



Amir Tsarfati
Anchor Podcast: Moshe Cohen-Eliya, PhD
Inside Israel's Deep State

<https://youtu.be/6mMfNegcluU?si=OU7QBCCbNMyguKsG>



AMIR: Hey, Shalom from CONNECT and welcome to the *Anchor Podcast*. Today we're joined by Professor Moshe Cohen-Eliya, known to many simply as "The Professor." Moshe's story is fascinating. He's the son of Iraqi and Syrian

immigrants, grew up by Haifa's Talpiot Market, served in Unit 8200, and went on to graduate law with honors at the Hebrew University. He clerked in Israel's top legal cycles, worked as a human rights lawyer at the Association for Civil Rights, and even drafted the anti-discrimination law. He earned a doctorate in constitutional law, did a postdoc at Harvard, and founded one of the world's leading journals on law and human rights. For years, his resume looked like that of a future supreme court justice. But in recent years, Moshe has undergone a dramatic transformation. Once a merits voter and human rights champion, today he's one of the fiercest critics of Israel's old elites and judicial establishment. He argues that the judiciary not only sabotages compromise, but bears responsibility for weakening Israel's resilience, even contributing to the failures that led to



October 7th. In this conversation, we'll explore four big themes with him: wokeness, the changing elites in Israel, the problem of juristocracy, and the role of what some call the deep state.

You once embodied Israel's legal establishment. And how did you become one of their fiercest critics?

MOSHE: I must say that from the early beginning, when I had written my PhD, I was a critic of the legal system. I believe in a very clear separation between law, the legal system, and the politician. I believe that judges should not intervene in value-laden issues, but rather maintain the rules of the game. But, you know, in Israeli juristocracy and Israeli academia, if you are a critic of the legal system, you have a very big problem. So I prefer to write more descriptive articles and more descriptive books on proportionality, on balancing, on comparative constitutional law. And once I became a full professor, I had much more independence. After serving as the president of the College of Law and Business in Israel, it's a private institution, I realized that there is a big problem in Israel. And after the election of 2022, when the right-wing government succeeded and formed a coalition with a very specific purpose to bring back power to the people, I was a moderator between a think tank from the left, Tachlith Institute, and a think tank from the right, which is the Kohelet Forum. And we conducted very intensive and very sophisticated discussion in an attempt to find a compromise for the constitutional crisis. I'm a specialist in comparative constitutional law, and I know very different systems in which Israel can draw lessons from. And we reached, I would say, an agreement on 95% of the major issues relating to the constitutional crisis.

AMIR: So you were very proud, we made it.

MOSHE: Yeah, I thought, well, you know, Moshe, ...

AMIR: ...You're very naive...

MOSHE: ... you made something very big; you were the one who facilitated this kind of compromise. But then I realized that, you know, it's not a matter of legal skills or constitutional design. Everyone knows what is the right solution. It's a matter of pure power.

AMIR: So what convinced you that the old elites actually weren't exactly propagating for democracy, but actually for power?

MOSHE: Yeah, you know, at the beginning, when Yariv Levin, the minister of justice, tried to push for the reform, I thought that it was very drastic. And I even participated in some of the demonstrations in the early stages, because you look at Hungary, you look at Poland, and you see what is called constitutional capture, in which the government captured the constitutional court and then tried to dismantle all the other institutions. And I was afraid of that because I'm a Democrat, I believe in separation of power. But eventually what I realized is that the biggest problem in Israel is the concentration of power within the juristocracy, within the judiciary. And people should understand that because, it's amazing what is going on in Israel. In 1977, when (Menachem) Begin and the right wing won for the first time the election and formed a government...

AMIR: ...That shook the core of the Israeli left.

MOSHE: Yeah, that was a trauma for the old hegemony that is related to Mapai, the Labour Party, that established the state of Israel, according to their way of understanding of reality. And they began a very strategic move of shifting power from the democratic institution, from the Knesset...

AMIR: ...from the elected institute...

MOSHE: ... from the elected institute into what they called the "safeguard", which is, and I would say it's kind of a method that was invented, especially for Israel, as a way to rationalize the dramatic shift of power. And once Begin nominated Aharon Barak, who has been the oracle of Israel legal system. And Barak entered the Israeli Supreme Court; and 28 years that he sat at the supreme court. At some of the time he was the president of the Israeli Supreme Court. He very

strategically and very patiently transferred immense power from the parliament, from the Knesset, [AMIR: Exactly] to the judiciary in a way that in early 2024, the Israeli Supreme Court struck down a constitutional amendment that all its purpose was to limit the scope of the unreasonable test. You should understand that the way the unreasonable test in administrative Israeli law is being conducted is to replace the discretion of the people that make decision. That was a mechanism in which the courts for the old hegemony took the authority without being accountable for the decision.

AMIR: Yes, in other words, the judges know better than the ministers, the elected ones.

MOSHE: Yeah, Aharon Barak, I know him personally, ...

