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To cite this article: Osnat Akiarv (11 Jul 2024): The rise of populism as a factor in Mezey's explanation of legislative vulnerability, The Journal of Legislative Studies, DOI: [10.1080/13572334.2024.2372962](https://doi.org/10.1080/13572334.2024.2372962)

To link to this article: <https://doi.org/10.1080/13572334.2024.2372962>



Published online: 11 Jul 2024.



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The rise of populism as a factor in Mezey's explanation of legislative vulnerability

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ABSTRACT

Michael Mezey maintained that all legislatures are vulnerable to executive attempts to aggrandise their power and influence at the expense of parliamentary prerogatives. In democracies, populist leaders are a danger to parliaments. Therefore, I explored the role of populism as a factor in Mezey's explanation of legislative vulnerability using the case of the Israeli parliament during the 37th government. A wave of populism prompted an attempt to create a constitutional revolution that would weaken the already weak parliament. Israel is one example of the role of populism in making legislatures vulnerable to attempts by the executive branch to increase its power, but there are more cases to study to understand the depth of the phenomenon. Thus, as researchers, we should identify the procedures that can help vulnerable parliaments confront populist leaders and their behaviour.

ARTICLE HISTORY Received 22 December 2023; Accepted 22 June 2024

KEYWORDS Populism; legislative vulnerability; Israel; constitutional revolution

The literature on legislatures has indicated that they are multi-functional and functionally adaptable bodies, and are an essential link between citizens and the government (Loewenberg, 2017; Mezey, 2020; Norton, 2020). Crises challenge the ability of legislatures to fulfil their roles. For example, scholars have investigated how legislatures reacted to COVID-19 and to the attempts of the executive to gain more power during the pandemic (Chiru, 2024; Petrov, 2020; Siefken et al., 2022). Just before COVID-19 hit and challenged legislatures, Mezey (2020) noted that all legislatures are vulnerable to executive attempts to aggrandise their power and influence at the expense of parliamentary prerogatives. He concluded that the long-term trend appears to be away from legislatures and toward the executive branch of government.

Mezey (2020) suggested several factors to explain legislative vulnerability: the requirements of governing the modern nation-state, the continued globalisation of public policy issues, the more intimate relationship between executive leaders and citizens facilitated by a fully democratised electorate

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and media environment, and, more recently, the rise of populism. This last factor may be viewed not simply as a threat to legislative power but in some cases, a threat to representative democracy itself. I will use the case of Israel to demonstrate that populist leaders are not simply a threat to legislative power but in the Israeli case, a threat to representative democracy itself.

The rise of populism

The twenty-first century has witnessed more populist leaders as heads of democracies than ever before (Guasti, 2021; Leslie, 2017; Rogenhofer & Panievsky, 2020). Mudde and Rovira Kaltwasser (2018) suggested that populism should be defined as a set of ideas that not only depicts society as divided between ‘the pure people’ versus ‘the corrupt elite,’ but also claims that politics is about respecting popular sovereignty at any cost. Similarly, Mezey (2020) stated that populism refers to candidates and political movements that argue that they, and they alone, are the authentic representatives of the popular voice.

Populist leaders operate in a post-truth era that enables them to lie, create ‘fake news,’ and spread disinformation and conspiracy theories. Furthermore, as Ball (2017) claimed, the boundaries between truth and lies, honesty and dishonesty, fiction and nonfiction have become blurred. Populist leaders expect that their intended audience will ignore inaccuracies in support of a belief in some shared goal (Foroughi et al., 2019; Spector, 2020).

One aspect of populism is demagoguery, which refers to an oratorical style that appeals to the emotions and fears of voters rather than to their reason. Demagogues thrive on people’s passions and prejudices, and on a lack of understanding about the concept of evidence. They can also promote moral panic and hysteria, increasing their political salience. Lying or telling the truth is irrelevant for a demagogue (Berend, 2020; Ceaser, 2013; de Moraes, 2023).

Populist politicians, argued Mezey (2020), tend to offer either/or alternatives. In contrast, legislatures operate through negotiation and compromise. Furthermore, populism maintains that discussion, deliberation, and compromise, the very essence of legislative activity, is a waste of time and, in any event, a process that is corrupt at its core.

One of the populist leaders who has attracted a great deal of research attention is Benjamin Netanyahu, the Israeli Prime Minister (Leslie, 2017; Maor et al., 2020; Navot & Goldshmidt, 2022; Rogenhofer & Panievsky, 2020; Shilon, 2022; Talshir, 2018; Yaniv & Tenenboim-Weinblatt, 2016). Studies have noted his use of anti-elitist rhetoric in which he criticises the left wing, the Ashkenazi elite (Jews of Eastern European origin), who have dominated the nation since its founding, the media, and even some figures in his own party. His rhetoric also contains exclusionary statements about

migrant workers and Arab citizens of Israel (Rogenhofer & Panievsky, 2020; Talshir, 2018; Yaniv & Tenenboim-Weinblatt, 2016). In addition, he is accused of leveraging ethno-religious tensions (Rogenhofer & Panievsky, 2020).

