Institutional Entrenchment and the Prospects for Democracy: Evidence from Israel's Judicial Overhaul

Dr. Brendan Szendrő

Faculty Lecturer, Political Science

McGill University

Email: <u>brendan.szendro@mcgill.ca</u>

ORCID id: https://orcid.org/0000-0002-2967-4338

Word count: 8871 words

Abstract: Why do members of the public support democratic backsliding in consolidated democracies? Drawing on a case study of Israel's 2023 judicial overhaul, I argue that institutions can shape civil society behaviors by creating entrenched interest groups. I examine the role of the National-Religious sector, a semi-institutionalized bloc, relative to the wholly institutionalized Haredi, "Ultra-Orthodox" sector. I argue that semi-institutionalization creates conditionality in illiberal behaviors, relative to consistently rejectionist platforms. I test these theories using data from the 2022 Israel Democracy Index. I find that Haredi respondents consistently reject the Court's right to judicial review and express discontent with the democratic aspect of the State of Israel. By contrast, respondents from the National-Religious sector only voice such opinions in the presence of perceived threats to their lifestyle. Further tests indicate, however, that cross-cutting cleavages reduce Haredi illiberalism more so than that of the National-Religious sector. I conclude by exploring the role of conditionality in shaping proactivity, and the potential exploration of entrenched interest groups in comparative context.

Institutional Entrenchment and the Prospects for Democracy: Evidence from Israel's Judicial Overhaul

In 2023, the 37th Government of Israel launched a series of reforms aimed at weakening the judicial branch. These proposals included a wide array of legislation that would weaken the Court's power of judicial review and increase governing coalitions' influence in judicial selection. Following a series of protests culminating in a general strike of 700,000 workers, Prime Minister Benjamin Netanyahu subsequently announced a pause to the overhaul, which had drawn scholarly comparisons to Viktor Orban's 2012 rewrite of the Hungarian Constitution and Andrzej Duda's 2015 Constitutional Tribunal Bill in Poland (Times of Israel, 2023a). Following Netanyahu's announcement, however, right-wing counter-protests erupted in support of the overhaul, chanting slogans against the Supreme Court (Shavit, 2023). Commentators expressed fears that the stage was set for a crisis not just in Israel's institutions, but in the streets themselves. Even President Isaac Herzog raised the specter of "civil war" (cf. Times of Israel, 2023b).

Such developments have sparked widespread interest into the behaviors surrounding democratic backsliding. Israel is a consolidated democracy with high levels of economic development. Although this has historically constituted the first and foremost defense against democratic backsliding, recent scholarship suggests further risks (Waldner and Lust, 2018). Some scholars argue that democratic backsliding can come "from above," driven by elites. In such cases, the general public remains broadly supportive of democracy, but is misled by savvy politicians (Bartels, 2023). Yet in Israel, illiberal moves have received broad support from rightwing parties' bases. Others contend that democratic backsliding is largely driven by polarization (Svolik, 2020). Haggard and Kaufman (2021) suggest that these factors work in tandem. Unlike

other cases, however, polarization in Israel has occurred not on material lines such as economic development or income inequality, but around Israel's unique political axes. Thus, the recent events in Israel allow scholars to examine the question: why do members of the public support undemocratic behaviors in consolidated democracies?

I argue that institutions shape behaviors by creating entrenched interests. The Israeli case provides a natural example due to a "non-liberal pluralist" system which creates both formal and informal sectoral divisions in civil society (Halmai, 2016). Although the "Constitutional Revolution" of the 1990s sought to consolidate liberalism within Israeli institutions, recent decades have seen the right mobilize not only to prevent such changes, but to inculcate their own set of institutions according to an illiberal framework (Mordechay and Roznai, 2017; Talshir, 2022). At the heart of this development lies the question of religion-state relations. Israel's "status quo" agreement guarantees certain legal standing to an institutionalized sector of civil society, the Haredi "ultra-Orthodox" sector. Recent decades, however, have also witnessed the growth of the National-Religious sector, a semi-institutionalized interest group existing at the juncture of religious and secular-nationalist interests (Pedazhur, 2012; Sandler, 1996). The National-Religious sector has received recent attention due to its profound and increasing influence on Israeli politics (Katsman, 2020; Peled and Herman-Peled, 2019).

Using data from the Israel Democracy Index, I build a model comparing anti-democratic behaviors in the institutionalized Haredi sector to behaviors in the semi-institutionalized National-Religious sector. I argue that the National-Religious sector's unique position lends itself to *conditionality* in illiberal views. Because the National-Religious sector is only semi-institutionalized, its political activities should be subject to internal variation based on individual adherents' attitudes. Illiberal activity in the National-Religious sector, then, should be contingent

on perceptions of threat from liberal institutions. By the same token, the Haredi sector should demonstrate consistent attitudes regardless of threat perception.

I find that while the Haredi sector is consistent in its anti-democratic stances, members of the National-Religious sector demonstrate conditional tendencies. Among National-Religious respondents, threat perception mediates opposition to judicial review, prioritizing Jewish over democratic norms, and institutionalizing Jewish law at the expense of democratic principles. At the same time, I further find that cross-cutting cleavages reduce Haredi rejectionist tendencies, but not National-Religious ones. Such findings highlight the potential for a second attribute of semi-institutionalization: *proactivity*. I conclude by offering potential applications in a comparative context, and future steps for further research. Such findings speak to the role of interest groups and time horizons in shaping democratic consolidation, offering further insights on findings by scholars such as Boix (2015), Lerner (2011), Przeworski (1991). They argue for a holistic approach to examining political culture and institutions as two halves of the same whole.

This study proceeds as follows: first, I review literature on democratic backsliding in consolidated democracies; next, I discuss the concept of institutionalization in Israel's sectoral civil society and introduce two hypotheses regarding illiberal behavior. Third, I present descriptive statistics and a research design. After examining the results, I discuss extensions, robustness checks, and comparative applications.

2. Democratic Backsliding and Institutionalized Interests

Theories of democratic backsliding largely fall into six categories: leader agency, political culture, institutions, political economy, social structure, and international factors

(Waldner and Lust, 2018). The role of public support for un-democratic measures remains a particular interest but is not well-understood (Svolik, 2020). In this paper, I seek to use Israel as a case study to explore the reasons why members of the public may support un-democratic measures in consolidated democracies. Although this paper will focus largely on Israel's particular dynamics, I will ultimately suggest potential applications to other countries. Here, I will focus on two particular elements: political culture, on the one hand, and political institutions on the other. Using Israel's 2023 judicial reforms as a case study, I offer a model in which members of a body politic may support un-democratic actions due to their involvement in entrenched interest groups. This is made possible by a system of unstructured political institutions on the one hand, and a highly institutionalized civil society on the other. I suggest that this structure facilitates self-interested political behavior on the part of entrenched interest groups and thus undermines consensus values in a democratic setting.

Democracy is famously made possible when it is "the only game in town" (Linz and Stepan, 1996). In order to achieve such levels of consolidation, all relevant veto players must believe they are better off under democratic arrangements than un-democratic ones. This means that electoral losers must have guarantees that they will eventually get their turn at the proverbial wheel (Przeworski, 1991, pp. 26-36; 66-88). Economic development can secure such compliance by raising the stakes of defection; evidence largely suggests that economic development safeguards against breakdown but yields controversial and inconsistent results with regard to transition. Early studies of democratic backsliding largely focused on "third wave" democracies in the aftermath of the Cold War, which faced significant difficulties in consolidating democratic institutions (cf. Waldner and Lust, 2018). In the past decade, a growing "democratic disconnect" in consolidating democracies indicates has drawn greater attention to the role of civil society in

fostering a democratic political culture, and the role of polarization in undermining democratic norms (Foa and Mounk, 2016).

Political culture refers not only to demographic features of a given body politic, but also to the society's strength of associational life and interpersonal trust. Civil society, discussing the nature of voluntarily associational life in a body politic, is often seen as a bulwark against authoritarianism; nevertheless, there exist proverbial "bad civil society" or "uncivil society" organizations that foster intracommunal trust while at the same time eroding trust between groups or in democratic processes themselves (Chambers and Kopstein, 2001; Kopecky and Mudde, 2003). Thus, associational life does not have uniform effects on social trust and, by extension, democratic outcomes. On the one hand, voluntary organizations with diverse membership typically increase trust between members (Stolle, 1998; Stolle and Rochon, 1998). On the other hand, homogenous communities within divided societies may reduce levels of trust (Bridgman, Nadeau, and Stolle, 2022).

The role of civil society and sectoral divisions in democratic survival is critical because divided societies may show higher levels of polarization, particularly if not all interest groups are protected. Polarization endangers democratic consensus by increasing partisanship at the expense of democratic norms (Haggard and Kaufman, 2021; Svolik, 2020). In cases of executive aggrandizement, partisans may support subversion of democratic norms for the sake of ideological agendas (Gidengil, Stolle, and Bergeron-Boutin, 2022). Aspiring authoritarians may furthermore provide incentives for certain interest groups to ignore un-democratic actions (Wunsch and Gessler, 2023). Divided societies, then, may face a proverbial fork in the road when it comes to democratic survival. Where institutions foster admixture between diverse

groups, civil society fosters trust and democratic support; where institutions divide between such groups, civil society may instead engender lasting differences and partisan polarization.