AMIR: ...And by the way, for people, this is not Ehud Barak, this is not Barack Obama, this is Aharon Barak. It's a different person, he was the chief justice of the Israeli Supreme Court for many years, and he really is behind the revolution...

MOSHE: No, I've been to Barak House, Aharon Barak is very clumsy, and the house is a mess. And he looks very modest, but he has...

AMIR: ...He's very sophisticated.

MOSHE: I called it epistemological consent. He knows better. [AMIR: Yes.] And when he conducts balances, he takes the authority to say what is the right balance. Balance, it's a political action. So once the court replaces the discretion of the leaders of Israel, we have a huge problem of accountability, and I'll tell you what. On October 7th, we actually understood what was the meaning of taking power without being responsible to what has happened. Because if we go back to the decision of the Israeli Supreme Court to strike down the constitutional amendment, what actually the court says? The court changed the system in Israel. We have been, earlier, like in Britain, a parliamentary democracy. Aharon Barak changed it into a constitutional democracy.

And Esther Hayut, the former chief justice of the Israeli Supreme Court, changed the system into a juristocracy. Juristocracy means that the source of legitimacy, the sovereign, are the judges. [AMIR: Exactly] And by the way, I'm not the person that invented this notion. It was Professor Ran Hirschl from the University of Toronto, who's written a book published by Harvard University Press in 2004 and he described processes across the globe, especially in Israel, in which systems are shifting towards juristocracy.

AMIR: Can you point at other countries where you see that happening?

MOSHE: By the way, you see a general trend across the globe of too much power being transferred into the court. And this is part of the struggle that we are now engaging between the deep states, and the people that believe in the elite wisdom, and the people, what is often termed, populist. Populism is not a bad thing.

AMIR: They turn it into one, but it's not.

MOSHE: Populism is democracy. You know, when you open the American Constitution, you see "We the people," you have the jury; these are mechanisms that rely more on the people than on the elite. But after the Second World War, where the Europeans looked at their system and they said, "Well, it's very dangerous to be a populist. Look what happened to Germany. The people of Germany voted for Hitler. This is why we need to change the system into an elitist system." And they established the constitutional courts. But constitutional courts still are accountable to the people. Why? Because it's the government and the parliament that choose and elect the judges.

AMIR: And those two, parliament and government, are elected constitutions. So it's indirectly elected by the people.

MOSHE: Yeah, you know, and if you look at Israel, Israel is a professional system. It comes from the British system in which there is no constitutional review over legislation. And the court

usually defers the administration. So when the court is not dealing with politics, then it makes sense to nominate according to professional criteria. But what has happened, Barack has turned the professional Israeli court into a political court. But they maintain the whole system in which nominations are being actually applied under professional term. If you look at the Israeli Selection of Judges Committee, you have a majority for the professional and a minority for the politician.

AMIR: So the people's power was actually limited.

MOSHE: Yeah, for example, take for the nomination of the chief justice of the Israeli Supreme Court. Three out of four representatives of the people were against him. But all the professionals, which supposed to be "neutral," which is actually very political to the left-woke part of the Israeli discussion, voted for him, and he was nominated despite the objection of the people. So we have a major problem with regard not only to the power that the court took, but also to the fact that the court has become highly partisan.

If you look in America, for example, one of the major problems when you have a dramatic rise in political polarization is that once ideology has turned out to be an identity and it replaced, to some extent, our racial identity, national identity, ideology is in a way some kind of identity. So when the stakes are so high, if I lose in the congress, I try to capture other institutions and to shift as much power. So you see how the court has become partisan, the academia has become partisan.

AMIR: The media.

MOSHE: The media. So it's a major problem. We lose the notion of neutrality of institution. And because the struggle and the stakes are so high, everyone wants to capture any source of power. So what you see in Israel is woke ideas have been immigrated into Israel through the legal system, through the academia, which is very much influenced by Harvard and elite institutions and also

into the media. And the same problem as in the United States, you have elite institutions that are captured by woke ideology. And you have elected institutions that are representative of the people which is anti-woke.

AMIR: Exactly.

MOSHE: So, you know, woke can only succeed in an unelected institution.

AMIR: Exactly.

MOSHE: Because once they go to the ballot, people don't like them. Even liberals like me... for example, I was a lawyer for the Association for Civil Rights. I'm a moderate, liberal Zionist like Jerry Seinfeld or like Bill Ackman. People that see themselves as very liberal and very receptive, but we don't believe in woke, because woke is not liberal. So, I believe that we need to join hands with the conservative, the moderate liberal. And I think you also see it in the US. Elon Musk, even Donald Trump, he came from the Democratic Party, but he's anti-woke. So this camp has to join forces in order to fight against the radicals, the globalists, the woke that has captured almost all the institutions in Israel. I would say something which is a bit more optimistic with regard to Israel and woke. You know, Israelis don't have the luxury to be woke-ish. We live in a very tough area. I look behind and I see the Valley of Israel and Megiddo. And it's a beautiful country, but it's a dangerous country.

