

Judicial Review in a Politically Contested Environment: An Analysis of the Israel High Court of Justice 2010-2018

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1. INTRODUCTION

Israel's High Court of Justice (IHCJ) has been at the center of political and scholarly attention in Israel and beyond it for several decades now. It is considered a focal point of government activity in Israel as it is willing to intervene in core ideological matters, while confronting the executive and the parliament (Hirschl 1998, 2009; Hofnung 1998; Meydani 2014; Sommer 2010). Furthermore, beyond the Israeli case, the IHCJ is a part of the global trend that took place during the 1990's in nascent and evolving democracies, which expanded the scope of judicial review from mere procedural review of government activities to reviewing political decisions using normative and value laden perspectives (Barzilai 1998; Shapiro 2008; Shapiro and Stone 1994; Tate 1995).¹ The pendulum movement of democratic erosion decreasing the involvement of courts in politics did not skip the IHCJ which has taken several steps back from its heydays of judicial intervention in Israeli politics (Rosenthal, Barzilai, and Meydani 2021).

The IHCJ has shown along the years a strategy that involved the willingness to take part in setting ideologically laden policies (Segal 2011), while advancing these views using careful legal strategies (Weill 2020). That overall strategy was based on utilizing existing legal paradigms towards promoting the court's normative desires (Jacobsohn and Roznai 2020), while staying clear of the potential political backlash involved in such activities (Meydani and Mizrahi 2010). However, as in many other cases of democratic erosion and backsliding, during the past decade the court has been under political pressure calling for restraint in its review of political decisions. This pressure eventually yielded an increase the number of conservative judges in court, and a decrease in court intervention in petitions against the government (Rosenthal, Barzilai, and Meydani 2021).

While many have extensively studied various aspects of the IHCJ's activities, few tried to offer a quantitative comprehensive view of the Israeli High Court of Justice's activities and main patterns of its behavior as reflected by a large-scale dataset. Several scholars examined the court's activities in particular issues areas such as handling the Israeli occupation (Kretzmer 2002; Sommer 2010), the manner in which

¹ For an extensive yet succinct review of the court's institutional features see: Cohn 2019; Rosenthal, Barzilai and Meydani 2021.

it affected anti-corruption policies (Sommer 2009), security and anti-terrorism policies (Dotan 1999; Hofnung 2019; Hofnung and Weinshall-Margel 2010). Other examined the way particular legal strategies affecting the court (Dotan 2014; Dotan and Hofnung 2001, 2005). Additional studies examined judicial behavior in specific periods examining particular traits of judges reviewing cases in the IHCJ (Meydani 2011; Rosenthal 2019; Rosenthal and Talmor 2020; Weinshall, Sommer, and Ritov 2018; Weinshall-Margel 2011). While being systematic and helpful for theory building and testing, these studies do not offer (or presume to offer) a bird's-eye view of the court's activities.

For the most part, the general picture studying the court's activities in a holistic manner has usually been qualitative using historical, sociological, normative and legal tools of analysis (Barzilai 2010; Cohen 2020; Cohn 2019; Jacobsohn and Roznai 2020; Weill 2012). As excellent qualitative research does, these studies offer benchmarks and parameters for a more systematic understanding of the court's behavior. Following the footsteps of both these traditions, this paper uses an extensive dataset of Israel's High Court of Justice derived from the Israeli Supreme Court Database (Weinshall and Epstein 2020). Using that dataset this paper examines main behavioral patterns in petitions submitted to the IHCJ and the way Israel's High Court of Justice related to these cases. Hence, on the one hand this analysis offers the advantages of systematic variables-based research of the IHCJ's behavior. On the other hand, this analysis uses insights and ideas offered by assessments of parts of the IHCJ's behavior as well as the qualitative assessments of the IHCJ as its basis for analysis.

My main tool here is the Israeli Supreme Court Database (ISCD) constructed by Prof. Lee Epstein, Prof. Keren Weinshall and Mr. Andy Worms. This dataset is compiled from the Israeli Judicial Authority records using a combination of web scrapping and human coding done by law students. It includes two main datasets. One dataset relates to all the final decisions on cases made by the Israeli Supreme Court between 2010-2018 and includes 16,109 case decisions, from those the Supreme Court made 7416 decisions in its capacity as Israel's High Court of Justice. The ISCD also has a dataset which includes the individual judges' decisions on cases. This dataset includes 48,634 decisions made by 25 Supreme Court judges between 2010-2018. From these decisions 22415 decisions or 46% of judicial decisions were on IHCJ cases, as well as

28 more decisions made on IHCJ extended panels. For the purpose, of this study here I subsetted the cases' dataset using only IHCJ decisions.²

The analysis I offer here starts off with examining petitions submitted over time and judges' decision-making patterns along time. From examining the effect of time on petitions' submitting and reviewing, I move to examine petitioners, respondents, legal issues depicting the petitions, different types of legal dispositions the court uses and main patterns in its final decisions. Accounting for the complexity in court behavior I also offer some tabulations and visualizations of the way the different parameters interact and affect each other. I conclude by showing how these complex interactions reflect that the main disposition in which judicial discretion in the IHCJ is revealed: when judges make decisions on the case merits.

Beyond offering a descriptive account of court behaviors per-se, the issues I examine here using the ISCD data, matter for scholars interested in the IHCJ as a legal, political or social institution. They relate to main themes studied by scholars of administrative law, constitutional law as well as judicial behavior and comparative judicial politics.