In Israel, conservative nationalist Civil Society Organizations (CSOs) which encourage group homogeneity have become increasingly prominent, often receiving government support (Jamal, 2018). Some scholars suggest that convergence between conservative governing bodies and CSOs constrains the operation of Israel's liberal or independent civil society (Katz and Gidron, 2022; Tepe and Rubin, 2019). These organizations, which occur organically but receive substantial government support, illustrate the unique ability of Israel's governing institutions to structure its civil society. On the one hand, Israel's governing institutions are relatively unstructured and prefer short-term, small-scale reforms to long-term ones (Rosenthal, 2016). On the other hand, Israel's incremental approach to constitution-building serves as a form of "constructive ambiguity" that enables consociational arrangements in civil society (Lerner, 2011).

Israel's consociational approach to civil society is manifest in a pluralistic legal system that allows for civil autonomy among ethno-religious communities (Sezgin, 2010). Such a system is upheld through the "Status Quo" agreement, a long-standing agreement between secular and religious authorities not to alter the existing balance of power between the two. This pluralistic system, however, is non-liberal, in that it undermines universalist precepts associated with liberal democracy (Halmai, 2016). For example, this pluralistic legal system also enables institutional sorting among communities: Israeli-Arab and Haredi Jewish communities maintain distinct educational institutions and receive draft exemptions. Such institutionalized differences within civil society can have far-reaching implications for democracy. Civic education, for example, is often viewed as a building block for emerging democratic institutions (Finkel, 2003).

As a result, Israeli civil society is often discussed in terms of "sectors." While the word "sector" can take on many colloquial meanings, the terminology is rooted in institutionalized differences between civil society groups. Thus, the potential for democratic backsliding in Israel can be viewed as a convergence between political culture and political institutions. Above all, these institutionalized differences create interest groups with entrenched institutional power from below. As Lerner (2011) notes, the interest groups protected under incremental constitutional arrangements may reject further consolidation if it threatens their status as veto players. Such logic follows long-standing comparative theories that, contrary to Israel's model of incrementalism, large-scale reforms are most likely to succeed when produced quickly (Przeworski, pp. 162-167).

The 2023 judicial reform in Israel marks a unique case of potential backsliding in a consolidated democracy. Existing theories suggest that long-standing democratic institutions and high levels of economic development should prevent such events (cf. Waldern and Lust, 2018). Israel's open and permissive political institutions theoretically meet criteria for institutions that foster cooperation between political factions (Reynolds, 2011). Although a distinct ethnoreligious cleavage remains, the survival of Israel's institutions up until this point would imply that such events are unlikely. Yet the 2023 judicial reforms attracted widespread support *as well as* protest and remain a hallmark of the 37th Government's platform. Grievances against the Supreme Court have served as a hallmark of Israel's right-wing bloc for several decades, and particular among religious parties.

In the section that follows, I will discuss the institutionalization of Israeli civil society along sectoral lines. I argue that this institutionalization creates unique incentive structures to oppose reforms that might further consolidate unstructured democratic institutions. The

controversy over the Supreme Court lies at the heart of the matter. Although such activities are often attributed to the Haredi sector, I will further discuss the involvement of the National-Religious sector, a sector that is less institutionally-ingrained than the Haredi sector but still maintains certain unique hallmarks. As I will argue, the Haredi sector remains a semi-autonomous aspect of Israel's civil society that consistently opposes further consolidation of liberal-democratic institutions. By contrast, as a semi-institutionalized interest, the National-Religious sector demonstrates a unique quality in relation to the model of universalism offered by Israel's Supreme Court: *conditionality*.

3. Israeli Sectors in Comparative Context

The 37th government of Israel formed on December 29, 2022, following a period of electoral instability which saw five snap elections called in just four years (cf. Shamir and Rahat, 2022). Named "the furthest right government in Israeli history," the coalition took on four parties: Likud, representing secular nationalist interests; Shas, representing the Sephardic Haredi sector; United Torah Judaism, representing the Ashkenazi Haredi sector; and the Religious Zionist Party, a technical bloc encompassing a wide range of subcultures within the National-Religious sector (BBC, 2022).¹

Upon forming, the 37th government launched a series of reforms aimed at strengthening majoritarian institutions and consolidating unilateral decision-making within the executive branch, the governing coalition. Key to this study is the proposed "Override Clause," which would allow the Knesset to override the Supreme Court's judicial review with a simple majority.

¹ Throughout, I use the phrase "National-Religious" to describe the civil society sector, and Religious-Zionist to describe institutionalized manifestations such as party apparatuses. As I will discuss, the semi-institutionalized nature of the National-Religious sector allows for broader identification with the movement without formal institutional membership.

Because a Knesset majority represents the governing coalition itself, this would effectively give the executive branch the ability to act unilaterally, without judicial oversight (Times of Israel, 203a).²

The Israeli Supreme Court solidified the right to judicial review in late 1995, as part of a several-year process known as the "Constitutional Revolution." On paper, this development signified an evolution of constructive ambiguity in the context of incremental constitutionalism, towards a more permanent liberal-democratic setting. In the years since, however, scholars have noted a constitutional "retrogression" in Israel, driven by a right-wing bloc that seeks to expand the power of the executive, i.e., the governing coalition, at the expense of the judiciary (Mordechay and Roznai, 2017). Such developments can be observed in existing data. An examination of the Varieties of Democracy (V-DEM) indicators shows that attacks on Israel's judiciary increased immediately following the *Mizrahi v. Migdal* case that entrenched the Supreme Court's right to judicial review. In that time, further expansion of the judiciary's authority has stalled, as depicted in Fig. 1:4

[Fig. 1 about here]

Backlash to the Constitutional Revolution is often attributed to the Haredi, "Ultra-Orthodox" sector. In 1999, for example, 250,000 Haredi protesters gathered in opposition to the court, with leading figures such as Ovadia Yosef referring to Supreme Court justices as "evil, stubborn, and rebellious" (Washington Post, 1999). Still, the Constitutional Revolution did not directly challenge the "Status Quo" agreement or undermine Haredi communal autonomy (Peretz

² The role of personalized politics is important to a broader understanding of this subject but will not be addressed here. See Rahat 2022.

³ Limited judicial review was established in the 1969 *Bergman v. Finance* case, but the ruling was less complete than that of the *Mizrahi v. Migdal* case of 1995.

⁴ Figures from V-DEM Indices based on two variables: "judicial reform" and "attacks on judiciary." In the original data, higher scores indicate lower levels of attacks on the judiciary; scores for this variable are inverted here for readability.

and Fox, 2022). At the same time, the Constitutional Revolution signaled a shift in the underlying principles of the Israeli regime; moreover, it did so in an open-ended manner. Although the Court elevated the status of the Basic Laws, the Basic Laws retain ambiguity in key areas that would enable them to function as a constitution (cf. Lerner, 2011, p. 56).

Such developments can have far-reaching implications for actors' time horizons in an institutional setting. In a comparative context, unstructured institutions rely on large time horizons in order to enforce spontaneous cooperation (cf. Boix, 2015). Moreover, democratic institutions cannot be consolidated unless all relevant actors with potential veto power believe that their interests are better protected under democracy than under alternative relationships (Przeworski, 1991, 26-36; 66-88). As such, open-ended reforms provide a space for potential backlash and thus have a greater potential for failure (pp. 162-167). Within the Israeli context, the Constitutional Revolution altered expectations of the status quo without actually altering the "Status Quo" itself. Thus, the long-term implications may invite backlash even if the immediate implications have proven muted.

Against this backdrop, the role of the National-Religious sector in bridging secularnationalist and Haredi interests begs further exploration. The National-Religious sector is often
associated with the settler movement, which has opposed the Constitutional Revolution due to
the implications of liberal universalism on territorial control (cf. Hirsch-Hoefler and Mudde,
2020; Soper and Fetzer, 2018). More broadly, however, the National-Religious sector is largely
used to describe the practice of Orthodox Judaism without the rejection of secular institutions
such as the military. Over the past few decades, the National-Religious sector has emerged as
one of the most vocal and prominent voting blocs in the Israeli public (Peled and Herman-Peled,
2019). Its political wings have also taken up increasingly public confrontations with the Court. In

2015, for example, Bayit Yehudi MK Moti Yogev called to "take a D-9 to the Supreme Court" (Times of Israel, 2015); and in 2019, Yamina MK Ayelet Shaked's infamous "fascism" campaign ad named "restraining the Supreme Court" and "judicial reform" as campaign platforms (Haaretz, 2019).

Examining sector-based differences in political behavior is particularly important in an Israeli context because the sectors themselves *reflect institutional distinctions*. The "Status Quo" agreement provides Haredi communities with unique, semi-autonomous institutions; this is also true of Arab-Israeli communities. The National-Religious, by comparison, sector is only semi-institutionalized. The community is not empirically observable on the basis of military exemptions or educational institutions and is largely defined by self-identification. At the same time, National-Religious *yeshivot*, Jewish educational institutions, *do* receive distinct allocations in state funding, meaning that there is at least some institutionally-ingrained difference with the Haredi sector as well as mainstream Israeli civil society (Katsman, 2020). In recent decades, the National-Religious sector has further entrenched nascent institutional roots through unique institutions such as arbitration system rooted in *Halakha*, Jewish law, and military preparatory academies for religious Israelis (Halmai, 2016; Lebel, 2015).