AMIR: Yep. War zone.

MOSHE: You know, since October 7th, we are going to the longest war in the history of Israel almost two years, and we don't even see the end of it. So you cannot afford yourself to be a woke, even at school. And at September, October, I was afraid that our soldiers would not fight properly.

AMIR: And that's what I actually wanted to go there, because obviously the judiciary branch in Israel became so big and so powerful. And it must have had also enormous effect on other big, big

institutions in Israel. And Israel is a small country surrounded by enemies. The military is huge, and it's huge in the mindset of the people. And let's put it this way. In many countries, there is the government that operates the military. In Israel, for many years, it's the military that operated the government. And when you see that wokeism goes all the way even to those ranks, every military has also its own legal advisory and legal system. Do you see that the whole sick situation of the Israeli judiciary system eventually contributed to the dire situation we found ourselves on October 7th?

MOSHE: Yeah, definitely so. I will relate to this question on two angles. First, the army itself. You know, since The Oslo Accords where Rabin took military people and put them on the negotiation table, and they started to believe that we are a diplomat, we think in terms of the strategic way of thinking, and they forgot the core mission of the army, winning. [AMIR: a war.] Winning a war! [AMIR: Yes.] And add to that the fact that we have a woke-ish court. And I'll give you one example. In 2018, there were the marches of return of the Hamas, who marches toward the perimeter. Perimeter is an area, a no man zone, a dead zone, in which no one can enter, which creates some kind of safety belt to Israel.

AMIR: It is within the Gaza Strip area, area that the Israeli military would not allow people to get closer and walk through. Otherwise, they will be right on our fence.

MOSHE: Yeah, it's about one kilometer or two kilometers into the Gaza Strip. By the way, today Israel recreated this belt.

AMIR: Much deeper.

MOSHE: Yeah, yeah, but the belt is about two kilometers at the maximum to the Israeli border. And there were petition by radical left-wing organization against their rules of engagement. And the argument was, "Well, you know, we should treat the Hamas as if they are civilians of Israel,..."

that's a different way of paradigm for rules of engagement, "...and not as enemies." And the court, although it denied the petition, it only did it after the Israeli government and the Israeli army changed the rules of engagement. And even the court made it more strict. So what happened? The perimeter collapsed. They shifted it into the Israeli border. It was much shorter. And on October 7th, the fence collapsed. So, my question is, who is responsible to October 7th? You have a court that said, "Well, I'm only applying the law. I'm not accountable. You're accountable." That's the major problem. When you live in a juristocracy, you have authority without accountability. And now everyone is looking at the disaster of October 7th, and we cannot even agree on a national committee for inquiring what has actually happened, because no one trusts no one. That's a major problem of political polarization. And that's a major problem when courts see themselves as political players but are reluctant to take responsibility. So, when I posted several posts in which I criticized the Israeli Supreme Court, well, they rapidly published a statement saying, "We have no responsibility. We denied the petition." But sometimes when you deny the petition—as someone who came from the system—I know what [actions] that proceed [it] that lead to the denial: You only deny the petition after the government... [when] you force the government indirectly to change their policy.

AMIR: Bottom line, October 7th could have maybe been avoided if the military could have responded to anyone coming as close as one kilometer into the fence, towards the fence. And because that whole paradigm collapsed, they could come all the way to the fence, and you couldn't do anything legally.

MOSHE: Yeah. Now let's add another angle in which the juristocracy is responsible. During the constitutional crisis, there were massive demonstrations by the old elite, the old hegemony that were heavily funded by American dollars. Some of them are now being interrogated and

investigated by the American Congress, the Judiciary Committee, the Foreign Affairs Committee. And there were some letters that were sent to some of the leaders of the Israeli protest. They maybe were receiving federal money indirectly. So what has happened was that the judiciary, which knew that there were very sensible possibilities to get to a compromise on the constitutional issue, they didn't want any compromise. They wanted to maintain as much power as possible. So they went to the protesters and they told them that the limitation of this very minor constitutional amendment relating to the use of the unreasonableness test in the constitutional amendment, that would lead Israel into a dictatorship.

AMIR: So they painted in the minds of many Israelis, I guess, a picture of “If you're not out there doing whatever you can to stop this government, we will turn into a dictatorship overnight.” And they, by doing that, enabled unthinkable things to happen, like what?

MOSHE: Definitely so. When there were negotiations and I was involved in the negotiations, I realized that the left does not want to compromise. Why? “Why should we compromise? We have the Supreme Court. Maybe the Supreme Court would strike down the constitutional amendment. So why should we compromise?” So they went, the juristocracy, they went and told horrific stories about Israel turning into a dictatorship. By the way, we are not a democracy because judges have too much power. [AMIR: Exactly.] But let's go with that. And what has happened in Israel? You have people that served in the army and now are supposed to do reserve, and they were coming to the media and saying, “We will not volunteer to a reserve service in the Israeli army.” So you won't have an army, you won't have an air force. And they were actually blackmailing the government to surrender to during—And you know, one of the leaders of this protest movement was Shikma Bressler, who lives not far from here.

