

# What If Netanyahu Wins?

by [Neri Zilber \(/experts/neri-zilber\)](#)

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## ABOUT THE AUTHORS



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Articles & Testimony

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## His party is already taking aim at the Supreme Court and other institutions that sought to hold him accountable during his previous term.

Last fall, a few months after Benjamin Netanyahu was finally toppled from his perch as Israeli prime minister, a challenger arose from within his right-wing Likud party. Yuli Edelstein, a former Knesset speaker and senior minister, stated that he would run against Netanyahu for party leader ahead of any new election. “Netanyahu has already tried four times; how can we succeed with him the fifth time?” Edelstein posited, alluding to the four general elections held in Israel since 2019. “With Netanyahu we will never return to power.”

Israel is now in the midst of that fifth election, set for Nov. 1, after the swift dissolution earlier this summer of the government that replaced Netanyahu (led by Naftali Bennett and Yair Lapid, who is now the caretaker prime minister). For his part, Edelstein meekly rescinded his leadership challenge in late June and threw his support behind Netanyahu—once more the Likud and Israeli right’s unanimous and sole candidate for the premiership. Yet the damage to Edelstein had been done.

In the Likud primaries held earlier this month, Edelstein dropped from first spot on the electoral list (behind party chair Netanyahu) to a resounding 17th. Other relative moderates—some, like Edelstein, with presumptions of becoming the future party leader—also did much more poorly than expected. In their place, the 80,000 Likud members who voted in the primary election returned a hardline and slavishly pro-Netanyahu slate.

The two main goals professed by nearly all of them? To not only restore “King Bibi” to his rightful place atop the country but to begin a wholesale revolution in Israel’s democratic system.

The highest vote-getter was Yariv Levin, Netanyahu’s closest confidant and political hatchet man. Levin—likely the next justice minister if Likud wins in November—has vowed “fundamental change” to the country’s attorney general post and Supreme Court to forestall what he views as a “judicial revolution” and “coup” attempt by the legal

authorities against the government and Parliament.

It should be noted that this is a longstanding crusade by Levin and many right-wingers, who want a free hand to do anything they please without the courts and legal advisers meddling: building in West Bank settlements, during military operations against Palestinians, and on issues relating to minorities like the forced deportation of African economic migrants or the civil rights of Arab Israelis. Netanyahu's own legal troubles—he is on trial for bribery, fraud and breach of trust—have only increased the vitriol against what the former premier has termed “a vast left-wing deep state” conspiracy involving the media, police and state prosecutors.

“When we come back, the first thing [on the agenda] is the Supreme Court,” Galit Distel-Atbaryan (No. 19 on the Likud list) recently told supporters. “The second thing is to take 40 kilos of bleach and pour it on...Salah a-Din, and send back home all the corrupt [officials] one after the other.” (Salah a-Din is the street in East Jerusalem where the Justice Ministry sits.)

Other senior Likud politicians have vowed to replace the attorney general if they return to power, a move the current justice minister has called pure “gangsterism.” Another senior Likud official demanded that Netanyahu's trial be put on hold during the election campaign.

Dudi Amsalem (No. 4 on the Likud list), considered by opponents “the foulest-mouthed member of a foul gang,” recently promised supporters that if Likud won, it would pass legislation against “the left” that “it will not recover from for 20 years. In order to control, we will delete the word ‘justice.’ It doesn't exist anymore.” Netanyahu, he added for good measure, “is an emissary from God. He is the most important Jewish leader in 100 to 150 years.”

All of the above politicians were rewarded by the Likud rank and file. “It turns out that in today's Likud, it isn't enough to refrain from challenging Netanyahu. Even just keeping your mouth shut won't do. You have to shout as loud as you can,” one Israeli columnist wrote about the party primaries. And almost all of them are shouting the same exact thing. The first step, of course, is winning the election. Current opinion polls have the Likud remaining the largest party by a wide margin, with the pro-Netanyahu “bloc” of parties—Likud, the ultra-Orthodox factions and the far-right Religious Zionism—within spitting distance of an outright 61-seat majority in Parliament. In the last election, in March 2021, this bloc was just 70,000 votes away from winning, out of more than 4 million cast.

As one senior Likud official recently told me, the clear goal this time is a “harmonious right-wing government with our natural partners.” These “natural partners” also include Itamar Ben-Gvir, a proud disciple of the racist Meir Kahane, a Jewish fascist ideologue assassinated in New York in 1990. The predecessor political movement founded by Kahane was barred from politics in the late 1980s because of its anti-Arab invective; Netanyahu in recent years wheeled and dealt to ensure Ben-Gvir made it into Parliament.

If Netanyahu succeeds (where he failed four straight times), then the next step is actualizing the above promises. Legal analysts are clear that, if a parliamentary majority is secured, Netanyahu could take a sledgehammer to Israel's democratic edifice.

“The entire system, all the authority of the Supreme Court, the separation of powers between the government branches, the checks and balances—there's no guarantee of anything here, because there's no constitution. You just need 61 votes in Knesset,” Amir Fuchs, a senior researcher at the Israel Democracy Institute, a nonpartisan think tank, told me. “This is the fundamental problem. In theory they can do anything” with an absolute majority, and in some cases even a simple majority.

Fuchs went on to outline an agenda that could see a new Netanyahu government pass legislation “overriding” the power of the Supreme Court to strike down laws deemed illegal or unconstitutional (per Israel's core Basic Laws, a loose, quasi-constitutional arrangement). Supreme Court decisions in such a scenario would “only be recommendations,” Fuchs said.

Another step long advocated by ideological reformers would be blanket change in how judges and justices are chosen—turning it into purely political appointments (like in the U.S.), as opposed to the mixed consensual system in Israel whereby serving judges, lawyers and politicians decide together.

A blindly pro-Netanyahu majority in Parliament could also theoretically then pass legislation retroactively shielding the (newly restored) prime minister from any legal action until the end of his term, thereby gutting the ongoing trial. A different move with the same end goal would see the government fire the current attorney general, appointed only in January for a seven-year term, and replace her with someone pliant enough to, as Fuchs puts it, simply “delay the proceedings” in the Netanyahu corruption cases, effectively stopping the trial.

“A new attorney general, as the country’s chief prosecutor, could decide that it was a mistake to charge Netanyahu in the first place. It’s not that rare for an AG to halt cases,” Fuchs explains. “I’m not saying Netanyahu will definitely do this, but he may—and he could.”

The upcoming election is still too close to call, but regardless, the margins will assuredly be extremely fine—one or two seats in either direction will likely be the difference between a Netanyahu victory and defeat. Far from being pro forma or simply personality-driven, the result could be nothing short of existential.

“We can wake up after November 1 with an entire change in Israel’s democratic system,” Fuchs warns. “They say it openly. We just have to listen.”

*Neri Zilber is a journalist based in Tel Aviv and an adjunct fellow with The Washington Institute. This article was originally published on the New Lines website (<https://newlinesmag.com/argument/what-if-netanyahu-wins/>).* ❖

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