The political prominence of the National-Religious Sector, and the key role its political parties have played in the judicial reform, speak to its unique, semi-institutionalized status.

Compared to other sectors, the National-Religious sector possesses a "bifurcated loyalty" structure that enables both collaboration with, and opposition to, the secular state (Rubin, 2014). Historically, this phenomenon has largely been observed in the settler movement rather than in Israel proper (cf. Sandler, 1996). Nevertheless, this bifurcated loyalty enables the National-Religious sector to bridge secular-nationalist and Ultra-Orthodox interests in the Knesset (cf.

Pedazhur, 2012). In recent decades, Israeli parties have coalesced around "stable ideological blocs" primarily concerned with two issue dimensions: religion and security (Rahat, Hazan, and Ben-Nun Bloom, 2016). These ideological axes have further converged on a single "Jewish-democratic" axis that is primarily concerned with the question of balancing the "Jewish" and "democratic" characteristics of the Israeli state (Talshir, 2022).

It is precisely because of its semi-institutionalized status that the National-Religious sector is able to serve in this capacity. Rather than an ideological predilection, the National-Religious sector's political activity is largely drawn from its civil society and institutional relationships (Katsman, 2020). Such dynamics imply a wide range of internal variation. Because the National-Religious sector is less institutionalized than the Haredi sector, an individual can affiliate with the National-Religious sector without formal membership. This means that the National-Religious sector should also prove relatively heterogenous with respect to illiberal or undemocratic norms. The space for fluid political behavior within the National-Religious space can thus be summarized as *conditional*, in that external factors to the sector itself will shape the sector's responses. In the context of Israel's judicial overhaul, it is the degree to which the National-Religious sector perceives a threat from liberal-democratic institutions that should shape their responses. My first hypothesis is thus:

H1: Compared to other sectors, National-Religious respondents will show greater antipathy toward liberal-democratic institutions at higher levels of perceived threat.

I further expect to find little-to-no parallel effects among other religious sectors; in other words, because the Haredi sector is highly institutionalized, respondents will show consistent levels of rejectionist regardless of perceived threat. Likewise, because secular or "traditional religious" respondents are not institutionalized *at all*, their responses should also be relatively consistent in terms of rejecting or accepting liberal-democratic institutions.

By the same token, because institutionalization engenders differences between sectors and mainstream civil society, I further expect an alternative effect – that the use of cross-cutting cleavages will reduce religious sectors' antipathy towards liberal-democratic institutions. In other words, when minority sectors feel like *a part* of Israeli society, they will be less likely to oppose liberal-democratic institutions. My second hypothesis is thus:

H2: Greater solidarity with broader Israeli society will reduce each religious sector's tendencies towards illiberalism.

In the section that follows, I will discuss some descriptive statistics concerning threat perception and solidarity among Israel's religious sectors. Once the basic patterns are established, I will present the research design.

4. Descriptive Statistics

To explore the relationship between civil society sectors and the 2023 judicial overhaul, I have first presented a series of descriptive statistics drawn from the 2022 Israel Democracy Index. This survey, conducted annually, includes a nationally-representative sample of respondents across civil society sectors. Table 1 includes descriptive statistics for four survey questions: "How would you rate solidarity amongst Israeli Jews?" "How would rate solidarity amongst all Israelis?" "How worried are you that your lifestyle will be incurred upon by groups that don't agree with it?" and "To what extent do you agree: The Supreme Court should have power to overturn laws?" The former two questions concerning solidarity are ranked on a scale of 1-10, with "10" indicating the highest level of solidarity. The latter two are four-point Likert scales, with "1" representing "not at all worried," and "strongly disagree," respectively, while "4" represents "very worried," and "strongly agree," respectively.

[Table 1 here]

A comparison of average solidarity scores indicates a deficit among Haredi and Arab respondents, but not among the National-Religious. Such findings illustrate the degree to which institutionalization creates distinctions within Israel's civil society. By contrast, support for judicial review appears much lower among the National-Religious and Haredi respondents than all other categories. Here, Arab respondents demonstrate the highest average support, indicating the degree to which the Supreme Court is viewed as a primarily liberal-democratic institution with universalist tendencies.

Lifestyle anxieties, meanwhile, appear relatively consistent among all respondents, with the lowest average of 2.93 appearing amongst National-Religious respondents, and the highest of 3.1 among Arab respondents. The median lifestyle anxiety across all categories is "3," indicating that the respondent is "quite worried" that their lifestyle will be incurred upon. High levels of lifestyle anxiety across all sectors of Israeli civil society speak to the proverbial "stakes" of Israel's unstructured institutional arrangements. For each religious sector, the perceived threat to their way of life varies considerably. Secular Jews, for example, may be primarily concerned that the overhaul will lead to religious coercion. Haredi Jews may fear that in absence of a judicial overhaul, the "Status Quo" will be upended. The National-Religious sector, meanwhile, may face dual anxieties over the status of religion and the status of the West Bank settlements. Each of these cases speaks to the ambiguity inherent in the present moment; and because each of Israel's religiosity sectors demonstrate relatively high levels of lifestyle anxiety, the effects of such anxieties can be compared between sectors.

[Table 2 here]

I have presented two other descriptive statistics regarding liberal-democratic institutions in Israel. Table 2 compares responses to the question "Is there a good balance between the Jewish and democratic components of the State?" across religious sectors. As religiosity increases, the percent of respondents stating "the democratic component is too dominant" increases from 14.59 percent among secular Jewish respondents to 83.46 percent among Haredi respondents. Jewish respondents also demonstrate a steady drop in "the Jewish component is too dominant" across religiosity categories, from 60.27 percent among secular Jewish respondents to 6.77 percent among Haredi respondents. The National -Religious sector demonstrates relatively high levels in "the democratic component is too dominant" and relative low levels in "the Jewish component is too dominant," but nearly 29 percent of National-Religious respondents state that "there is a good balance between the two" – second only to traditional non-religious in this category.

[Table 3 here]

Finally, table 3 shows responses to the question: "in the event of a contradiction between *Halakha* [Jewish law] and democratic principles, should democratic or *Halakhic* principles take precedence in deciding matters of the law?" This question was not asked to Arab respondents. Among Jewish respondents, there is a significant increase in the percent responding "upholding principles of Jewish law" with each successive category. Although the National-Religious sector shows a slim majority in favor of this outcome, it is still well below levels in the Haredi community, which registers at 86.16 percent of respondents. Nevertheless, the National-Religious community answers "upholding democratic principles" almost as infrequently as the Haredi community, at 3.96 percent compared to the Haredi community's 1.89 percent.

In each of these areas, the Haredi community represents a large departure from the rest of Israel's Jewish population. Concerning the balance between Jewish and democratic elements, the evolution between religious sectors is gradual. The National-Religious sector is closer to the Traditional Religious sector than to the Haredi sector in naming the democratic component as too dominant, but still nearly twice as high as the Traditional Non-Religious sector. Concerning Jewish law, meanwhile, the same pattern appears but at larger intervals. National-Religious respondents are still closer to Traditional Religious than to Haredi respondents, but National-Religious respondents are, here, the first sector on the list to show majority support for Jewish law over democratic principles.

Taken together, these descriptive statistics indicate behavioral and ideological differences between Israel's religiosity sectors. In the next section, I present a research design utilizing each of the variables above.

5. Research Design

[Table 4 here]

This study contains two series of tests corresponding to each of the hypotheses. The first set of tests concerns the role of threat in shaping religious sectors' approaches to liberal-democracy. The second set of tests demonstrates the role of cross-cutting cleavages in mitigating religious sectors' opposition to liberal-democratic institutions. Throughout this analysis, the role of the National-Religious sector relative to other religious sectors holds specific importance. All data is drawn from the October 2022 Israel Democracy Index, an annual, demographically representative survey of Israelis. Similar surveys are released on a monthly basis under the title of the Israeli Voice Index. I have chosen this particular iteration because it is the only iteration

containing all relevant variables for the purpose of this study. Outcome variables include ordinal, binary, and continuous measures. I have utilized ordered logit models for all ordinal variables, logit models for all binary variables, and OLS models for all continuous variables.

For dependent variables, I have deployed each of the "support for judicial review," "democratic balance," and "support for Jewish legal principles" as discussed above. The first is deployed as an ordinal variable; for the latter two, I have constructed binary variables. Regarding the "democratic balance," this variable is coded as "1" if the respondent answered, "the democratic component is too strong," and "0" if otherwise. Regarding the question of Jewish law, this variable is coded as "1" if the respondent answered "Upholding principles of Jewish law should take precedence," and "0" if otherwise. These three variables are the dependent variables for both hypotheses.

Concerning H1, the independent variables include the respondent's religious sector on the one hand, and respondents' lifestyle anxieties on the other. "Religious sector" is a categorical variable ranging from "1," representing secular Jews, to "6," representing Haredi Jews. Because few respondents identified with "5," representing the *Haredi Le'umi* [National-Haredi] faction, I have coded these respondents as missing and used Haredi Jews as "5." This will reduce potential type I errors concerning the Haredi Le'umi faction. Although this variable can be utilized in continuous fashion, it is deployed here as a categorical variable in order to view religiosity in terms of *sectors* rather than in terms of linear intensity. In this construction, secular Jews serve as the baseline comparison for subsequent values. Results will be compared chiefly between National-Religious respondents and other sectors.