AMIR: Yeah, she lives here a few kilometers away. Our neighbor. By the way, just so you know, we [hand gesture showing Moshe and Amir are “connected”] are from the same town.

MOSHE: Yes, but the same time, for the next two weeks, I will move to...

AMIR: ...That’s true. You’re moving, yes.

MOSHE: And she wrote a post in September, “Netanyahu won’t have an army.” So can you imagine the Hamas looking at what’s going on in Israel?

AMIR: And we found documents that they were looking at.

MOSHE: Yeah, on July 2023, the Hamas has written a memo just analyzing what is going on in Israel and saying, “Well, we should push more to increase the political polarization in Israel, to manipulate it.” And they eventually decided to strike on October 7th. By the way, anyhow, they would intend to strike it. [AMIR: ... but that encouraged them]. But the specific date was not a coincidence when they see what is going on in Israel. And there was no Air Force in Israel for the first eight hours. There were soldiers standing next to kibbutzim, near the Gaza border, doing nothing because they received orders not to intervene. At that time, you have the Nukhba, the Hamas terrorists, massacring people, raping women, doing unimaginable atrocity at Israelis, at the Nova party and at the kibbutzim. Where was the army?

So my question is, when I relate to the responsibility of the juristocracy and to the responsibility of the Kaplan protest movement, they bear also responsibility. Although they try to fly as far as possible from it, and they usually use SLAPP (Strategic Lawsuit Against Public Participation) suits also against me. I received at least two SLAPP suits, one showing that so much federal money received... were received by the political protest in Israel in the Kaplan movement. And also, my accusation that the call not to volunteer to the army [AMIR: Contributed] harmed Israel at October 7th.

AMIR: Yes. Well, everybody knows it harmed Israel because even Hamas admitted that that encouraged them.

MOSHE: Let me tell you something very strange. When they issued this SLAPP suit against me, they added my criticism against the legal system. For example, I published a post called “I Accuse, *J'accuse*, Against the Juristocracy.” So, they added it to the legal suit although it has no relationship to their main cause of action. Why? This is how the system works in Israel. They’re telling the judge: “We are fighting for you. He is arguing against you. We’re trying to bias you against the defendant.” You know, this is how the system works in Israel.

AMIR: Yeah, yeah. Scratch my back, I’ll scratch yours too.

MOSHE: [Laughter] Definitely.

AMIR: Unbelievable. So, by the way, out of curiosity, there’s a lot of rumors, especially among many right-wing Israelis that are asking themselves, was there a betrayal or was it sheer stupidity and arrogance that led to October 7th? I’m not going to ask you to point at a specific thing, but it seems like you believe that it was the perfect storm. It was the arrogance and maybe even stupidity of some of our... I will call it security establishment heads, but also the judicial branch and others. What is your explanation to October 7th?

MOSHE: You know, it’s a big question. You know, many people ask themselves, was there a treason? Because they look at the facts and they see that the army was not functioning for eight hours. And there were all kinds of other facts that pushed to a narrative of a treason. But it’s such a harsh charge against people that I need to see very clear evidence before I say something like that.

AMIR: But you understand the notions. You understand why people would think...

MOSHE: ...Yeah, the problem is that there is a sense that people that hold some formal or position don't want us to know what really happened on that day. [AMIR: Exactly.] And you see how the old hegemony and the old media like Channel 12 and the woke-ish media in Israel tried to cover for the old hegemony. For example, Ronen Bar, who was the head of the Shin Bet, the Israeli equivalent to the FBI, he is the prime responsible person for October 7th and still in the Israeli media...

AMIR: ... He's a hero.

MOSHE: ... He's a hero.

AMIR: "He's the savior of Israel's democracy. He is the barrier between evil and good." It's unbelievable.

MOSHE: Everything that is against Netanyahu is okay for them. You know, we are living in a crazy period of time in which we are so divided. Are we for Netanyahu or against Netanyahu? Instead of asking what is the best policy for Israel? And this is connected to something that I felt... I try to be independent in the way I think. I don't see myself as a right winger or a left winger. I'm a Zionist. I'm a patriot. I'm a liberal. And, we had October 7th. We have to win the Hamas. It's not such a big deal to ask for a total victory after such a disaster event for Israel. And in Israel, it's all the time the question, "Are you for Bibi or against Bibi?" I don't care about Bibi. I think he's doing an excellent job leading this war. I think he's a very responsible, a very sensible leader. He has a very historical understanding of reality. And I think he was in a shock [AMIR: Absolutely] after October 7th. And he bears some responsibility because he was the prime minister. But it's amazing that both the chief of staff and Ronen Bar and all the other people knew of what is going to happen, not in the extent that really took place, and they didn't even bother to wake up, not the prime minister, not the minister of defense. This actually hinders into the major problem of Israel.