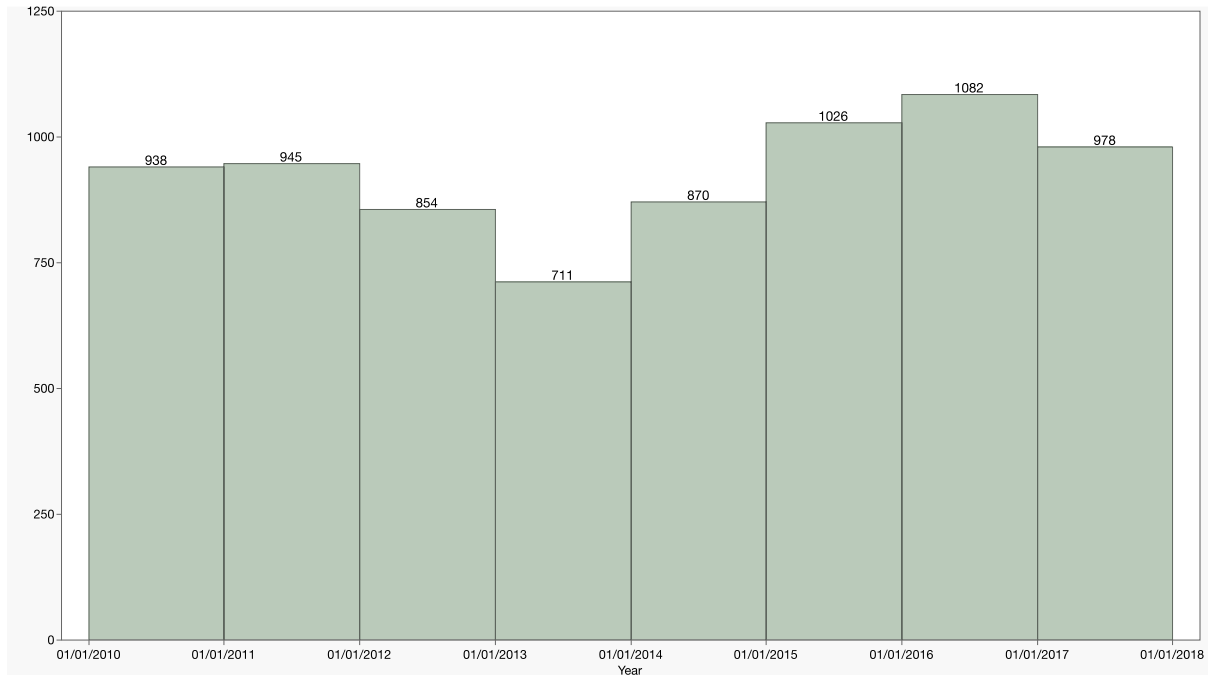
² For complete explanation on the Israeli Supreme Court Database please see: <https://iscd.huji.ac.il/>.

2. MAIN PATTERNS: IHCJ CASES 2010-2018

2.1 CASE DISTRIBUTION ALONG TIME

A repeating theme in some of the studies studying the IHCJ and its activities is time, pointing at the temporal aspects of the court's activities (Dotan 2014; Hofnung 1996; Jacobsohn and Roznai 2020; Salzberger 2010). The ISCD does not go beyond 2010 and in comparison to other datasets (e.g. Dotan 2014), has a limited time scope. However, the ISCD includes all cases between these years and is not a sample or a subset of the court's decisions. Hence, it can reflect temporal changes with little if any uncertainty about its results. Furthermore, from 2010 the effects of reforms in Israel's judicial nomination proceedings started showing an effect allowing for variance in examining how these effects took place between January 2010 and July 2018 (Cohn 2019; Rosenthal, Barzilai, and Meydani 2021). Time yielded changes in Israel's polity which influenced the court's willingness to review cases due to the expansion of standing rights and the court's preparedness to make final calls on them due to the expansion of its justiciability doctrine (Cohn 2019). Hence, we examine both trends of petition the court and the court's response to these petitions. The first figure presents then case distribution along the years included in the dataset.

Figure 1: Annual Opening of Cases before the IHCJ 2010-2018



The first distribution I present in figure 1 is the rate of petitions submitted to court on an annual basis. One pattern that captures the eye is that petitions' submission was increasing when governments were in power for their second and third year yet were decreasing in the fourth year. That can potentially show how petitioners seek to influence the government yet decrease that tendency when the government's time in power diminishes. This effect goes beyond legal tools of standing and justiciability and reflects more the court's political environment. Do these influences also reflect on the rate of final decisions made by judges on cases in the IHCJ?