The second independent variable for H1 is lifestyle anxiety, as discussed above. It is included here as an interactive continuous variable with each category of religiosity. In other

words, the linear effect of lifestyle anxiety will be categorically compared across each religious sector.

For H2, I have utilized a 10-point scale asking respondents "how would rate the solidarity of Israeli Jews?" Like lifestyle anxiety, I have deployed this variable as continuous interactive term with each of the religious sectors.

The set of controls includes several continuous measures: first, respondents' selfplacement on the left-right spectrum, with values ranging from 1 to 7; second, the respondents'
age; and third, the respondents' income. Here, income is constructed as a five-point Likert scale
in relation to the country's average income. Thus, a score of "1" indicates "far below average"
income, while a score of "5" indicates "far above average" income. Next, I included binary
variables for the respondents' sex, whether or not they completed a college degree, Mizrahi
ethnicity, and Former Soviet Union origin. I excluded controls for other ethnic groups such as
Ethiopian Jews, as a dearth of observations leads to potential collinearity. I further excluded a
continuous measure of education because of the difficulty in comparing religious and secular
educational attainment. Finally, I included a set of fixed effects for each of Israel's regions. Tests
further exclude non-Jewish respondents due to missing answers and difficulties in comparing
religious categories.

6. Results

[Table 5 here]

[Fig. 2 here]

For each of the figures that follow, I have separated National-Religious effects from Haredi and Traditional Religious effects for readability. I have further excluded Traditional Non-Religious, which are statistically insignificant throughout.

Table 5 summarizes tests for H1. In the ordered logit model concerning support for judicial review, no religious sector is statistically associated with the outcome relative to a secular baseline. On its own, lifestyle anxiety is associated with a 40 percent increase from one outcome to the next, indicating higher support for judicial review. This effect is significant at the .01 (p<.01) level. In an interaction with religious sectors, however, lifestyle anxiety is associated with an 87 percent decrease amongst National Religious respondents. Not only does this represent the only religious sector statistically associated opposition to judicial review, it also represents the only case in which lifestyle anxiety is associated with a decrease in support. This effect is significant at the .01 (p<.01) level. A visual comparison of these effects is illustrated by Fig. 2. Marginal effects do indicate that Haredi respondents are associated with opposition to judicial review at higher levels of lifestyle anxiety (p<.01), but change in values is relatively low.

[Fig. 3 here]

[Fig. 4 here]

A similar pattern appears in the subsequent columns. Although no interactive components show a statistically significant effect on the response, "the democratic component is too strong," an examination of the marginal effects plots shows a statistically significant effect among National-Religious respondents (p<.01). The Haredi sector demonstrates a 150 percent increase regardless of the interactive component, but this effect is only significant at the .1 (p<.1 level). This is illustrated in Fig. 3. Concerning support for Halakhic principles in the legal system, meanwhile, Haredi respondents show strong support – a 380 percent increase relative to the

secular baseline, significant at the .01 (p<.01) level. On its own, no other sector is statistically associated with this outcome. When interacted with lifestyle anxiety, however, the National Religious sector shows a 94 percent increase – significant at the .05 (p<.05) level – and the Traditional Religious show an 81 percent increase, albeit only significant at the .1 (p<.1) level. This effect is illustrated in Fig. 4.

Only the National-Religious respondents consistently and robustly demonstrate conditionality. On their own, National-Religious respondents are not statistically associated with any outcome variable. When included together with lifestyle anxiety as an interaction term, however, National-Religious respondents show strong associations with each outcome. No other sector demonstrates this effect at a significant level. Such findings offer support for H1 and indicate that the perception of threat plays a role in mobilizing the National-Religious respondents; this effect is unique among other civil society sectors. Although the Haredi sector demonstrates similar associations with the outcomes in question, these are not contingent on threat perceptions. Other religious groupings show weak or no effect either alone or in relation to threat.

[Table 6 here]

[Fig. 5 here]

Concerning the question of cross-cutting cleavages, however, the largest effect sizes appear not in the National-Religious sector, but amongst Haredi respondents. Although the Haredi sector is associated with a stark decrease in support for judicial review, its interactive effect with Jewish solidarity is positive (p<.01). As a result, the Haredi sector's opposition to judicial review is reduced to effectively *zero* over the range of Jewish solidarity. I have illustrated this dynamic in Fig. R5. Similarly, social capital is associated with a roughly 34

percent decrease in the effect size of the Haredi sector's support for Halakhic principles in the law (p<.05). The interaction between Jewish solidarity and the Haredi sector further produces a 33 percent decrease in the effect on "the democratic component is too strong," although this reduction is only significant at the .1 (p<.1) level.

Many of these effects, however, are weak or non-existent amongst National-Religious respondents. None of the interaction terms are statistically significant, and an examination of relevant marginal effects indicates that National-Religious responses stay relatively constant over the range of solidarity. In the case of judicial review, for example, the National-Religious sector shows roughly the same coefficient across the range of the interactive term – dropping from a 25.6 percent increase to a 24 percent increase relative to secular respondents. At lower levels of solidarity, however, this number is insignificant. The consistent coefficient suggests that this insignificance is due to a lack of observations at the lower end of solidarity; regardless, solidarity does *not* have a diminishing effect on National-Religious views in the same vein as Haredi ones.

Additional tests using an alternative dependent variable – institutional trust – can be found in the appendix. These tests, which use factor analysis to construct a composite variable of trust in liberal-democratic institutions, show the same results – *conditionality* in regard to the National-Religious sector, and consistency in regard to the Haredi sector; but also a mitigating effect of solidarity with regard to Haredi respondents that does not appear among National-Religious respondents.

Given the differences between institutionalized and semi-institutionalized sectors, this finding implies that bridging the gap between Israelis has a greater effect when that gap is formalized, rather than when it is informal in nature. Paradoxically, those sectors perceiving separation are more receptive to outreach despite their consistent opposition to liberal-

democratic institutions. As a semi-institutionalized sector, the National-Religious camp plays a unique role. It is less consistent in its anti-democratic, nationalist, or theocratic principles; at the same time, it is uniquely responsive to threat perception. Does the role of threat in shaping National-Religious views indicate greater *proactivity*, in addition to conditionality?

7. Does Conditionality lead to Proactivity?

In these tests, I have demonstrated that the semi-institutionalization of the National-Religious sector leads to a *conditional* rejection of liberal-democratic institutions, whereas the wholly institutionalized status of the Haredi sector lends itself to a consistent rejectionist stance. As it concerns the prospects for democratic backsliding, this begs a further question: does conditionality lead to proactivity? Given that the condition for National-Religious opposition appears to be the perception of lifestyle threats, does this perception also lead to more aggressive – and indeed, retrogressive – behavior toward liberal-democratic institutions? Results thus far cannot answer this question. In the appendix, I have included a series of preliminary tests, with mixed results. Using dependent variables regarding *proactive* action against liberal-democratic norms, I find no association between any religious sectors and any level of lifestyle threat or solidarity. At the same time, I *do* find some association between specific vote choices – particularly the Religious Zionist Party – and proactive behavior towards institutions.

As a technical bloc comprised of many far-right parties, the RZP garnered headlines during the election period for its hardline stances on liberal-democratic institutions, as well as religion-state relations and territorial issues. During the election cycle, the RZP also contained the infamous *Otzma Yehudit* party, representing the extremist Kahanist faction. Like Rabbi Meir Kahane, the inspiration for *Otzma*, many of the party's previous candidates had been banned

from running for office on the grounds that they contradicted democratic values. Given that the RZP contains noted radical factions, it is not surprising that RZP voters would be more likely to support proactive action against liberal-democratic institutions. But is there a connection between the conditionality of the National-Religious sector on the one hand, and the RZP's activities on the other? In an additional test, I assess the impact of lifestyle threat on each religious sectors' vote choices. I find no association between lifestyle threat and any party's voters, in any sector, with one exception: the RZP's National-Religious voters.

Such tests are far from conclusive and go beyond the intended scope of this paper; nevertheless, these tests indicate areas for further research. In a comparative perspective, the role of institutions in creating entrenched interests holds promising avenues of inquiry in the field of democratic backsliding and consolidation. Through the Israeli case, I have presented two entrenched interests – one institutionalized, the other only semi-institutionalized – and demonstrated that these groups react to liberal-democratic institutions in unique ways. Findings thus far suggest that institutionalization creates robust incentives to reject liberal-democratic institutions, while semi-institutionalization provides leeway depending on individuals' own relationship with the broader civil society. At the same time, because of this conditionality, semi-institutionalized interests appear harder to placate than fully institutionalized ones. Future research must further explore whether or not this dynamic lends itself to a more aggressive posture from semi-institutionalized interests.

8. Conclusion

The case of Israel's judicial overhaul offers novel insight into the dynamics of democratic consolidation and democratic backsliding. Historically, scholars have viewed democratic

backsliding largely as a result of macro-level conditions and bottom-up phenomena; but recent evidence suggests that it may be largely elite-driven (Bartels, 2023). Prior findings have largely attributed support for illiberal behavior to both polarization and savvy politicking, meaning that elements of public and government alike make endanger democratic consolidation (Svolik, 2020; Haggard and Kaufman, 2021). The Israeli case has been subject to each of these interpretations. As a highly polarized – and indeed, personalized – political system, Israel features a number of risk factors for democratic erosion both from above and from below. At the same time, it also features many defenses against such events: it is a wealthy country with long-standing democratic institutions.