You have the professionals, the elite, they think that they are smarter than the people. And you have these baboons in the Israeli government that “We should not trust them. They are religious, they are crazy people. So why not, why should we give them information? They will not make the right decision.” And that’s the core problem.

AMIR: And it’s interesting because the day after the war started, I watched Netanyahu’s remarks and he said... First of all, you could tell that one thing he did is he made up a decision: no longer to be led by the nose by the military anymore. That’s it. And I think that that decision led him through most of the crucial points of going into Rafah, destroying Hezbollah, going all the way to destroy the Syrian military, as well as attacking in Iran. All of those things I don’t think that the Israeli military would have done if it wasn’t for that shift that happened in Netanyahu’s mind when he realized...

MOSHE: By the way, it’s very interesting because if you read Netanyahu’s book called *Bibi* there is a nice discussion between him and his father who was a professor of history. And Netanyahu in 1995 was thinking of being the prime minister for the first time. And he approached his dad and asked him, “Dad, what does it take to be a prime minister?” So his dad turned the question into him. What do you think? So Netanyahu said, “Well, you need to have a vision, historical vision. You need to be very strong, and you need to maneuver.” You know, Netanyahu and his dad said, “No, that’s not the right answer. That’s a characteristic that fits a CEO, but not the leader of the state. What you actually need is education.” Why? Because if you’re educated and you’re smart, you can challenge the “officials”, “the professional”, the people sitting at the army. And I think this is what Netanyahu does all the time. [AMIR: Outsmarts them.] He consults with people from outside the system. They give him feedback and he pushes the professional system and asks for a

question. Netanyahu knows how to drill down into the details. And at the same time, look at the broad picture. I think he's one of the most important leaders in the 21st century.

AMIR: There are three things that I hear often from you in what you say on TV and what you write on social media: (1) is wokeism; (2) is deep state. So, let's take, the third one (3) is the change of elites. But I think we've touched that earlier. But let's talk about the whole idea of deep state. Because I can take you all the way back to the days of Elijah the prophet and to the days of King Ahab and Jezebel. There was already deep state then. And I can prove to you there and how it happened, but that's for a different conversation.

MOSHE: By the way, next to the valley of Israel...

AMIR: ...Exactly, not far from his capital, Jezreel, yes. But how do you define deep state, first? And in what part do you see Israel being infected by the deep state?

MOSHE: Deep states are basically mechanisms of power that are not transparent and not accountable. They are usually the bureaucracy and other agencies that act in opposition to what the people actually want. But if you look at Israel...

AMIR: ...So bureaucrats do not necessarily do what the people voted for.

MOSHE: Yeah, let's take the US, for example, and then look at Israel. You know, when the Democrats lose elections, they go to the deep state to control through the deep state. For example, the USAID. So, the deep state, it's a branch of the American State Department in which power is being used not only vis-a-vis American president, an American institution, but also globally. It's a global deep state. And what do you see is, what was actually going on is, that money was transferred, federal money, to the USAID. And from the USAID, the Democrats used these sources to create influence abroad. And they created a branch of influence in Israel. So they tamed the

Israeli generals through money that were transferred to all kind of think tanks that are related to the Democrats, for example, the INSS. It's very respectable think tank...

AMIR: ...Well, it was respectable before October 7. I'm not sure how it's...

MOSHE: ...Yeah, but you know, it's Democrat-money oriented. And it takes the Wexner Foundation.

AMIR: Yes, Leslie Wexner, a very, very wealthy Jew from America with a very woke ideology.

MOSHE: He was centric, but I think he moved a bit to the left. So they sent generals, and they sent army officials to Harvard. And there they are exposed to woke ideology. And then they bring it back to Israel. This creates some kind of connection between the deep state in the US, which is woke-ish, and creates a branch of a woke-ish deep state in Israel. Now, if I look in Israel, it's more extreme; even it's worse than the US. Why? First, the old hegemony controls all the institutions. You can see it in the Israeli constitutional crisis. The right wing had control only on the government and the Knesset, while the left and the woke had an influence on all institutions. Academia, bureaucracy, the army, [AMIR: The secret services.] the secret services, also the market, the high tech, the banks; all the institutions were controlled by one group. So that puts Israel in a worse position than the US. And further than that, in Israel, the judiciary has immense power. You know, what is to be a sovereign is to have the last word on everything. In Israel, only judges have the last word on everything. [AMIR: Exactly] So the system is so closed and it's so powerful that it's very difficult to break it down. What we see now in Israel is that the chief justice of Israel, Yitzchak Amit, is not an expert in constitutional law, he is a good judge, but terrible in constitutional issues. Now he built a new version, he called it the Magnificent Seven. The highly ranked officials, for example, the chief of the Shin Bet, the chief of the Mossad, the chief of Israeli bureaucracy, and he gives them special status even higher than the elected officials. This is what is meant to take

juristocracy and to give the different branches of the deep state even higher power than they used to have.