Figure 2: Annual Case Decisions IHCJ 2010-2018

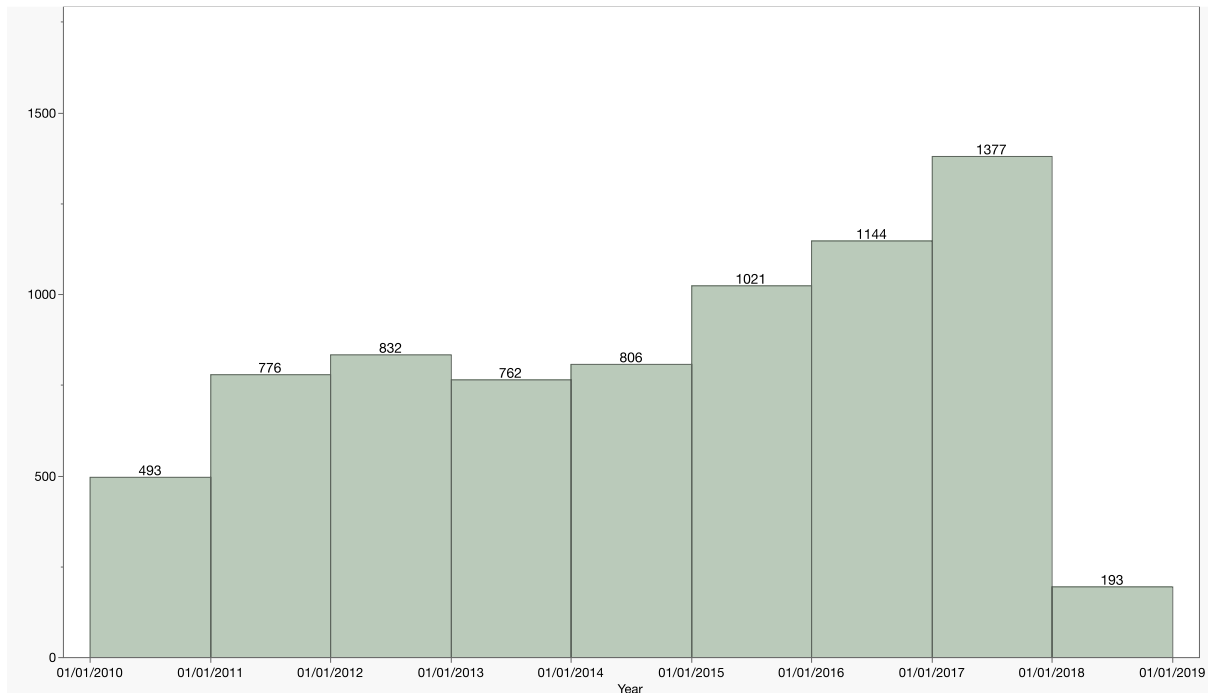
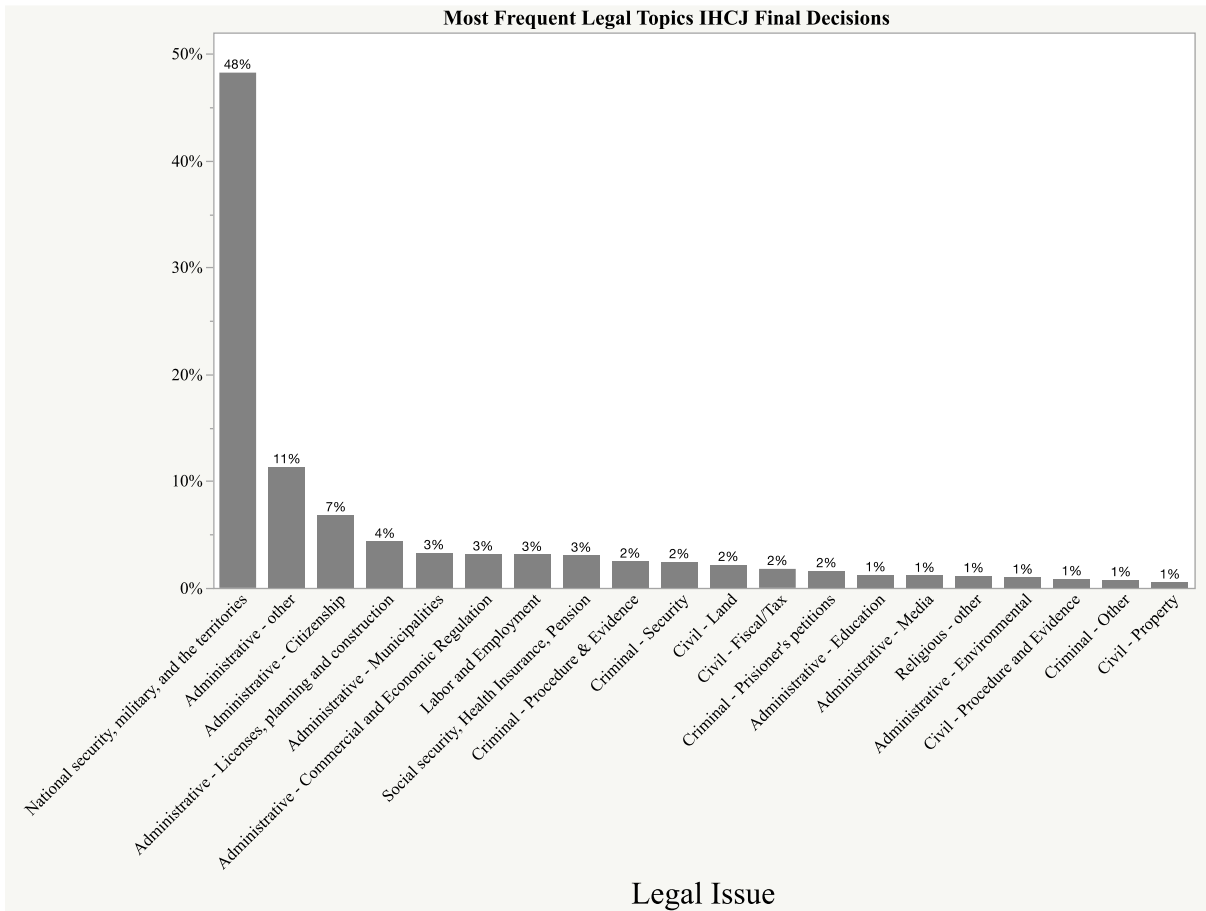


Figure 2 shows an increase in judges' tendency to offer final decisions on an annual basis. What is also interesting is the fact that (besides in 2018 which includes only a part of the year) this trend does not correspond to the government termination trend that we saw in the previous figure. This implies an internal court dynamic that does not directly correspond with political decisions. Thus, while petitioners directly react to political events when petitioning to the IHCJ, the rate of decisions reveals more complex relations with political influences. Potentially, this finding relates to studies that deal with the way petitioners turn to court and how judges relate to such petitions (Dotan and Hofnung 2001; Meydani 2009).

2.2 LEGAL ISSUES

Another salient characteristic of petitions is their legal topic, which potentially interacts with the social and political contexts a lawsuit or in this case a petition offers (Baum 2009; Braman 2009; Lauderdale and Clark 2014; Weinshall, Sommer, and Ritov 2018). The following table shows the most frequent legal topics of IHCJ final decisions:

Figure 3: Most Frequent Legal Topics IHCJ Final Decisions



The data shows that the IHCJ mostly handed final decisions on security matters including handling the occupied territories, followed by administrative law issues. It is worth mentioning that although constitutional law issues raise quite a lot of public attention (Cohen 2020; Gavison 2000; Rotman 2020), it included about 30 cases from the 7416 cases the IHCJ reviewed. Is there a variance along time in the issues the court reviews? Using the ten most frequent issues while removing the issue of national security that is clearly always on the court's agenda, we get the following distribution:

Figure 4: legal Issues along Time

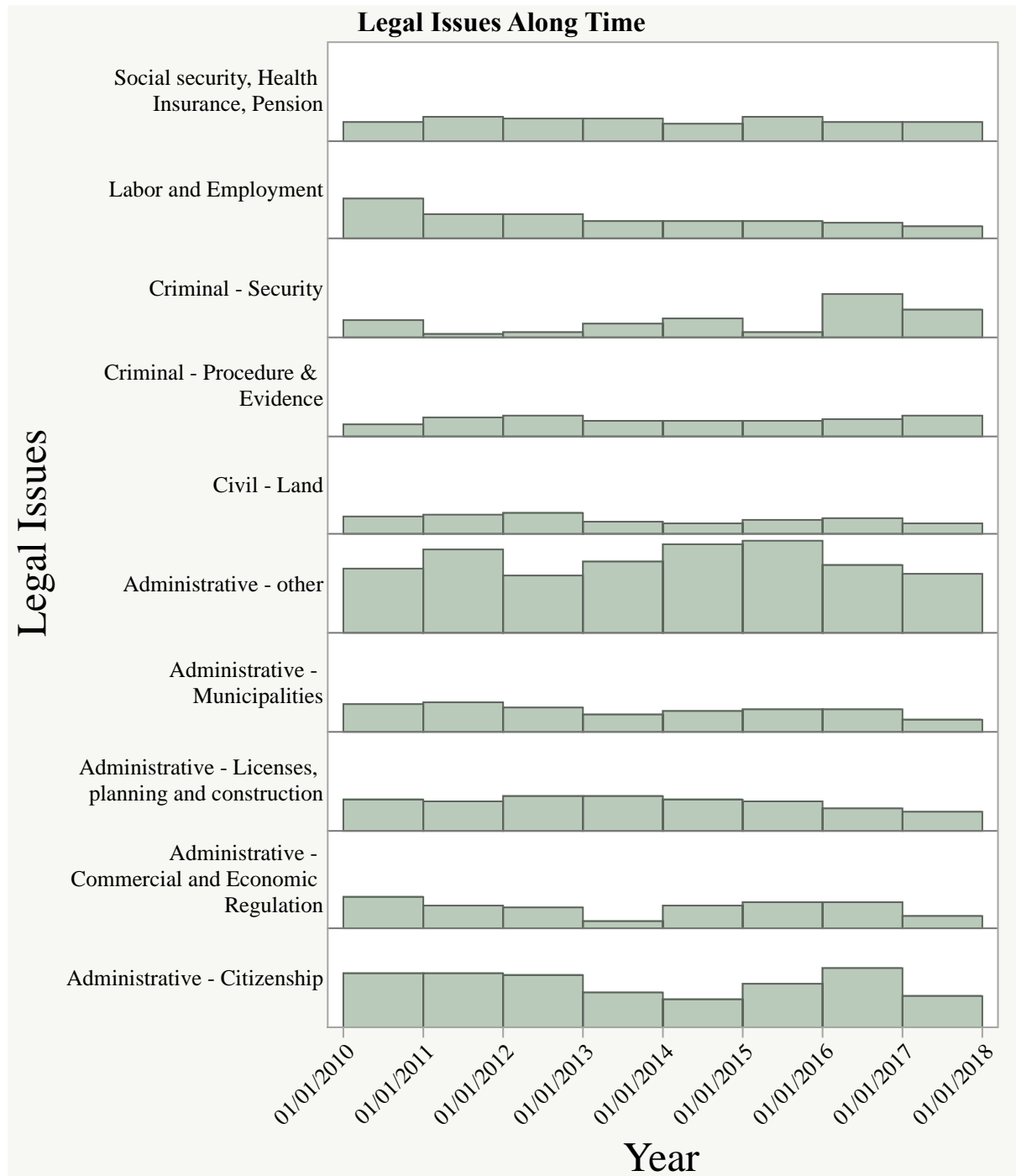


Figure 4 shows that in some issues there is variance in the issues the court reviews: while some issues emerge, descend and then emerge again, some topics are always there, with only minor changes in their variance along the years. This shows that the court's policy attention is divergent and dynamic on some topics yet stable and fixed on others. This trend reflects similar tendencies taking place in other courts with

administrative and constitutional review powers, where public policy attention can be quite dynamic on some topics and very stable on others (Rebessi and Zucchini 2018; Robinson 2013).

2.3 PETITIONERS AND RESPONDENTS

The IHCJ serves as a policy venue of policy demands to the Israeli political system, in case these demands and the preferences they relate to do not receive policy responsiveness from other parts of the Israeli political system (Barzilai 2010; Cavari, Shpizman, and Rosenthal n.d.). When examining the activities of such entrepreneurs turning to the IHCJ as their policy venue, the question is: who can petition the court and whose attention do they try to attain through petitions? In judicial review terms the IHCJ traditionally was a tool for private citizens to petition against the wrongdoings of government. During the 1980's and 1990's it expanded its standing doctrines allowing petitioners who represent a public interest they can account for therefore paving the way for NGOs promoting particular issues to petition the court even if they could not show a direct effect on the NGO or its members caused by government activities (Cohn 2019; Dotan and Hofnung 2001).

The ISCD offers several categories of petitioners based on hand coding of the petitioners as appearing on the petition submitted to the IHCJ. The following table accounts for their frequency and share from the various petitions:

Table 1: Petitioners Type

<i>Petitioner</i>	<i>Count</i>	<i>Pct.</i>
Judiciary	2	0.03%
Military	7	0.10%
Government	43	0.61%
Municipal	179	2.54%
Business	438	6.21%
NGO	458	6.49%
Individual	5925	84.00%
<i>Total</i>	<i>7052</i>	<i>100%</i>

Table 1 shows that from the cases in which the petitioner was identified, the leading petitioner on the petition was usually an individual assuming harm from the state,

followed by NGOs and business sector organizations, then municipalities and to a lesser extent the government itself, the military and even judges. Who were the respondents to these petitions?

Table 2: Respondents Type

<i>Respondent</i>	<i>Count</i>	<i>Pct.</i>
NGO	9	0.13%
Business	64	0.90%
Municipal	73	1.02%
Judiciary	331	4.63%
Individual	374	5.23%
Military	2763	38.62%
Government	3540	49.48%
<i>Total</i>	<i>7154</i>	<i>100.00%</i>

The two main respondents (written on the petition as the chief reason for petition) are the government and the military these two categories are overwhelmingly more important than all other categories. How do petitioners and respondents correspond? Is there a particular type of petitioners to respondents?

Table 3: Petitioners and Respondents

Petitioner	Respondent						
	<i>Business</i>	<i>Government</i>	<i>Individual</i>	<i>Judiciary</i>	<i>Military</i>	<i>Municipal</i>	<i>NGO</i>
<i>Business</i>	0.10%	<u>4.75%</u>	0.38%	0.38%	0.10%	0.24%	0.01%
<i>Government</i>	0.01%	0.37%	0.10%	0.10%	0.00%	0.00%	0.00%
<i>Individual</i>	0.62%	35.62%	<u>4.19%</u>	<u>4.11%</u>	39.06%	0.63%	0.09%
<i>Judiciary</i>	0.00%	0.03%	0.00%	0.00%	0.00%	0.00%	0.00%
<i>Military</i>	0.00%	0.04%	0.00%	0.03%	0.03%	0.00%	0.00%
<i>Municipal</i>	0.01%	2.07%	0.07%	0.04%	0.32%	0.01%	0.00%
<i>NGO</i>	0.13%	<u>5.36%</u>	0.44%	0.09%	0.25%	0.15%	0.03%

