

## Indicted prime minister? What's the problem?

by

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It is not clear how and why the legal loophole was created, the one allowing Israeli prime ministers to continue in their posts, even if criminal indictments have been filed against them. As if this loophole were not enough, now – when there are those who want to close it with legislation today, so that it will apply after the next election – there are others who argue that such a law would be perceived as retroactive or personal and should not be passed. That logic is certainly easy to follow.

After all, who could even imagine such an outlandish scenario in which a criminally-accused prime minister would dare refuse to sign a declaration against conflicts of interest as mandated by the nation's attorney general? Couldn't happen in Israel. That a prime minister might bring his cabinet ministers to stand by him in the courtroom entrance on the first day of his trial while he attacks the very institutions over which he himself is in charge? Never a possibility, even in our wildest dreams.

Another minor issue – no more than a figment of our collective imagination: blocking the passage of a budget, as required by law, during the year of the worst health and social crises in the country's history, just to remain in office and avoid going to trial on corruption charges. That may seem a compelling story-line for movies about banana republics. But this is Israel, with a democracy so strong that it can forego active, ongoing efforts to defend it.

Finally, why shouldn't Israeli democracy allow the prime minister to personally decide who will be directly in charge of appointing those who will head the country's law enforcement and legal systems – those who determine against whom legal proceedings might be opened and closed. After all, there is no doubt that we can count on the integrity of a prime minister accused of committing crimes.

Of course, these are completely hypothetical cases that are unimaginable in a democracy like Israel's. We can certainly trust that prime ministers accused of crimes will always put the good of the country above their own interests – a possibility that does not exist with regard to cabinet ministers and directors-general who are legally prohibited from being appointed when there are criminal indictments against them.

But suppose such such an imaginary scenario would nonetheless have arisen. Would we not have had to put an end to it before it put an end to Israeli democracy? Shouldn't there be a limit to the legalistic hairsplitting and righteous nitpicking when it's so clearly evident with whom the State of Israel is dealing, and considering what is at stake? A law prohibiting a criminal defendant from becoming prime minister is not only justified – it should have been passed years ago.

And if the overdue passage of such a law in the Knesset also removes the stick from the wheels of the endless election cycles, when a person facing serious criminal indictments is so obviously willing to sacrifice an entire country to further his personal interests – so much the better.