some other religion.

Although a recent study indicates over 50% of Israeli’s have some sort of post-secondary education (Erudera, 2022), it is worth noting that both Arab-Israelis and ultra-orthodox populations are under in institutions at higher education in Israel. A 2021 fact sheet for Tel Aviv University indicates that in “recent years” the percentage of Arab Israeli undergraduate students has increased from 8-9% to about 16%. The same document also indicates 150 of the university’s 30,000 students are (or are former) ultra-orthodox jews. This number is extremely low because very religious Jews tend to take distinct educational paths via religious schools, and most do not pursue post-secondary education. Moreover, it is not clear that minorities at the university are evenly distributed thorough different types of majors. The students that took part in the study were all contacted through their association with the political science department at the university, a major that might not be common among Israeli minority populations. Thus, even if we had a sample that perfectly reflected enrollment at the university it would not necessarily enable us to make generalizations about how the larger Israeli population thinks about benefits from the court or institutional reform. Still, the question remains whether we can identify anything useful about how the individuals in our sample think about these issues.

Table A1 - Demographics of Israeli student Sample

|  |  |  |
| --- | --- | --- |
|  | # Resp. | % Answering |
| Ideology |  |  |
| Extreme left | 7 | 9 |
| Left of center | 20 | 35 |
| Neutral | 9 | 16 |
| Right of center | 19 | 33 |
| Extreme Right | 2 | 4 |
| No answer | 19 |  |
|  |  |  |
| Vote Last Election |  |  |
| Pty not in coalition` | 42 | 73 |
| Didn’t vote | 9 | 15 |
| Party in coalition | 6 | 10 |
| No answer | 19 |  |
|  |  |  |
| Support Gvt. Coalition |  |  |
| Strongly oppose | 38 | 67 |
| Somewhat oppose | 9 | 16 |
| Neutral | 5 | 9 |
| Somewhat support | 4 | 7 |
| Strongly support | 1 | 2 |
| No answer | 19 |  |
|  |  |  |
| Male | 26 | 46 |
| Female | 31 | 54 |
| No answer | 19 |  |
|  |  |  |
| Religion |  |  |
| Jew (28 secular//17 traditional //3 traditional religious) | 48 | 84 |
| Druze | 1 | 2 |
| Other | 1 | 2 |
| Atheist/does not apply | 7 | 12 |
| No answer | 19 |  |

 As is evident from Table A1, most of the sample skews left and there is a very high incidence of non-response to even the most basic demographic questions (for instance 19 of 75 did not answer most questions including those relating to ideology, sex, and religion). The fact that all the respondents are at least high school graduates and only 3 respondents who answered the age question indicated that they were over 30 years old deters our ability to “get at” variance that exists in the views of people of different ages and educational levels in the larger population

On questions about equal protection, that were asked of the participants in our first experiment unsurprisingly most supported the equal treatment of Israeli Arabs, Women, members of the LGBT+ community, and secular vs. religious Jews.

**Table A2 Support for Equal treatment among different groups**

|  |  |  |
| --- | --- | --- |
|  | Support | Oppose |
| Israeli Arabs | 87% | 13% |
| Immigrants | 83% | 17% |
| Women  | 89% | 11% |
| LGBT+ | 92% | 8% |
| Secular v. religious  | 88% | 12% |

**Demographics 2023 CES Sample**

|  |  |  |
| --- | --- | --- |
|  | # Resp. | % Answering |
| Gender |  |  |
|  Male | 460 | 46% |
|  Female | 529 | 53% |
|  Non-binary | 11 | 1%  |
|  |  |  |
| Ideology |  |  |
|  Liberal | 271 | 29% |
|  Neutral | 322 | 35% |
|  Conservative  | 338 | 36% |
|  |  |  |
| Party Identification |  |  |
|  Republican | 376 | 40% |
|  Democrat | 444 | 46% |
|  Independent | 142 | 14% |
|  |  |  |
| Race |  |  |
|  White | 643 | 64% |
|  Black | 136 | 14% |
|  Latinx | 130 | 13% |
|  Asian | 53 | 5% |
|  Multi-racial | 23 | 2% |
|  Other | 9 | 1% |
|  |  |  |
| Education |  |  |
|  No HS | 46 | 5% |
|  HS Graduate | 284 | 28% |
|  Some College | 218 | 22% |
|  2 year college  | 110 | 11% |
|  4 year college | 222 | 22% |
|  Post Graduate Degree | 120 | 12% |
|  |  |  |
| Guns should be regulated |  |  |
|  Disagree | 332 | 32% |
|  Agree | 666 | 67% |
|  |  |  |
| Vote Last Election |  |  |
|  Biden | 388 | 39% |
|  Trump | 346 | 35% |
|  Other | 23 | 2% |
|  Didn’t Vote | 242 | 24% |
|  |  |  |

**Relevant Question Wording – Israeli Student Sample**

There is a lot of talk about the Israeli Supreme Court in our country these days. We are asking people about their views of the Supreme Court

Some people believe the Supreme Court should play a role in ensuring the equal treatment of all individuals in society, others think there are sometimes valid reasons to treat people differently. In general, how much do you support equal treatment for following groups?