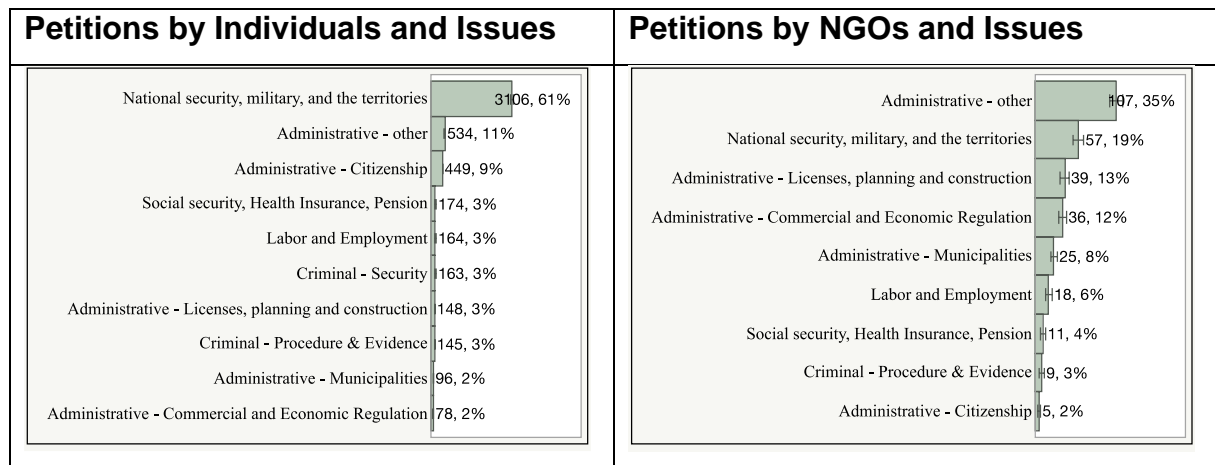
Table 3 shows that from all petitions submitted to the IHCJ included in the ISCD database it was 74.68% of petitions where individuals petitioned against the

government and military activities. The next two frequent categories were of NGOs petitioning the government and business organizations petitioning the government.

Going back to the view that NGOs use the IHCJ to promote their agenda, it could be that even if the 1st petitioner on the petition is an individual the 2nd mentioned on the petition would be the NGO. Hence, the small share of petitions associated with NGOs does not tell their full presence on court. Yet, selecting the petitions in which the first petitioner is an individual, shows that from these only on 21% of the petitions an NGO appears as a second petitioner and on only 9% of the petitions an NGO appears as a third petitioner. In both these type of cases individuals would be 75% of the second written petitioners and 87% of the written petitioners. Thus, while the IHCJ extended in its decisions standing rights during the 1980's and the 1990's, the main 'users' of enhanced standing and consequent justiciability receiving final decisions, will not be NGOs seeking to advance public interest but individuals feeling harmed by the government and the military.

Another aspect of the difference between what individuals seek for in the IHCJ and what NGOs look for when petitioning for the court's assistance, is the difference in the legal issues individuals set on the court's agenda in comparison to the issues NGOs set on the court's agenda.

Figure 5: Legal Issues and Petitioners' Types



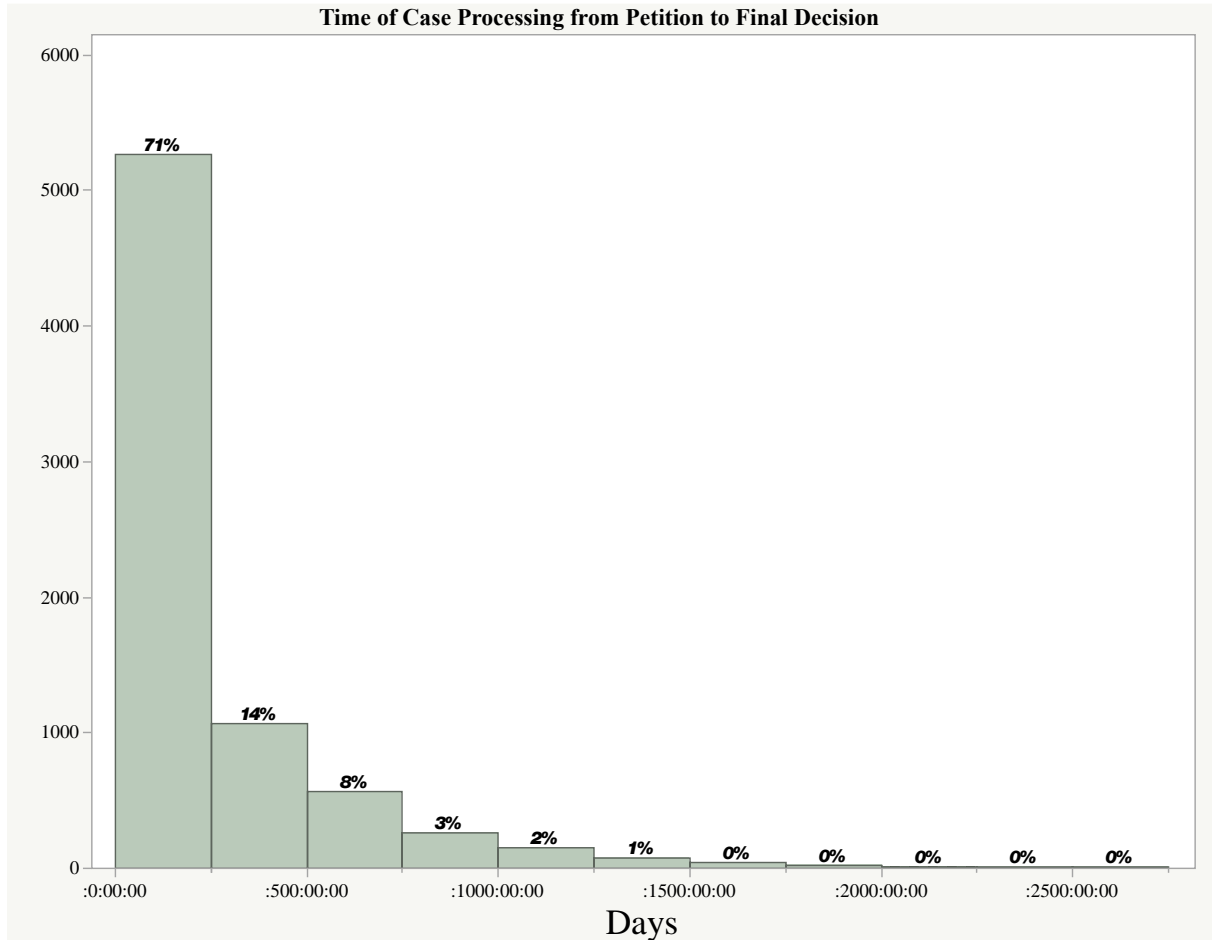
Studying the distribution of topics in which individuals are first petitioners in comparison to petitions in which NGOs are first petitioners, offers several results: individuals

overwhelmingly petition on national security issues (including the occupied territories). For NGOs national security would be a second topic and by far less frequent (19%), in comparison to the myriad of administrative law issues NGOs petition on. Also, for individuals the issue of citizenship rights would be 9% of the petitions while for NGOs it would be only 2% of the petitions. Furthermore, in terms of the distribution of legal issues, for individuals it would spike around three topics. For NGOs the distribution shows a more diverse structure relating to a wide variety of administrative law issues. One can assume then as a promising working hypothesis that while for the most part it is still individuals who are using the IHCJ for its original purpose of handling grievances against the government, when NGOs use this framework they do it to promote particular agendas different than the one which matters for most citizens petitioning the court.