AMIR: ... Because they will protect him.

MOSHE: Yeah. It's one hand shaking the other. You see how the system works and it's incredibly difficult to break it down. The one most important element of breaking this down is the replacement of the head of the Shin Bet.

AMIR: Which is probably by the time this podcast will be aired, hopefully he will be replaced.

MOSHE: I must say, be cautious [AMIR: What do you think?] about it because...

AMIR: ...Hopefully, I said hopefully.

MOSHE: As I know, [AMIR: What is it? Two weeks from...?] the Israeli deep state, there was going to be a petition to the court. They will say that this is an unreasonable nomination because he is extreme...

AMIR: He was okay to be a general, but not okay to be...

MOSHE: ...Yeah, because to be the Shin Bet, that's the problem. [AMIR: Yes.] And they are afraid, the old hegemony that if the right wing is going to capture the Shin Bet, they will use the Shin Bet in the way the left has used the Shin Bet against the right. You see a projection of their fear of what they actually were doing to the right wing. But if this is going to happen, this would be an important crack in the Israeli deep state. They also don't have Biden. They don't have the federal monies that they used to get in the past. The system is changing a bit in Israel. So I have a hope that something is going to change.

AMIR: Yeah, but one of the things you did, which is I think what you are famous for now, is you unashamedly approached a foreign country, in this case United States, to help Israel or to help the Israeli government, in exposing the deep state and in cracking down on it by ways of imposing

sanctions on all of these people that are illegally taking power for themselves. And the reason that you gave is if there is one president that can understand this whole scheme it's President Trump. And what they're doing to Netanyahu here is exactly what they're doing to President Trump. But normally, countries prefer to do their dirty laundry in-house. What led you to say we need help from another country?

MOSHE: What led me was actually the decision of the Israeli Supreme Court on early 2024, which formally changed the system in Israel from a democracy into a juristocracy. So people turned to me and said, "Moshe, what are you doing? You're harming Israel's sovereignty." And my answer is we don't have a sovereignty. The one who has the sovereignty are the one who has the last word [which] is the deep state. So when I'm approaching Trump or Elon Musk or other people in the US...

AMIR: ...Because Elon Musk did quote you. He reposted you.

MOSHE: Yeah, he was saying, "Well, we are engaging in a world war against the deep state" and he's very accurate about it. So when I'm approaching this kind of people, I'm not harming Israel's sovereignty. I'm trying to restore Israel's sovereignty. And second, the left all the time went to the US. [AMIR: Exactly.] Biden saved us against the judicial reform. And [AMIR: They got money.] there was sanctions that were imposed on settlers in the West Bank and on south Tayasir, people that were resisting the humanitarian aid and against (Itamar) Ben-Gvir and (Bezalel) Smotrich. And Biden did not meet Netanyahu for a whole year because of this pressure. So, first, there is reciprocity. And second, when you are in a world war against the deep state—and we are in a world war against the deep state—so I need ammunition in a war. So, I turn to my allies and I ask for ammunition. The ammunition I need is something that was used by Trump

against the ICC in Hague. Sanctions were imposed on all the judges and on the prosecutor of the ICC, and on De Moraes who is a very juristocratic judge in Brazil.

AMIR: He's the chief justice of the supreme court in Brazil.

MOSHE: By the way, in Brazil it's a very bizarre system because the judges are also prosecutors. So if you attack the court, they can initiate prosecution against you. So, they also trial you and decide what is going to be your sentence. It's a crazy system. So now you see a political prosecution against Bolsonaro, against Marine Le Pen. You see the deep state also working in Romania to block someone who's popular. And you see the same thing, not only in the US, also in Israel. The Netanyahu trial is a sham. So, ...

AMIR: ...Yeah. What do you think about the charges that they brought against him as someone that comes from that world?

MOSHE: Yeah, I'm not an expert in criminal law, but in constitutional law. But, for many years I decided not to get into the Netanyahu trial because it's like Rorschach ink stain when you look at it and everyone sees whatever he wants. If I'm against Netanyahu, he is guilty. If I'm for Netanyahu, he is innocent. But once I began to delve into the details, I cannot imagine a prime minister being put to trial on such nonsense.

AMIR: And in the middle of a war.

MOSHE: You know, at the beginning it was not supposed to be in the middle of the war. But you see that the prosecution is insisting, you know? And they know that they don't have a case because the judges were telling them there is no bribery in this case. But still they persist. Why? They don't want Netanyahu to be in jail; they want Netanyahu to step down as part of a deal. You know, it's actually using the prosecution as a tool for political purposes. It's amazing what is going on in Israel. The same goes also in the US. We have seen using prosecution against President Trump as

a way to achieve political goals. This is what is going on when you have high levels of political polarization in Israel, in Brazil, in the US, the same problem. Israel is more extreme.