Although the personal politics of the Netanyahu government have played a role in fomenting the current moment, Israel's judicial overhaul shows how civil society and government interact. More specifically, it demonstrates the means by which political institutions from above shape political behaviors from below. Israel's unique form of incremental constitutionalism has historically enabled cooperation among deeply divided factions. The backlash by the Israeli right against Israel's Supreme Court suggests that, as Lerner (2011) and Przeworski (1992, pp. 162-167) predict, open-ended reforms invite veto players to defect from the process of building democratic institutions. Institutionally entrenched interest groups may form a bulwark against permanent change in opposition to a beneficial status quo; they may also propose their own changes designed to preclude the possibility of future opposition to their respective status quos from arising again. The Israeli case suggest that, in the presence of entrenched interest groups, institutions may fracture along civil society cleavages if and when the status of entrenched interest groups is challenged by institutional reform.

Findings here suggest that studies of such trends must incorporate a holistic view of both actors' behaviors and the institutions that shape them. The interplay between institutions and civil society in shaping democratic prospects has a wide range for potential application, particularly with regard to cases such as Hungary, and India.

Hungary's Orban and Israel's Netanyahu have drawn scholarly comparisons before for their use of populist rhetoric and aggressive policies towards political opponents, and the use of religious aesthetics has been observed as a component in both cases (Ben-Porat and Filc, 2022; Lamour, 2022). In a similar vein to Israel's nation-state law, Hungary's 2011 rewrite of the constitution names Christianity as the foundation of both "nationhood" and "statehood" (Halmai 2017, p. 184). In the Hungarian context, however, religious institutions do not possess institutional power. Rather, secular institutions have used religious appeals to court both the public and the support of religious leaders.

Another potential parallel lies in the nation of India, which has also adopted incremental constitutionalism (Lerner, 2011). Like Netanyahu, India's Modi is seen as a model of populist governance in a religious context (Rogenhofer and Panievsky, 2020). Modi's BJP further consolidated political power in an era of severe parliamentary fractionalization (cf. Wilkinson 2004). Some observers have argued that Israel's Nation-State Law served as a template for similar laws privileging the status of Hindus over non-Hindus (e.g. Bose 2019). India's ascendant religious-nationalist base, however, is not identical to Israel's. It is a "thin" form religiosity, used more as a marker of ethnic loyalty rather than as an attempt to protect the power of religious institutions (Laborde, 2021).

⁵ Lerner's framework of "constructive ambiguity" in the Indian case has been applied to Israel in Jamal (2019)

Each of these cases feature a diverse set of institutions and civil society structures. One common denominator between the three is that religious cleavages are a salient method of distinguishing the "nation" from the "other." This, in turn, serves as a counter-weight to liberal-democratic institutionalism centered around pluralist ideals, enabled by the rule of law. In Israel, constitutional retrogression has been driven by a consolidated right-wing bloc (Mordechay and Roznai, 2017). This bloc has gradually coalesced around one issue dimension: the balance between Jewish and democratic components (Talshir, 2022).

Such findings beg two parallel questions – first, how does Israel's non-liberal pluralism affect the Arab sector? This study has avoided the comparison first in the interest of comparing the National-Religious and Haredi sectors, and second due to differences in data collection among Arab respondents. Nevertheless, it is worth examining how respondents in the Arab sector react to the same stimuli. Whereas the Haredi sector perceives a threat from the Courts, the Arab sector may perceive the court as a defense against Jewish majoritarianism.

The second question is, can there be a convergence on the left without institutional entrenchment? In recent years, discussions on the left point to deep fissures over the question of "Jewish democracy." The Meretz party, for example, failed to cross the electoral threshold following a public internal struggle over its definition as a "Zionist" party (Aderet, 2022). During the early days of Israel's protests, meanwhile, one speaker lambasted "politicians who are afraid to state loudly and clearly their stance and values regarding our Supreme Court, and regarding our borders" (Schlein, 2023).

The ongoing controversy over Israel's judicial overhaul has highlighted the pitfalls of Israel's unstructured institutions. Some Israeli politicians have called for a national dialogue including the prospect of drafting a formal constitution (Times of Israel, 2023c). Such events

have drawn the international community's attention as a parallel to similar cases of democratic backsliding. Ultimately, incorporating a holistic view of behaviors and institutions will provide a better understanding not only of Israel, but of democratic states as a whole.

WORKS CITED

Aderet, Ofer. 2022. "Left for Dead: The Rise and Demise of Israel's Ultimate Left-wing Party." *Haaretz Magazine*. Published November 7, 2022. <a href="https://www.haaretz.com/israel-news/2022-11-07/ty-article-magazine/.highlight/left-to-die-the-rise-and-demise-of-israels-ultimate-left-wing-party/00000184-51f0-d8fe-afaf-d5f6cba00000?172

Bartels, Larry M. 2023. Democracy Erodes from the Top: Leaders, Citizens, and the Challenge of Populism in Europe. Princeton, NJ: Princeton University Press.

British Broadcasting Corporation. 2022. "Israel's most right-wing government agreed under Benjamin Netanyahu." Published December 22, 2022. https://www.bbc.com/news/world-middle-east-63942616

Bose, Sumantra. 2019. "Here's why Hindu nationalists aspire to Israel's 'ethnic democracy." *Quartz India*. Published February 15, 2019.

Boix, Carles. 2015. *Political Order and Inequality: Their Foundations and Their Consequences for Human Warfare*. Cambridge, UK: Cambridge University Press, pp. 22-89.

Bridgman, Aengus, Rosalie Nadeau, and Dietlind Stolle. 2022. "A distinct society? Understanding social distrust in Quebec." *Canadian Journal of Political Science*, 55(1): pp. 107-127.

Coppedge, Michael, John Gerring, Carl Henrik Knutsen, Staffan I. Lindberg, Jan Teorell, David Altman, Michael Bernhard, M. Steven Fish, Adam Glynn, Allen Hicken, Anna L'uhrmann, Kyle L. Marquardt, Kelly McMann, Pamela Paxton, Daniel Pemstein, Brigitte Seim, Rachel Sigman, Svend-Erik Skaaning, Jeffrey Staton, Agnes Cornell, Lisa Gastaldi, Haakon Gjerløw, Valeriya Mechkova, Johannes von Römer, Aksel Sundtröm, Eitan Tzelgov, Luca

Uberti, Yi-ting Wang, Tore Wig, and Daniel Ziblatt. 2020. "V-Dem Codebook v10" Varieties of Democracy (V-Dem) Project.

Foa, Roberto Stefan and Yascha Mounk. 2016. "The Danger of Deconsolidation: The Democratic Disconnect." *Journal of Democracy* 27(3): pp. 5-17.

Gidengil, Elisabeth, Dietlind Stolle, and Olivier Bergeron-Boutin. 2022. "The partisan nature of support for democratic backsliding: A comparative perspective." *European Journal of Political Research*, 61(4): pp. 901-929.

Haaretz. 2019. "Israel's Justice Minister Sprays 'Fascism' Perfume in Provocative Campaign Ad." Published March 18, 2019. https://www.haaretz.com/israel-news/elections/2019-03-18/ty-article/israels-justice-minister-sprays-herself-with-fascism-perfume-in-provocative-ad/0000017f-e77e-dc7e-adff-f7ffd44e0000?172

Haggard, Stephen and Robert Kaufman. 2021. "Anatomy of Democratic Backsliding." *Journal of Democracy*, 32(4): pp. 27-41.

Halmai, Gábor. 2016. "Constitutionalism, Law, and Religion in Israel: a state's multiple identities." *Journal of Civil and Legal Sciences*, 5(1): pp. 1-11.

Halmai, Gábor. 2017. "Varieties of State-Church Relations and Religious Freedom Through Three Case Studies." *Michigan State Law Review* 2017(2): pp. 175-207.

Hirsch-Hoefler, Sivan and Cas Mudde. 2020. *The Israeli Settler Movement: Assessing and Explaining Social Movement Success*. Cambridge, UK: Cambridge University Press.

Jamal, Amal. 2019. "Israel's New Constitutional Imagination: The Nation State Law and Beyond." *Journal of Holy Land and Palestine Studies*, 18(2): pp. 193-220.

Katsman, Hayim. 2020. "The Hyphen Cannot Hold: Contemporary Trends in Religious-Zionism." *Israel Studies Review* 32(2): pp. 154-174.

Laborde, Cécil. 2021. "Minimal Secularism: Lessons for, and from, India." *American Political Science Review*, 115(1): pp. 1-13.

Lamour, Christian. 2022. "Orbán *Urbi et Orbi:* Christianity as a Nodal Point of Radical-right Populism." *Politics and Religion*, 15: pp. 317-343.

Lebel, Udi. 2015. "Settling the Military: the pre-military academies revolution and the creation of a new security epistemic community – The Militarization of Judea and Samaria." *Israel Affairs* 21(3): pp. 361-390. https://doi.org/10.1080/13537121.2015.1036556

Lerner, Hannah. 2011. *Making Constitutions in Deeply Divided Societies*. Cambridge, UK: Cambridge University Press.