Arab Israelis

1-strongly support

2-somewhat support

3-slightly support

4-slightly oppose

5-somewhat oppose

6-strongly oppose

Immigrants

1-strongly support

2-somewhat support

3-slightly support

4-slightly oppose

5-somewhat oppose

6-strongly oppose

Women

1-strongly support

2-somewhat support

3-slightly support

4-slightly oppose

5-somewhat oppose

6-strongly oppose

Individuals in same sex relationship

1-strongly support

2-somewhat support

3-slightly support

4-slightly oppose

5-somewhat oppose

6-strongly oppose


|

Religious and secular jews

1-strongly support

2-somewhat support

3-slightly support

4-slightly oppose

5-somewhat oppose

6-strongly oppose

Top of Form

Judging by its recent decisions, do you think the Israeli Supreme Court is generally to the left, generally to the right, or is it making decisions more on a case-by-case basis?

1-Generally to the left

2-Generally to the right

3-Case by case basis

**Control**

No case manipulation

**Bottom of Form**

**Reasonableness Manipulation**

Top of Form

Not everyone always agrees with the Court, but some people think that one of the most important things the court does is constrain the action of government officials. For instance, in a recent decision the court struck down an action of the ***(Lapid/Netanyahu***) government because the government failed to meet the standard of reasonableness.

**Equal Treatment Manipulation – Kollel Laws**

Not everyone always agrees with the court, but some argue one of its most important roles is protecting Israeli citizens from discrimination. For instance in a 2010 petition filed by an ***(Arab/secular jew)*** the court ruled that a section of the Budget Law that guaranteed minimal income allowances to Kollel students is a disproportionate violation of the principle of equality, since the budget only covers kollel students. The decision stated, “The fact that Kollel students are members of a unique community that defines Torah studies as an essential part of its identity, cannot justify violating the basic equality of all citizens of the state."

**Free Speech Manipulation – Protest of Dietary Laws**

Not everyone always agrees with the Court, but some people argue that one of the most important things the court does is protect the rights of Israelis. For instance, in a recent decision the court upheld the free speech rights of (***secular jews/religious jews) protesting the (enforcement/lax enforcement)*** of strict dietary restrictions in public facilities, specifically of Kosher food in Pesach in public hospitals.

On the following scale of 1-6 please indicate what you think of this decision

1-strongly support

2-somewhat support

3-slightly support

4-slightly oppose

5-somewhat oppose

6-strongly oppose

Top of Form

In general, how do you think SOCIETY has been influenced by decisions of the Supreme Court?

1-benefited a great deal

2-benefited somewhat

3-benefited slightly

4-not really influenced

5-been hurt slightly

6-been hurt somewhat

7-been hurt a great deal

Specifically, how do you think PEOPLE LIKE YOU have been influenced by decisions of the Israeli Supreme Court?

1-benefited a great deal

2-benefited somewhat

3-benefited slightly

4-not really influenced

5-been hurt slightly

6-been hurt somewhat

7-been hurt a great deal

Bottom of Form

Bottom of Form

Top of Form

In the past several months there has been a reform proposal to make changes to the Israeli Supreme Court.

Do you support or oppose making changes to the Supreme Court.

1-strongly support

2-somewhat support

3-slightly support

4-slightly oppose

5-somewhat oppose

6-strongly oppose

Top of Form

I am going to ask you about how much you would support or oppose specific proposals that have been discussed to change the Israel supreme Court.

Override clause based on regular majority of 61 MKs.

1-strongly support

2-somewhat support

3-slightly support

4-slightly oppose

5-somewhat oppose

6-strongly oppose

Granting the coalition control over the Judicial Selection Committee.

1-strongly support

2-somewhat support

3-slightly support

4-slightly oppose

5-somewhat oppose

6-strongly oppose

Limiting the use of the Reasonableness.

1-strongly support

2-somewhat support

3-slightly support

4-slightly oppose

5-somewhat oppose

6-strongly oppose

Top of Form

Top of Form

What is your political ideology?

1-Very left wing

2-Left of center

3-neutral

4-Right of center

5-Very right wing

99-Don’t know

Did you vote for he coalition at the last election?