AMIR: Wow. What are your prospects for the future? So, I mean, you painted a very, very grim picture of what's going on here. Doom and gloom. But at the same time, it seems like you're very much, you have resolve to make a change, to do something. Obviously, your path towards supreme court is not exactly...

MOSHE: ...I'm not interested.

AMIR: You're not. Everybody thought you would be...

MOSHE: ...attorney general. People offer me and I say, I have a different kind of mission. I have a mission in life.

AMIR: Yes. What is it?

MOSHE: To bring justice. I'll tell you what's my mission. You know, when I look at what's going on in Israel, I see that the main problem is the institutions. The institution has been corrupted. Instead of serving their core purpose, for example, the academia has to increase the human knowledge, and the bureaucracy needs to serve people, and the judges need to be impartial. And the army has to win a war. Everything has been corrupted by mainly woke ideology. So what I'm trying—What I'm doing now, I'm establishing a new think tank, an institute called the Institution of the Land. It's taken from a proverb.

AMIR: Proverbs?

MOSHE: Yeah, yeah. In which God separates the sea and the land and institute the institutions of the land. That's the idea. And the idea is to find the core ideas that go back to ancient Israelite ideology. What is the core purpose of the reason that we are here? The Israelites have been about a thousand years in the Holy Land. And then we were 2,000 years in the diaspora and 77 years of

the State of Israel. This has put us into a crossroad, a very dramatic crossroad in which we need to think where to go from here on. So I invited the seven sages, seven people that are going to join this institution. And we are going to change...

AMIR: ...The magnificent seven. Your version of it.

MOSHE: Yeah, I called it the seven sages. [Laughter] Like in the old mythology. So, the idea is to create a new vision for the state of Israel, and also to call upon our allies across the globe, also in the US, Brazil, India, anywhere across the globe...

AMIR: India?

MOSHE: Yeah, I'm from...

AMIR: ...There you go. Tell us a little bit about India because a lot of people follow us from India and you have a very, very special connection to India.

MOSHE: Yeah, that's very interesting. You know, my mother, her mother was born in Iraq. They were Baghdadi Jews like the Sassoon family that had tremendous influence on the Far East. David Marshall was, *David Marshall*, (Hebrew pronunciation) he was the first prime minister of Singapore. And my family came to Calcutta.

AMIR: Wait a minute. A Jew was the first prime minister of Singapore?

MOSHE: Yeah, in the interim government. David Marshall, [AMIR: Okay. All right.] he was Jewish. He was a liberal. [AMIR: Okay.] And my family came to Calcutta and they were very British. They spoke English, and my mother was in the scout movement, very senior person. And her cousin was the chief of staff of the East India Army and he's the national hero in Bangladesh. And he managed to...

AMIR: ...Your mother's uncle?

MOSHE: Ah, cousin, sorry.

AMIR: Your mother's cousin, a Jew was the chief of staff of Eastern India...

MOSHE: ...In the 70s.

AMIR: In the 70s.

MOSHE: And during the war...

AMIR: ...General, obviously.

MOSHE: Yeah, during the war between India and Pakistan vis-a-vis Bangladesh independence, he managed to lead to a victory of India without one drop of blood.

AMIR: Wow.

MOSHE: He was a very brilliant person, and he maneuvered. And he's the national hero in Bangladesh. And he also was a governor in Punjab, I think, and in Goa. And he also led to a diplomatic relation being established in the 90s between India and Israel. So I'm very proud to be also of Indian descent.

AMIR: Although it's originally Iraqi that moved to India.

MOSHE: Yeah, but you know, my ex-wife, my kids, they are from Kochi. So this is a different part of India. So I'm very Indian.

AMIR: Wow, amazing. And congratulations, your daughter just got married not long ago.

MOSHE: Thank you very much. That's very, very exciting.

AMIR: So I want to land this podcast on a more personal level. The minute you walk into this place, CONNECT here, you saw all the books. And the first thing we talked about is Bible. We talked about Ezekiel, Gog and Magog. We talked about Satan and God and this and that. And I remember we sat to talk about what this podcast is going to look like. And I asked you if your entire understanding of things has shifted since October 7th towards more of going back to the Bible, going back to our roots. Because I've seen a great exodus of many Israelis from hedonism,

materialism, and secularism towards spiritualism, which here they obviously interpret that in Judaism. But what is *your* personal journey since October 7th from where you were to where you are right now?

MOSHE: You know, my house in Kiryat Tiv'on, in which I lived in for more than 20 years, it looks at the Carmel mountain, and you see the Muhra.

AMIR: Place of fire where, according to 1 Kings 18, the fire came from heaven and consumed...

MOSHE: And you open the Bible for the kids, and you tell the story. And you look down, and you see Tel Qashish, which is the place under one of the explanations in which Yael, ...

AMIR: ...Yael, in the battle with Sisera, yes.

MOSHE: She gave him milk to drink and then she stabbed him.