Moreover, Netanyahu has used populist rhetoric to help him avoid his trial that started in May 2020¹ (Maor et al., 2020; Navot & Goldshmidt, 2022). Maor et al. (2020) maintained that Netanyahu formulated policies to fight COVID-19 that were based on overreactions that created a collective sense of catastrophic crisis. Then, he called for the formation of a national emergency government for a limited period. By altering the Basic Law: The Government, he was able to form a government with Benny Gantz, the leader of another political party and speaker of the Knesset (Israel's parliament) at that time. Navot and Goldshmidt (2022) argued that the criminal proceedings against Netanyahu led to an overlap of his personal interest in avoiding prosecution with the desire of the parties that comprise the right-wing religious bloc – the Likud, the ultra-Orthodox, and the national religious parties – to rein in the courts. Shilon (2022) called Netanyahu's populism an expression of rhetoric and thin ideology. For example, in the campaigns of 2015, 2019 (April), 2019 (September) and 2020 Netanyahu accused his opponents of collaborating with the Israeli Arabs, while in the 2021 campaign he called on the Arab public to grant him support. At the same time, he encouraged voters to support the national religious parties that advocate discrimination against Arab citizens. Shilon (2022) argued that the 'change' and 'contradiction' in his attitude toward Arab citizens were another expression of populism. Furthermore, when Netanyahu spoke against Israeli Arabs, he used demagoguery, which promoted moral panic about and hysteria against the Arab minority in Israel.

Netanyahu is not the only populist leader in Israeli politics. Porat and Filc (2022) indicated that in the past two decades, Jewishness has become part of populist politics, central to Israeli politics. They demonstrated the complex relationship between religion and populism in Israel, evident in the development of two populist parties, one inclusive (Shas) and the other exclusionary (Likud).

The populism component became even more evident in Israeli politics during attempts by Netanyahu's government to overhaul the method of choosing judges for the Supreme Court (Medina & Bloch, 2023; Roznai et al., 2023; Roznai & Cohen, 2023). Scholars have maintained that this attempt at judicial overhaul is similar but not identical to processes of democratic decline taking place in other countries (Medina & Bloch, 2023; Roznai & Cohen, 2023). Roznai and Cohen (2023) claimed that Israeli democracy is especially vulnerable to populism because of its unique institutional design factors coupled with social factors. I argue that in addition to its institutional

design, Israeli democracy is vulnerable to populism because of the weakness of the Israeli parliament.

Democratic backsliding

In the last two decades there has been an increase in cases of democratic backsliding around the globe (Bakke & Sitter, 2022; Bermeo, 2016; Bernhard, 2021; Csehi & Zgut, 2021; Levitsky & Ziblatt, 2019). Israel has been part of this trend since the 2010s (Cohen, 2022; Oren, 2023; Oren & Waxman, 2022). The phenomenon is characterised by processes through which elected rulers weaken the checks on executive power, curtail political and civil liberties, and undermine the integrity of the electoral system (Haggard & Kaufman, 2021). Scholars have noted that this is a slow process that occurs through a discontinuous series of incremental actions, not a one-time coup d'état (Oren, 2023; Waldner & Lust, 2018).

Scholars have offered several explanations for democratic backsliding: political ideology, patterns of competition, the domination of the state by elite coalitions, political polarisation and a decline in the commitment to democratic values. For example, Bermeo (2016) noted that executive aggrandisement occurs when elected executives weaken the checks on executive power one by one, undertaking a series of institutional changes that hamper the power of opposition forces to challenge executive preferences (p. 10). The Israeli case appears to fit this scenario of the deliberate and systematic dismantling of the liberal democratic constraints on executive power by the elites and the state. As Oren and Waxman (2022) maintained, Netanyahu initiated or supported illiberal actions intended to allow him to stay in power.

Haggard and Kaufman (2021) illustrated the central role of parliaments in incumbent takeovers and the dismantling of institutional constraints. They argued that backsliding executives would be unable to undertake crucial changes of laws and institutions in the absence of a compliant legislature. The Israeli parliament in the last two decades has been a compliant legislature that enables the executive to change the dynamics of the checks and balances of Israeli democracy. Haggard and Kaufman (2021) also argued that domination of the legislature could contribute to the collapse of the separation of powers by eliminating the legislature as a source of oversight and expanding the discretion of the executive.

Political polarisation, another explanation for democratic backsliding, has increased significantly in the last decades in many countries around the world including Israel (Bassan-Nygate & Weiss, 2022; Gidron et al., 2022; Porat, 2023). Populist leaders use political polarisation in order to legitimize the attack on democratic checks and balances. For example, Netanyahu uses anti-elitist rhetoric in which he criticises the left wing, the media, academia

and even some figures in his own party (e.g. Filc & Pardo, 2023; Levi & Agmon, 2021).