2.4. THE DYNAMICS OF HEARINGS

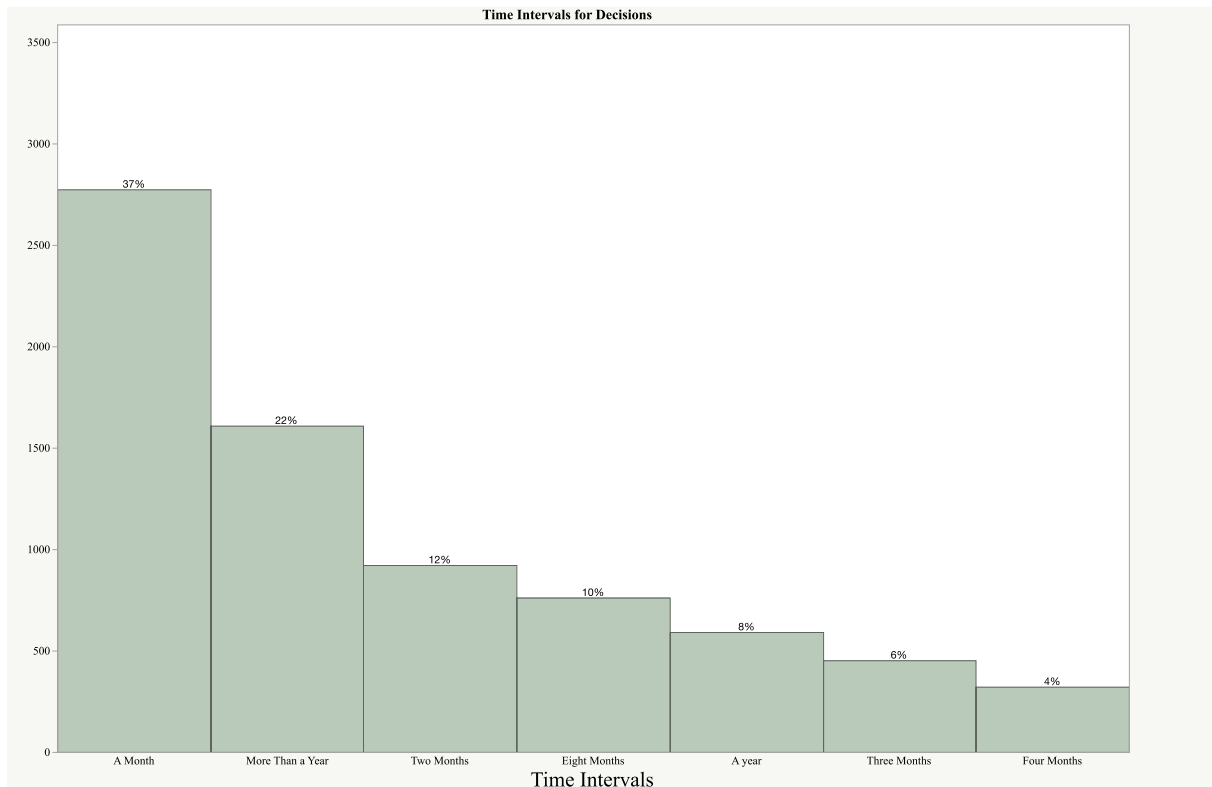
A key question many times heard in the context of the effect of caseload on court discussions and indecisiveness is the amount of time needed for judges to review a case and make a final decision on (Meydani 2011; Weinshall-Margel 2011). The following figure offers an answer regarding this question.

Figure 6: Case Duration in Court by Days



The most frequent category of days from petition submission to final decisions is the one of 0 days to 250 days which is about eight months. Recoding to time intervals offers the following figure:

Figure 7: Case Duration in Court by Time Intervals



The most frequent category is the one of cases dismissed in a month or less with the next category being cases resolved after a year. Thus, on most issues the court is either quick to resolve the case or find difficulties in getting to a clear solution.

Another aspect of court session dynamics is court disposition or the different manner in which the IHCJ decided to make its ruling on a case: which decisions were considered on the merits, which were withdrawn, reached out of court settlements and in-court settlements? Each of these dispositions once examined can tell us either the general state of affairs in court (Dotan 2014), or the manner in which the court relates to particular aspects or issue of the petitions it reviews (Hofnung 2019; Hofnung and Weinshall-Margel 2010), and the way it wishes to set clear statements on law, public policy and the court (Rosenthal, Barzilai, and Meydani 2021). Let us examine these dispositions and their effects.

Table 4: Court Dispositions

<i>Disposition Court</i>	<i>N</i>	<i>Pct.</i>
On the merits	3609	48.74%
Withdrawal - recommended by judges	1669	22.54%
Withdrawal - unknown reason	1393	18.81%
Out-of-court settlement	480	6.48%
In-court settlement	223	3.01%
Other	30	0.41%
<i>All</i>	<i>7404</i>	<i>100.00%</i>

Most court dispositions belong to the category of *on the merits* decisions followed by withdrawal decisions, out-of and in-court settlements. Let us examine these petitions' characteristics by time and the decisions made by judges regarding these different disposition types.

Table 5: Dispositions by Time

	A Month	A Year	Eight Months	Four Months	More Than a Year	Three Months	Two Months	All
In-court settlement	21.08%	8.52%	12.11%	5.38%	43.95%	5.38%	3.59%	100.00%
On the merits	40.09%	6.46%	10.83%	5.10%	16.79%	7.12%	13.60%	100.00%
Other	13.33%	6.67%	6.67%	3.33%	63.33%	3.33%	3.33%	100.00%
Out-of-court settlement	23.75%	11.67%	11.88%	4.79%	35.63%	4.79%	7.50%	100.00%
Withdrawal - recommended by judges	35.89%	10.96%	8.87%	2.70%	21.63%	4.85%	15.10%	100.00%
Withdrawal - unknown reason	40.13%	6.82%	9.40%	3.73%	25.20%	5.46%	9.26%	100.00%
All	37.41%	7.94%	10.21%	4.28%	21.69%	6.08%	12.39%	100.00%

The most frequent categories of on the merits' decisions and both withdrawals' types is a decision on the first month from submission. The most frequent categories for in-court and out of court settlements are in the more than a year time intervals. That is, judges can be quite decisive in either shutting down a petition on their own decision or

using the tool of withdrawals to quickly resolve a case. Are there legal issues more prone to the usage of particular dispositions than others?