AMIR: She took the tent peg and put it in his head.

MOSHE: ... In his head, yeah, and—There are so many stories. And I think, you know, I lived in the US for three years. You cannot open the Bible in the US and tell a story and say, “This happened right there.” And I was always connected to the Bible, but I think after October 7th, which actually shook me, I believed in the two-state solution. I believed in the Oslo Accord. I believed in the disengagement from Gaza. I believed in peace. But once I see horror, atrocity, evil, on October 7th, I changed my position. My belief is that Israel should be a power, not only a military power, it has to be a cultural power, a technological power, an economical power. And the day after the war on Gaza, Israel is going to be one of the most important superpowers in the world. And people are going to speak with us in a way of respect, in a way of a bit fear, don't mess with us, after October 7th, but also as a moral authority, and a cultural authority. And this is my vision for the state of Israel after October 7th and after the war, hopefully ending in the coming one month.

AMIR: So you basically described Israel, according to Ezekiel 38, at the eve of Gog and Magog, when we were safe, secure, prosperous, with cities without fences or walls, because we were very, very confident.

MOSHE: Many people in Israel... I appear in Channel 14, it's like Israeli Fox News, and as someone who came from the left, I was heavily criticized for being a useful idiot, for the messianic people, all the crazy people from the right wing. And I like the people there. They're very smart. They love Israel. They're patriots. And they care deeply about the future of the State of Israel and the people of Israel. And...

AMIR: ...But they also care about the heritage of Israel as a Jewish state. And one of the major problems was that the left erased that part.

MOSHE: Yeah. You know, the left, it's amazing, because they were the one that established the state of Israel and Ben-Gurion believed [AMIR: Yes!] in the messianic idea of Jewish prophets. And it's also written in the Declaration of Independence. But for now, the woke ideology that has captured the left in Israel looks at everything that is particular, patriotic, as something evil or bad. They see themselves as part of the global community, and they don't have real connection to the land, to the people. By the way, I believe that most people on the left still have connection. It's the radical, most vocal people that speak on the media, but they don't represent most of the people on the left. My hope is to connect them to the people. [AMIR: Yeah.] This is why I speak all the time for them. They have to be brave. It's not easy because I'm being bashed and attacked as a crazy person that speaks with the right. I'm writing a book nowadays on *Supreme Courts in the Age of Political Polarization* with the co-author, Professor Iddo Porat. And this book is very professional, but still, even though I'm very moderate, the mere fact that I'm sitting with the patriots in Channel 14, that's a "disaster" and that's a reason to delegitimize me. Well, I don't care.

AMIR: Boycott you, oust you and all of that.

MOSHE: I don't care about it.

AMIR: Yeah, of course not.

MOSHE: I have a mission. I'm fulfilling my mission.

AMIR: Well, I just gave you the New York Times bestseller, *The Israel Decree* that you can read. I hope that...

MOSHE: I would like to read it.

AMIR: It's a short one. It'll be probably for you, five hours and you'll be done with it, less than that. But I will tell you this. I hope that people will understand literally this land and this nation is far greater and bigger than any attempt of any human to destroy it. And the problem is we ourselves forgot about it. And I hope that as many Israelis as possible will also somehow find their roots and their connection to the decree that was given to Abraham, which is an unconditional one that God is there to make us a nation that will bless the whole world. And through us, all the world will be blessed. And I think it fits also your future, I guess, idea of that institution.

MOSHE: Yeah, I feel blessed to be part of the Israelites, a nation of 3,500 years that maintain the Hebrew [language]. By the way, I used to be very fond of English, and teaching in English, and writing in English. But on recent years, I realized that in order to understand history, you need to understand Hebrew because Hebrew is related to Aramaic, and Aramaic is related to the Akkadian, which is the old...

AMIR: ...Akkadian, the Akkadian, Aramaic.

MOSHE: It was the lingua franca during the old ages of the Egyptians. And if you understand Hebrew, you understand history. And I'm very much interested in history. Hegel once spoke about dialectic of ideas that lead to the end of history. And people think that this is the end, literally end

of history, but what he actually means, that's the purpose of history. And it's a big question. What is the purpose of history? Is it Gog, Magog and *Ge'ulah*? [AMIR: Yeah.] Or is it...

AMIR: ...*Ge'ulah* is redemption, salvation.

MOSHE: And you know, religious people believe in redemption. Or are we going to a woke world as the woke-ish people in the globalists seek to push us with transhumanism? These are major issues that we need another chapter of the podcast.

AMIR: Yes, we will have it. We will have it because the Bible is speaking about both things. The salvation of Israel as a nation, and how the world is going to that direction also as a world.

MOSHE: Yeah, then we might have a flood, so be careful.

AMIR: No, no, no, there's a different end to it. Professor Moshe Cohen-Eliya, thank you. It was an honor to have you here. And until next time, thank you and God bless you here from CONNECT in Galilee.

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