1-Voted for a party not in the coalition

2-Voted for a party in the coalition

3-Didnt vote

4-Not israeli voter

Please indicate your level of support or opposition to the current Israeli government

1-Strongly Oppose

2-Somewhat Oppose

3-Neutral (Neither Oppose or Support)

4-Somewhat Support

5-Strongly Support

What is your sex

1-Male

2-Female

3-Other

What is your age

Level of education

1-Did not finish high school

2-High school graduate

3-Some college

4-College graduate

5-Post graduate degree

Are you a

1-Jew

2-Muslim

3-Christian

4-Druze

5-Other

6-No religion/atheist

88- Dont know

99- Does not apply

Top of Form

Do you consider yourself as being

1- Ultra-religious ("haredi")

2- Religious

3- Traditional but religious

4- Traditional but not so religious

5-Non-religious; secular

88- Dont know

99- Does not applyBottom of Form

Bottom of Form

Bottom of Form

Bottom of Form

Bottom of Form

Bottom of Form

Top of Form

**CES 2023 Module – Relevant Question Wording**

USSC\_subj\_ideology

Variable Label

Judging by its recent decisions, do you think the Supreme Court is generally liberal, generally conservative, or is it making decisions more on a case-by-case basis?
Question Text

Columns:

1. Generally liberal
2. Generally conservative
3. Case-by-case basis

Gun control

Variable Label

Some people think guns are dangerous weapons that should be strictly regulated by the government, others believe guns are not inherently dangerous and it is up to individuals to control their own actions.

To what extent to do you agree that guns should be strictly regulated?

Question Text

Columns:

1. Strongly Disagree
2. Disagree
3. Slightly Disagree
4. Slightly Agree
5. Agree
6. Strongly Agree

**Experimental Treatments**

***One-third (1/3) of respondents should NOT see this question; they are in the control condition. Randomly assign the remaining two-thirds (2/3) of respondents to see either IUA128a, IUA128b, IUA128c, or IUA128d. Please record which prompt the respondent received.***

Programming Instructions

**Free Speech Treatments**

Not everyone always agrees with the Supreme Court, but some people argue that one of the most important things the Court does is protect the rights of citizens. For instance, in a recent decision the Court upheld the free speech rights of citizens protesting in favor of federal gun restrictions near NRA corporate headquarters.

What is your opinion of the Court’s decision in this case?

 Not everyone always agrees with the Supreme Court, but some people argue that one of the most important things the Court does is protect the rights of citizens. For instance, in a recent decision the Court upheld the free speech rights of citizens protesting in favor of Second Amendment rights nearBloomberg LP’s corporate headquarters due to its reported support for gun control measures.

What is your opinion of the Court’s decision in this case?

**Executive Authority Treatments**

 Not everyone always agrees with the Court, but some people think that one of the most important things the Court does is keep government officials from exceeding their constitutional authority. For instance, in a recent decision the court struck down an executive order issued by former President Trumpabout immigration because it infringed upon the law-making powers of Congress.

 What is your opinion of the Court’s decision in this case?

 Not everyone always agrees with the Court, but some people think that one of the most important things the Court does is keep government officials from exceeding their constitutional authority. For instance, in a recent decision the court struck down an executive order issued by President Biden about immigration because it infringed upon the law-making powers of Congress.

Columns:

1. Strongly oppose
2. Somewhat oppose
3. Slightly oppose
4. Slightly support
5. Somewhat support
6. Strongly support

Generally speaking, how do you think SOCIETY and PEOPLE LIKE YOU are influenced by decisions of the Supreme Court?
Question Text

Rows:

IUA129 How is SOCIETY influenced
IUA130 How are PEOPLE LIKE YOU influenced

Columns:

1. Much worse off
2. Somewhat worse off
3. Slightly worse off
4. Neutral
5. Slightly better off
6. Somewhat better off
7. Much better off

USSC\_changes

Variable Label

In the past several years there has been some discussion about making changes to the US Supreme Court. Do you support or oppose making changes to the Supreme Court?
Question Text

Columns:

1. Strongly support
2. Somewhat support
3. Slightly support
4. Neutral
5. Slightly oppose
6. Somewhat oppose
7. Strongly oppose

USSC\_specific

Variable Label

***Please randomize order or rows.***

Programming Instructions

Do you support or oppose these specific proposals that have been discussed to change the US Supreme Court?
Question Text

Rows:

 Changing the lifetime term of membership on the Supreme Court to period of 18 years
 Electing Supreme Court justices rather than having them appointed by the President Adding several justices to the Supreme Court above its current level of 9

Columns:

1. Strongly support
2. Somewhat support
3. Slightly support
4. Neutral
5. Slightly oppose
6. Somewhat oppose
7. Strongly oppose
1. For much more detailed treatment see of the recent politics of Judicial change in Israel see Sommer and Braverman (2023). [↑](#footnote-ref-1)