Mordechay, Nadiv and Yaniv Roznai. 2017. "A Jewish and (Declining) Democratic State: Constitutional Retrogression in Israel." *Maryland Law Review*, 77(1): pp. 244-270.

Pedazhur, Ami. 2012. *The Triumph of Israel's Radical Right*. New York, NY: Oxford University Press.

Peled, Yoav and Horit Herman Peled. 2019. *The Religionization of Israeli Society*. New York, NY: Routledge.

Peretz, Eti and Jonathan Fox. 2022. "The Balancing of Democratic and Jewish Values in the Israeli Court System, 1983-2006." In *Beyond the Death of God: Religion in 21st Century International Politics*. Eds. Simone Raudino and Patricia Sohn. Ann Arbor, MI: University of Michigan Press.

Przeworski, Adam. 1991. Democracy and the Market: Political and Economic Reforms in Eastern Europe and Latin America. Cambridge, UK: Cambridge University Press.

Rahat, Gideon, Reuven Y. Hazan, and Pazit Ben-Nun Bloom. 2016. "Stable Blocs and Multiple Identities: The 2015 Elections in Israel." *Representation* 52(1): pp. 99-117.

Rogenhofer, Julius Maximilian and Ayala Panievsky. 2020. "Antidemocratic populism in power: comparing Erdogan's Turkey with Modi's India and Netanyahu's Israel."

Democratization, 27(8): pp. 1394-1412.

Rosenthal, Maoz. 2016. *Israel's Governability Crisis: Quandaries, Unstructured Institutions, and Adaptation.* Lanham, MD: Lexington Books.

Rubin, Aviad. 2014. "Bifurcated loyalty and religious actors' behavior in democratic politics: the case of post-1967 religious Zionism in Israel." *Religion, State, and Society,* 42(1): pp. 46-65.

Sandler, Shmuel. 1996. "Religious Zionism and the State: Political Accommodation and Religious Radicalism in Israel." *Terrorism and Political Violence* 8(2): pp. 133-154. https://doi.org/10.1080/09546559608427350

Schlein, Lior. 2023. "This is Our War, This is Our Turn, This Our Responsibility." [Video] [Hebrew]. https://www.youtube.com/watch?v=py6HlafJSLc&

Soper, J. Christopher and Joel S. Fetzer. 2018. *Religion and Nationalism in Global Perspective*. Cambridge, UK: Cambridge University Press.

Sezgin, Yüksel. 2004. "The Israeli *Millet* System: Examining Legal Pluralism Through Lenses of Nation-Building and Human Rights." *Israel Law Review*, 43: pp. 631-654.

Stolle, Dietlind. 1998. "Bowling together, bowling alone: The development of generalized trust in voluntary associations." *Political Psychology*, 19(3): pp. 497-525.

Stolle, Dietlind and Thomas R. Rochon. 1998. "Are all associations alike? Member diversity, associational type, and the creation of social capital." *American Behavioral Scientist*, 42(1): pp. 47-65.

Svolik, Milan W. 2020. "When Polarization Trumps Civic Virtue: Partisan Conflict and the Subversion of Democracy by Incumbents." *Quarterly Journal of Political Science*, pp. 15:3-31.

Talshir, Gayil. 2022. "Which 'Israel before all'? From the Palestinian-Israeli conflict to the Jewish/democratic Left-Right axis." *Israel Affairs*, 28(6): pp. 896-916.

Tepe, Sultan and Aviad Rubin. 2019. "The Shrinking Space of the Third Sector in Israel and Turkey." In *Contemporary Israeli-Turkish Relations in Comparative Perspective*. Eds. Asegül Sever and Orna Almog. London, UK: Palgrave Macmillan.

Times of Israel. 2015. "Right-wing lawmaker walks back call for razing of Supreme Court." Published July 30, 2015. https://www.timesofisrael.com/right-wing-lawmaker-walks-back-call-for-razing-of-supreme-court/

Times of Israel. 2023a. "Legal scholars from Poland, Hungary warn of judicial overhaul's dangers to democracy." Published March 27, 2023.

https://www.timesofisrael.com/legal-scholars-from-poland-hungary-warn-of-judicial-overhauls-dangers-to-democracy/

Times of Israel. 2023b. "'Real, deep hatred': Presenting his framework for reform, Herzog warns we are on brink of 'civil war." Published March 15, 2023.

https://www.timesofisrael.com/liveblog_entry/presenting-compromise-plan-herzog-says-we-are-on-brink-of-civil-war/

Times of Israel. 2023c. "Herzog speaks with Netanyahu, Lapid, Gantz, calls for immediate talks on overhaul." Published March 27, 2023.

https://www.timesofisrael.com/liveblog-march-27-2023-2/

Waldner, David and Ellen Lust. 2018. "Unwelcome Change: Coming to Terms with Democratic Backsliding." *Annual Review of Political Science*, 21: pp. 93-113.

Wilkinson, Steven. 2004. *Votes and Violence: Electoral Competition and Ethnic Riots in India*. Cambridge, UK: Cambridge University Press.

Tables and Figures

Level of Religiosity	Average solidarity (Jews)	Average solidarity (all)	Average lifestyle anxiety	Average support for judicial review
Secular	5.47	4.66	2.94	3.03
Traditional Non-Religious	6.27	4.89	2.86	2.65
Traditional Religious	6.43	5.05	2.99	2.57
National-Religious	6.8	4.97	2.93	1.91
Haredi	5.39	3.46	2.97	1.91
Arab	N/A	3.84	3.1	3.35
All respondents	5.87	4.49	2.95	2.73

Table 1: Average scores for key variables by religiosity sector

Level of Religiosity	"The Jewish component is too dominant"	"The democratic component is too dominant"	"There is a good balance between the two"
Secular	60.27	14.59	25.14
Traditional Non-Religious	33.52	32.95	33.52
Traditional Religious	20	56.67	23.33
National-Religious	10.53	60.53	28.95
Haredi	6.77	83.46	9.77
Arab	88.83	3.19	7.98
All respondents	46.20	32.13	21.67

Table 2: Percent answering each option for "Is there a good balance between Jewish-democratic components?"

Level of Religiosity	"It depends on the circumstances"	"Upholding democratic principles"	"Upholding principles of Jewish law"
Secular	32.35	64.24	3.42
Traditional Non-Religious	56.42	28.44	15.14
Traditional Religious	50	15.45	34.55
National-Religious	43.56	3.96	52.48
Haredi	11.95	1.89	86.16
Arab	N/A	N/A	N/A
All respondents	37.19	35.18	27.63

Table 3: Percent answering each option for "Should democratic or Halakhic principles take priority?"

VARIABLE	USE		
Support for judicial review	Dependent variable		
"The democratic component is too dominant"	Dependent variable		
Prioritize Halakha over democracy	Dependent variable		
Religiosity sector	Independent variable		
Lifestyle anxiety	Interactive term		
Solidarity with Israeli Jews	Interactive term		
Right-left spectrum	Control variable		
Age	Control variable		
Income	Control variable		
College degree	Control variable		
Mizrahi ethnicity	Control variable		
Former Soviet Union ethnicity	Control variable		
Region fixed effects	Control variable		

Table 4: Summary of variables

VARIABLES	Support Judicial Review	Democratic component too strong	Support Halakhic principles
Traditional non-religious	-0.481	0.0964	-0.484
Traditional non-rengious	(0.655)	(0.810)	(1.230)
Traditional Religious	0.150	1.329	-0.603
Traditional Rengious	(0.754)	(0.963)	(1.341)
National Religious	0.976	3.56e-05	0.138
	(0.766)	(0.925)	(1.186)
Haredi	-0.642	1.504*	3.806***
	(0.735)	(0.850)	(1.195)
Lifestyle anxiety	0.400***	-0.0941	-0.341
, and the second	(0.116)	(0.188)	(0.321)
Traditional non-Religious	0.0676	0.190	0.475
x Lifestyle anxiety	(0.226)	(0.275)	(0.438)
Traditional Religious	-0.213	0.102	0.810*
x Lifestyle anxiety	(0.249)	(0.318)	(0.459)
V .: 15 !: :	0.05045454	0.465	0.041.4646
National Religious	-0.870***	0.467	0.941**
x Lifestyle anxiety	(0.250)	(0.312)	(0.424)
Haredi	-0.373	0.442	0.344
x Lifestyle anxiety	(0.237)	(0.285)	(0.421)
A Effective unaffety	(0.237)	(0.203)	(0.121)
Controls	Yes	Yes	Yes
Fixed Effects	Yes	Yes	Yes
Constant	-2.285***	-3.735***	-4.906***
	(0.604)	(0.834)	(1.248)
Constant (Cut 2)	-1.082*	, ,	
	(0.603)		
Constant (Cut 3)	0.364		
	(0.603)		
			0.5 -
Observations	864	923	923