Table 6: Dispositions by Legal Issue

Disposition	Admin. Citizen	Admin. regulation	Admin. Planning	Admin. Munic.	Admin. Other	Crim. Proceed	Crim. Sec.	Labor	Nat. Sec.	Soc. Sec.	All
In-court settlement	9.50%	6.15%	7.82%	7.82%	18.44	0.00%	1.12	1.68	40.78	6.70	100.00
On the merits	8.35%	3.67%	6.12%	3.49%	11.80	5.94%	2.64	5.94	46.33	5.72	100.00
Other	9.09%	13.64%	0.00%	4.55%	9.09%	0.00%	0.00	0.00	54.55	9.09	100.00
Out-of-court settlement	11.03%	1.47%	4.41%	3.68%	14.46	0.25%	0.74	1.47	60.05	2.45	100.00
Withdrawal - recommended by judges	6.68%	3.64%	3.77%	3.37%	13.02	0.20%	3.70	1.72	62.79	1.12	100.00
Withdrawal - unknown reason	6.15%	3.40%	3.48%	3.97%	13.68	0.40%	2.75	1.46	63.64	1.05	100.00
All	7.70%	3.57%	4.91%	3.70%	12.86%	2.79%	2.74	3.52	54.77%	3.44%	100.00%

Observing the way most frequent issues reflect on the different court dispositions shows little if any variance from the main trend of security and administrative law/other being the most frequent categories. Does the court disposition type reflect on court decisions? That is, court dispositions in the ISCD parlance relate to the way the judges handle the case. Hence, this is a preliminary decision setting the premises for the final decision regarding the petition. Final decisions coded by ISCD coders include petitions that are rejected, accepted, partially accepted, the decision the petition related to needed to be remanded by a lower instance, the petition is dismissed, or as in the case of withdrawals, the court makes no direct disposition and hence no decision. The following table shows how dispositions and decisions interact.

Table 7: Disposition by Decision

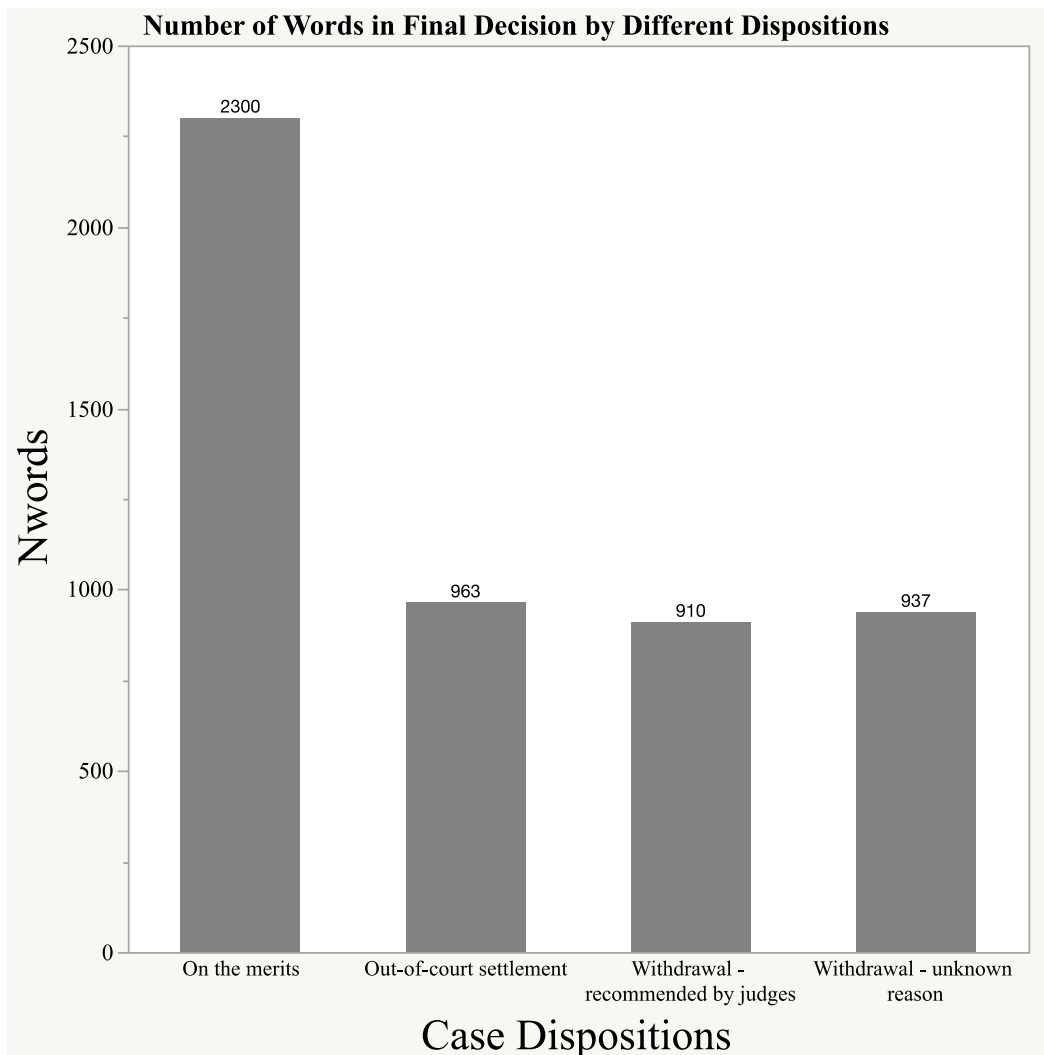
	Accepted		Dismissed		No disposition		Partially Accepted		Rejected		Remand		Unusual		All	
	Row %	N	Row %	N	Row %	N	Row %	N	Row %	N	Row %	N	Row %	N	Row %	N
In-court settlement	1.12 %	2	0.00 %	0	83.2 4%	149	13.4 1%	24	1.12 %	2	1.12 %	2	0.00 %	0	100.00 %	179
On the merits	1.71 %	46	33.3 3%	898	0.19 %	5	1.71 %	46	62.5 1%	1684	0.52 %	14	0.04 %	1	100.00 %	2694
Other	9.09 %	2	0.00 %	0	40.9 %	9	0.00 %	0	4.55 %	1	0.00 %	0	45.4 %	10	100.00 %	22
Out-of-court settlement	0.00 %	0	0.74 %	3	99.0 2%	404	0.00 %	0	0.00 %	0	0.25 %	1	0.00 %	0	100.00 %	408
Withdrawal - recommended by judges	0.00 %	0	0.07 %	1	99.4 7%	1505	0.00 %	0	0.46 %	7	0.00 %	0	0.00 %	0	100.00 %	1513
Withdrawal - unknown reason	0.00 %	0	0.16 %	2	99.5 1%	1229	0.08 %	1	0.24 %	3	0.00 %	0	0.00 %	0	100.00 %	1235
All	0.83 %	50	14.9 %	904	54.5 %	3301	1.17 %	71	28.0 %	1697	0.28 %	17	0.18 %	11	100.00 %	6051

The most frequent category, which is decisions made on the merits, mostly involves petitions which the court rejects or dismisses. A small fraction of petitions reaching this phase are accepted by the court. The withdrawal and out of court settlements are decided without the judges making a final decision (hence abbreviated as no-disposition). Thus, from the different disposition categories the clear act of judges making explicit decisions would be on-the-merits decisions, followed by the very small category of in-court settlements. Hence, the large bulk of judicial behavior in Israel's High Court of Justice's judges' decisions is in its on-the-merits section. Consequently, in the last part of this descriptive analysis I tend to probe a bit more into this type of a legal disposition.