Robust standard errors in parentheses *** p<0.01, ** p<0.05, * p<0.1

Table 5: Religiosity Sectors x Lifestyle Anxieties

VARIABLES	Support Judicial Review	Democratic Component Too Strong	Support Halakhic Principles
Traditional Non-Religious	-0.310	0.616	2.712*
Traditional Religious	(0.561)	(0.718)	(1.416)
	-1.066	-0.357	3.475**
National Religious	(0.753)	(1.064)	(1.509)
	-1.814*	1.457	4.816***
Haredi	(1.045)	(1.063)	(1.497)
	-3.204***	3.978***	7.482***
Solidarity	(0.552)	(0.740)	(1.420)
	-0.101**	0.0391	0.257
Traditional Non Policious	(0.0474)	(0.0753)	(0.174)
	0.0153	0.00383	-0.294
Traditional Non-Religious x Solidarity	(0.0840)	(0.110)	(0.200)
Traditional Religious x Solidarity	0.109	0.291*	-0.266
	(0.107)	(0.157)	(0.212)
National Religious	0.0608	-0.0176	-0.311
x Solidarity	(0.141)	(0.151)	(0.208)
Haredi	0.268***	-0.192*	-0.461**
x Solidarity	(0.0833)	(0.116)	(0.203)
Controls	Yes	Yes	Yes
Fixed Effects	Yes	Yes	Yes
Constant	-4.243***	-4.019***	-8.419***
	(0.554)	(0.765)	(1.438)
Constant (Cut 2)	-3.049*** (0.550)	(0.703)	(1.430)
Constant (Cut 3)	-1.619*** (0.543)		
Observations	876	944	944
R-Squared	.117	.238	.463

Table 6: Jewish Solidarity as Intervention

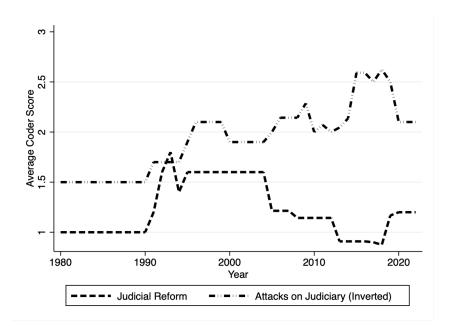


Fig. 1: Judicial reform & Attacks on Judiciary – V-DEM

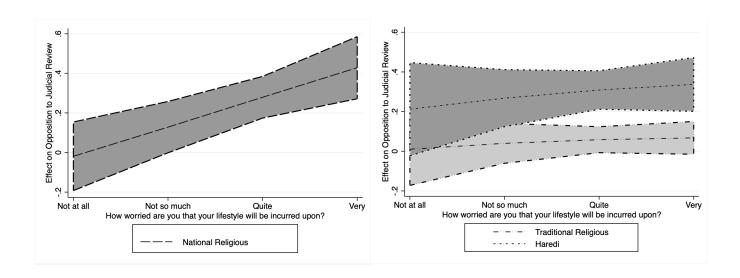


Fig. 2: Support for Judicial Review=1 (probability)

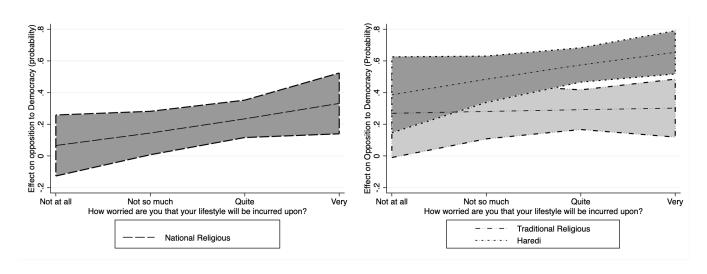


Fig. 3: Effect on "The democratic component is too strong" (probability)

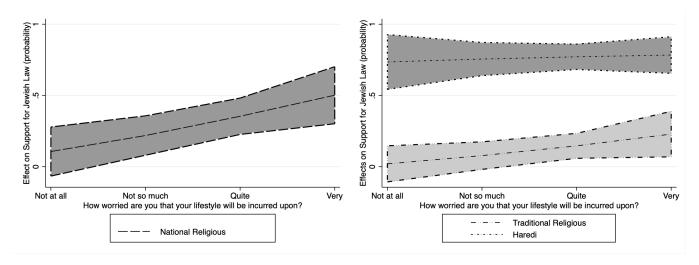


Fig. 4: Effect on "Halakhic principles should take priority"

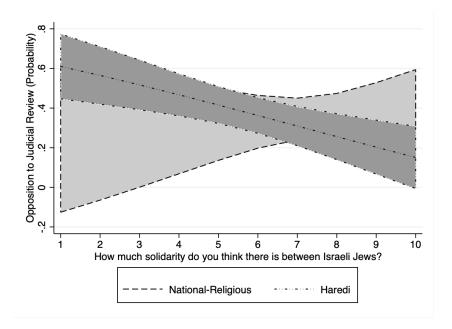


Fig. 5: Effect of Jewish Solidarity, Haredi and National-Religious Sector

APPENDIX 1: ROBUSTNESS

[Table A1.1 here]

This test provides another avenue of examining the two hypotheses, regarding conditionality and mitigation. Here, while the independent variables remain the same, the dependent variable is *institutional trust*. This variable is created through a Factor Analysis of all Israel Democracy Index questions pertaining to trust in institutions. Each question is a Likert scale consisting of the framing, "How much do you trust [institution]." Responses range from 1 – "not at all," to 4 – "very much." I first conduct a factor analysis containing all theoretically relevant variables; I then exclude those variables whose factor loadings fall below a .5 threshold. This process is detailed in Table A1. The final factor variable contains 8 of the 12 institutions included in the survey – the media, the Supreme Court, the police, the President, the Knesset, the Government, the State Attorney, and the Attorney General. The IDF, the political parties, local governments, and the rabbinate were excluded. As the resulting factor is continuous measure, I use an OLS regression to gauge this test.

[Table A1.2 here]

Table A2 presents the output of the OLS model. As with the tests included in the main text, only the Haredi sector is associated with lower levels of institutional trust (p<.01). The National Religious sector, however, shows a relatively strong negative effect when interacted with lifestyle anxiety (p<.05). This coefficient is equivalent to a roughly 20 percent decline in institutional trust over the range of lifestyle anxiety. The Traditional Religious sector also shows a slight effect (p<.1). Findings regarding solidarity also follow from the main text; as solidarity increases, institutional distrust in the Haredi sector declines about 57.5 percent, significant at the

.05 level (p<.05). This effect is much weaker in the National-Religious sector, which declines about 30.6 percent over the range of solidarity; this drop is not statistically significant.

This test provides further support for the comparative conditionality and rejectionist stances in the National-Religious and Haredi sectors. In addition, it provides some insight into which institutions in Israel are viewed through a partisan lens. Figures such as the State Attorney and Attorney General have played key roles in the judicial overhaul, in their attempts to block legislation that is seen as bypassing institutional norms. Meanwhile, the IDF is relatively universal as a Jewish, non-Haredi institution. The rabbinate is universal in its authority of Jewish life in Israel, while political parties are already explicitly partisan. Local governments, meanwhile, can garner support from the secular-left in their ability to bypass religious ordinances, or from the religious-right in their ability to reinforce local customs. Thus, the institutions that remain within the factor analysis are largely liberal-democratic in nature rather than partisan *ex-ante*. The advent of right-wing media stations such as Channel 14, and the role of the IDF in supporting protests, may signal shifts in this area.

APPENDIX 2: PROACTIVTY

As discussed in the main text, these tests focus on the *conditionality* of the National-Religious sector's opposition to liberal-democratic institutions. Does conditionality, then, lead to proactivity? In other words, when it comes to actions taken against those institutions, are these actions more likely to come from the Haredi sector – which is wholly institutionalized – or the National-Religious sector, which is only semi-institutionalized. Here, I have presented some preliminary findings that suggest further exploration. In a first series of tests, utilizing the same research design as the main text, I deployed three new dependent variables. Each is a Likert scale concerning proactive behavior towards liberal-democratic norms and institutions. The first asks, "to what extent do you agree – political violence is never justified?" The second asks, "to what extent do you agree – to solve its unique issues, Israel needs a strong leader who is not swayed by the Knesset, the media, or public opinion?" The third asks, "to what extent do you agree – it would be best to dismantle the country's existing institutions and start from scratch."

[Table A2.1 here]

As in the main text, I use an ordinal logit model to gauge the interactive effect between lifestyle anxiety and religious sector on the dependent variables. Here, however, there are no consistent or statistically significant effects. The interactive effect between religiosity sectors and lifestyle anxieties is not associated with any increase in support for any of the statements included. Further analysis, however, shows a complicated picture. In another series of tests, I used a categorical independent variable included each right-wing party, and excluded the right-left control variable. If substituting the interactive effect for party vote choice, there are several strong associations: voting for the RZP is associated with a 50 percent decrease in opposition to political violence, significant at the .05 (p<.05) level. It is the only such party vote that is

significant at such a level. It is also associated with a 300 percent increase in support for strong leaders who ignore the Knesset, the media, and public opinion – the largest such increase among all other parties. Concerning the dismantling of Israeli institutions, the RZP is less associated with this than Likud or Shas. The associated marginal effects, however, indicate that the RZP is associated with the third outcome, "agree," significant at the .05 level. This effect is illustrated in Fig. A2.1 Note that in this test, Likud and Shas are in fact associated with *each* outcome at a .01 (p<.01) level.