2.5 THE ELEMENTS OF DECISION: THE IHCJ'S ON-THE-MERITS DECISIONS

Legal decisions vary in their potential effect on other policy venues where this effect stems from the way the court signals that it commits to this decision. Yet how can we identify such commitments? I use here some potential heuristics for the court signaling that a decision is of high value and important. One such indicator could be the number of words in a decision signaling complexity and thoughtful consideration, associated with a court reversing others' decisions, making first decisions on a matter and potentially dissent (Epstein, Landes, and Posner 2011). In the following analyses, I juxtapose on-the-merits decisions with other dispositions to gain a comparative grip of their effect.

Figure 8: Case Number of Words by Case Dispositions



On the merits decisions are indeed the wordier decisions from the various dispositions. Another issue the ISCD dataset tells us about decision types is whether they raised dissent. Dissent reflects ideological, partisan and social gaps in court and offers pressure on judges within it that need to consider whether to step against their colleagues or follow the consensus (Brace and Hall 1993; Epstein, Landes, and Posner 2011).

Table 8: Court Disposition and Dissent

<i>Court Disposition</i>	<i>Dissent</i>	<i>Unanimous</i>
In-court settlement	0	223
On the merits	39	3570
Other	3	27
Out-of-court settlement	0	480
Withdrawal - recommended by judges	0	1669
Withdrawal - unknown reason	0	1393

From the various court dispositions, on the merits decisions are the only ones that reflect dissent which in itself is actually a rare event in the data. Finally, I use other heuristics that should reflect a case being important for the court: the number of judges reviewing a case (that should be three on most cases), the mean number of petitioners and respondents, as well as the number of hearings a case received (which is an unusual practice at the IHCJ).

Table 9: Court Disposition and Legal Importance

Disposition Court	N Judges	N Petitioners	N Respondents	N Hearings
In-court settlement	3.00	2.20	2.77	1.08
On the merits	3.06	1.94	3.09	0.67
Other	3.00	3.73	3.07	1.20
Out-of-court settlement	3.00	2.03	2.83	0.75
Withdrawal - recommended by judges	3.00	1.63	2.95	1.02
Withdrawal - unknown reason	3.01	1.92	2.81	0.53

These ISCD measures show that on the merits decisions have the highest average of judges, one of the lowest of petitioners but attracts a high number of respondents. It

has almost the lowest average number of hearings. In conclusion, from the various court dispositions, the ISCD database gives every reason to further examine on the merits decisions as an indicator for judicial discretion. I now turn to conclude this descriptive analysis.

3. CONCLUSION

This paper's task was to offer quantitative regularities describing the way Israel's High Court of Justice operates. Seeking to avoid describing one aspect of court activities and offering large-scale patterns of these activities, I turned to using the Israeli Supreme Court Database. This vast and extensive database allowed me to show how petitions submitted to the IHCJ vary over time, reflecting influences of the court's external environment, alongside internal dynamics affecting petitions' submission rates and internal decision making. I then used the ISCD data to examine the most frequent legal issues handled by the IHCJ. These analyses reiterated the high involvement of the court in setting the terms for Israel's security policy including its control over the territories it occupied during 1967. Illustrating the effect of external policy environments on the court's behavior I showed that the attention the court offers different issues varies over time. This was particularly true regarding criminal law security related issues, civil law cases dealing with land use, the issue of economic regulation, and finally the issue of setting citizenship rules. One surprise with legal issue areas was the small amount of attention the court offers cases dealing with Constitutional Law in comparison to the public salience this topic captures.

In terms of petitioners applying to the IHCJ for assistance, the data show that unlike public perception most of those using the court's assistance are individuals rather than organizations seeking to promote their policy agenda. Most petitions submitted by individuals would be submitted against the military's activities and the government as a whole. NGOs submit petitions mostly against the government. Also, NGOs petition on administrative law matters while individuals mostly petition on national security and citizenship issues.

Examining the time interval taking to make the final decision, most of those were either a period of up until a month and those taking more than a year. To better understand this dynamic, we used the variable of court dispositions: the type of setting the court uses to handle the final decision, whether an in-court settlement, an on the merits decision, out of court settlements, or some sort of an arrangement allowing for withdrawal of a case. We saw that different dispositions vary in their time intervals. We found it particularly interesting to see that in-court settlements usually take more than a year to reach a decision and the category of on-the-merits decisions take usually about a month to resolve. Furthermore, the in-court settlements seem to be a tool to make both sides compromise where the judges partially accept the petition submitted to the court. However, the large majority of on the merits decisions are either dismissed or rejected. This goes against the public image of the court as an interventionist court seeking to dominate the government. The IHCJ's 'domination' takes place on a fraction of the cases the IHCJ sees with many of the cases being the outcome of compromise and not necessarily coercion. Seeing the centrality of on the merits decisions I focused on these decisions trying to get a better first grip of these decisions' relevance. The ISCD database shows that not only these decisions are the large majority of cases on the IHCJ's agenda, but they also receive the highest share of the judges' attention, they are prone to raise controversy and dissent and show several features that reflect their importance for the court and its environment.

This analysis aimed at being a-theoretical and descriptive. The main emphasis here was given the immense legal data included in the ISCD what do we make of the IHCJ as a legal, political and social institution? This quest also reflected upon the fact that this court is perceived as highly interventionist continuously involved in ideological political affairs many time not benefitting the court's purposes (Hirschl 2009; Navot and Peled 2009; Rotman 2020). What the ISCD data reveal is a court which reacts to its environment in its legal policy attention, examining mostly cases submitted by citizens and not political organizations, handling mostly administrative law matters, where judicial discretion on the merits being its main explicit legal tool it uses rather than more tacit tools.

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