[Table A2.2 here]

[Fig A2.1 here]

These results do show some support for the association between RZP voters and *proactive* behavior against liberal-democratic institutions. This association, however, is not robust across all indicators or all outcomes. Similarly, these tests also find some association between Likud voters and proactive behavior, as well as Shas voters. Still, the RZP shows the most frequent tendencies of the right-wing parties, while the Yamina party – also associated with the National-Religious sector – does not show any. In an attempt to demonstrate a *plausible* connection, I present one additional test: a multinomial logit model examining the interactive effect between religiosity sectors, lifestyle anxiety, and vote choice among right-wing parties. The interactive effect is not significant for any religiosity sector, on any party, *except* for the National-Religious sector's association with the RZP. Here, as lifestyle anxiety increases, the National-Religious sector is associated with voting for the RZP. This effect is significant at the .01 (p<.01) level.

[Table A2.3 here]

These tests are not intended to be conclusive. They are instead intended to provide a plausible connection between the conditionality of the National-Religious sector and proactive behavior toward liberal-democratic institutions. This would imply that although semi-institutionalized interests are less consistently rejectionist of liberal-democratic institutions, threat perceptions may make these interests act more aggressively toward them. Further analysis is needed to explore this hypothesis. For the purpose of this study, these tests are exploratory, and offer a potential path for extension.

APPENDIX: TABLES AND FIGURES

VARIABLES	PRELIMINARY FACTOR LOADING	FINAL FACTOR LOADING
Trust in media	0.7195	0.7289
Trust in Supreme Court	0.8389	0.8529
Trust in police	0.6285	0.5934
Trust in President	0.6818	0.6563
Trust in Knesset	0.6105	0.5716
Trust in IDF	0.4262	-
Trust in Government	0.7903	0.7851
Trust in Political Parties	0.4756	-
Trust in local government	0.3836	-
Trust in Rabbinate	-0.1246	-
Trust in State Attorney	0.8326	0.8362
Trust in Attorney General	0.8149	0.8172

Table A1.1: Factor Loadings, Institutional Trust

VARIABLES	Interactive effect – lifestyle anxiety on institutional trust	Interactive effect – solidarity on institutional trust	
Traditional non-religious	-0.218	-0.588***	
	(0.257)	(0.191)	
Traditional Religious	0.284	-0.181	
V 15 1	(0.324)	(0.268)	
National Religious	0.143	-0.507	
114:	(0.296)	(0.342)	
Haredi	-0.540**	-0.854***	
	(0.223)	(0.159)	
Interaction term	-0.029	0.00429	
	(0.054)	(0.0208)	
	,	,	
Traditional non-Religious	0.016	0.0703**	
x Interaction term	(0.085)	(0.0311)	
Traditional Religious	-0.180*	-0.00504	
x Interaction term	(0.101)	(0.0396)	
A interaction term	(0.101)	(0.0370)	
National Religious	-0.187**	0.0166	
x Interaction term	(0.092)	(0.0481)	
		,	
Haredi	-0.015	0.0510**	
x Interaction term	(0.070)	(0.0257)	
Controls	Yes	Yes	
Fixed Effects	Yes	Yes	
Constant	0.994***	0.994***	
	(0.255)	(0.255)	
Constant (Cut 2)			
Constant (Cut 3)			
Observations	843	843	
R-squared	.331	.331	
10 Squarea	.551	.551	

Table A1.2: OLS Models concerning institutional trust

VARIABLES	Oppose political violence	Israel needs strong leader	Better to dismantle institutions	
Lifestyle anxiety	0.126	0.215	0.569***	
	(0.148)	(0.131)	(0.139)	
Traditional Non-Religious	-0.589	0.256	1.171*	
	(0.703)	(0.555)	(0.626)	
Traditional Religious	0.515	-0.861	-0.850	
	(0.890)	(0.736)	(0.722)	
National Religious	1.930*	-0.382	-0.437	
	(1.041)	(0.824)	(0.828)	
Haredi	0.793	1.037	0.257	
	(0.965)	(0.810)	(0.174)	
Traditional Non-Religious	0.201	0.00813	-0.300	
x Lifestyle anxiety	(0.238)	(0.193)	(0.215)	
Traditional Religious	-0.0898	0.466*	0.211	
x Lifestyle anxiety	(0.299)	(0.250)	(0.238)	
National Religious	-0.382	0.156	0.124	
x Lifestyle anxiety	(0.330)	(0.286)	(0.284)	
Haredi	0.066	-0.245	-0.349	
x Lifestyle anxiety	(0.303)	(0.258)	(0.259)	
Controls	Yes	Yes	Yes	
Fixed Effects	Yes	Yes	Yes	
Constant	-3.271***	0.565	1.410**	
	(0.787)	(0.579)	(0.671)	
Constant (Cut 2)	-2.111***	1.702***	2.694***	
	(0.770)	(0.581)	(0.674)	
Constant (Cut 3)	-0.642	2.835***	3.775***	
	(0.767)	(0.588)	(0.677)	
Observations	915	901	843	

Table A2.1: Proactivity and conditionality

VARIABLES	Oppose political violence	Israel needs strong leader	Better to dismantle institutions
T '1 1	0.470**	O 7114444	0.500***
Likud	-0.478**	0.714***	0.500***
	(0.208)	(0.161)	(0.165)
Yamina	-0.110	0.339	0.322
	(0.310)	(0.215)	(0.198)
RZP	-1.048***	1.210***	0.565*
	(0.361)	(0.328)	(0.328)
Shas	-0.493	0.906**	0.859**
	(0.437)	(0.380)	(0.361)
UTJ	0.0862	0.534*	-0.150
	(0.425)	(0.300)	(0.237)
Controls	Yes	Yes	Yes
Fixed Effects	Yes	Yes	Yes
Constant	-1.791***	-1.471***	-1.114***
	(0.501)	(0.410)	(0.410)
Constant (Cut 2)	-0.629	-0.358	0.148
	(0.483)	(0.405)	(0.407)
Constant (Cut 3)	0.795	0.766*	1.214***
,	(0.485)	(0.407)	(0.408)
Observations R-squared	951	931	887

Robust standard errors in parentheses *** p<0.01, ** p<0.05, * p<0.1

Table R2: Models comparing right-wing party vote choice

VARIABLES	Likud	Yamina	RZP	Shas	UTJ
Lifestyle Anxiety	-0.0667	-0.0210	-0.926	0.0651	-0.0580
, , ,	(0.172)	(0.324)	(0.607)	(1,347)	(1,116)
Traditional Non-Religious	0.887	1.917	0.689	17.69	0.569
•	(0.768)	(1.269)	(1.808)	(4,050)	(5,644)
Traditional Religious	0.390	1.194	0.0148	10.19	18.16
	(0.988)	(1.582)	(2.240)	(4,050)	(3,387)
National-Religious	-0.0635	2.767*	-0.923	16.92	14.42
	(1.367)	(1.510)	(2.055)	(4,050)	(3,387)
Haredi	-0.441	-17.57	2.661	22.53	21.39
	(2.126)	(28,537)	(2.126)	(4,050)	(3,387)
Traditional Non- Religious x Lifestyle	0.0204	-0.138	0.367	-1.246	0.0483
Anxiety	(0.254)	(0.419)	(0.723)	(1,347)	(1,894)
	0.000		0.000	4.0=6	0.420
Traditional Religious x Lifestyle Anxiety	0.302	0.207	0.829	1.976	-0.438
N. I.D. I.	(0.321)	(0.513)	(0.834)	(1,347)	(1,116)
National Religious x Lifestyle Anxiety	0.745	0.389	2.085***	0.674	0.981
II I' I'C (I A ')	(0.479)	(0.528)	$\frac{(0.773)}{0.753}$	(1,347)	(1,116)
Haredi x Lifestyle Anxiety	0.396	0.0688	0.753	-0.453	0.000498
	(0.634)	(8,842)	(0.773)	(1,347)	(1,116)
Controls	Yes	Yes	Yes	Yes	Yes
Fixed Effects	Yes	Yes	Yes	Yes	Yes
Constant	-1.102	-1.719	0.457	-20.36	-17.25
	(0.748)	(1.250)	(1.742)	(4,050)	(3,387)
Observations	933	933	933	933	933

Standard errors in parentheses
*** p<0.01, ** p<0.05, * p<0.1

Table A2.3: Results from Multinomial Logit: Party Choice

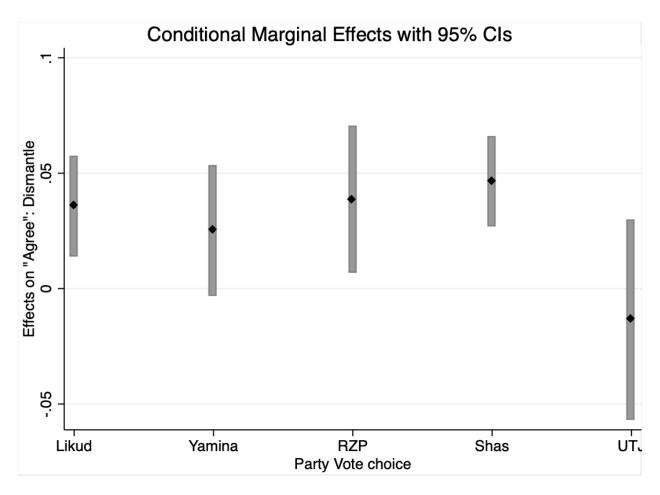


Fig. A2.1: Comparison of Party Vote Choice effects (Dismantle="3" on 4-point Likert scale)