Studies that analyzed affective polarisation in Israel during the five elections of 2019–2022 found that enhanced electoral competition increases affective partisan polarisation (Bassan-Nygate & Weiss, 2022; Gidron et al., 2023). The Likud party used this increased polarisation during the Bennett-Lapid government (2021–2022), when they were part of the opposition. Ben-Rafael Galanti and Hisherik (2023) noted that members of the Likud party used the political rhetoric of debasement in order to delegitimize their rivals and democratic institutions. Gidron (2023) maintained that Likud's level of populism was more than twice the average level of center-right European parties (p. 38). Gidron (2023) argued that the democratic backsliding in Israel is an elite driven process, one that is not matched by the radicalisation of mainstream voters and a corresponding higher level of affective polarisation.

Recent studies have illustrated the extensive efforts to control the agenda to prioritise government bills and the disciplinary tactics used against opposition legislators that were part of democratic backsliding in Hungary (Ilonszki & Vajda, 2021; Sebők et al., 2023). For example, Ilonszki and Vajda (2021) examined changes in formal powers but also in the informal practices concerning the parliament's legislative and oversight functions. They demonstrated that during the 10 years of Fidesz's rule, the national parliament in Hungary has become severely disempowered. Sebők et al. (2023) posited that a critical part of understanding and measuring democratic backsliding is legislative backsliding. They defined legislative backsliding as a substantive move away from liberal democracy with regard to four critical aspects: public policy; formal, legal and constitutional aspects; procedural aspects; and stability. Their measurement of legislative backsliding is based on evaluating laws according to these four dimensions. If the proportion of laws passed in one legislative term showing deterioration in any of these four aspects is greater than in the previous term, this change indicates legislative backsliding.

The Israeli parliament

Israel, since its establishment, has always been a diverse, multi-ethnic, militarised society within the framework of a Jewish and democratic state. The Israeli parliament consists of 120 members elected every four years. People vote for a party, not an individual who represents a particular geographic location, because Israel is one electoral district. Since 2014, a party must obtain 3.25% of the popular vote to receive a seat in the Knesset. According to Israel's Declaration of Independence, the Constituent Assembly (which became the Knesset) was to have prepared a constitution. However, to this

day, this task has not been completed. Instead, the Knesset has passed a series of Basic Laws, which together, in the future, will become the constitution. The absence of a constitution that consists of an extensive bill of rights is one of several institutional and constitutional elements of Israeli democracy that make checks and balances difficult. Two more accountability mechanisms are missing a second legislative chamber (horizontal accountability) and an electoral system in which representatives are directly responsible to those who vote for them (vertical accountability).

Previous studies on the Israeli parliament have analyzed how its dynamics have changed with respect to the work in committees and the ability of legislators to oversee the government, the votes on legislation, the power of political factions, the parliamentary activities of legislators (Akirav, 2010, 2018; Hazan et al., 2018) and the effect of the candidate selection methods on Israeli legislators' behaviour (Akirav, 2010; Shomer, 2017). Furthermore, scholars have illustrated how the Knesset's committees are an arena for attracting attention to a policy and its substance (Nikolenyi & Friedberg, 2019; Rosenthal, 2018). Other studies have explained policy attention and policy dynamics using factors such as intra-party characteristics, fragmented opposition, and highly personalised, non-partisan, private-member legislation (Friedman & Friedberg, 2021; Tuttnauer, 2020). Most of them indicated that the Israeli parliament is a weak parliament.

One such measure is the Varieties of Democracy Project (V-Dem). This project uses scores on two questions to determine the degree of a parliament's strength. The first is whether opposition parties are able to exercise oversight and investigate issues against the wishes of the governing party or coalition. The second is whether the legislature routinely questions executive branch officials.² According to the scores on the Varieties of Democracy Project, since Israel's establishment in 1948, opposition parties have had a very limited ability to oversee the government (the score for 1948–2014 was 1.861). In addition, the opposition parties' power has declined since 2014 (the score for 2015–2022 was 1.726). The parliament is better able than the opposition parties to question executive branch officials (the score for 1948 was 0.82 and the score for 1949–2022 was 0.986).

The Israeli parliament is weak not just because of the limited ability of the opposition to oversee the government. It is also weak because of the ease with which the Basic Laws can be amended. As of 2024, Israel had 13 Basic Laws³ and no constitution in the near future. In order to amend the Basic Laws a simple majority of those who are present and vote is required for seven of them, and an absolute majority, meaning more than 60 of the 120 members of the Knesset, is needed to change six of them. Thus, it is fairly easy for any given government to change the Basic Laws for its own reasons.

Figure 1 illustrates the number of amendments of the Basic Laws per year from 1948 to the end of 2023.

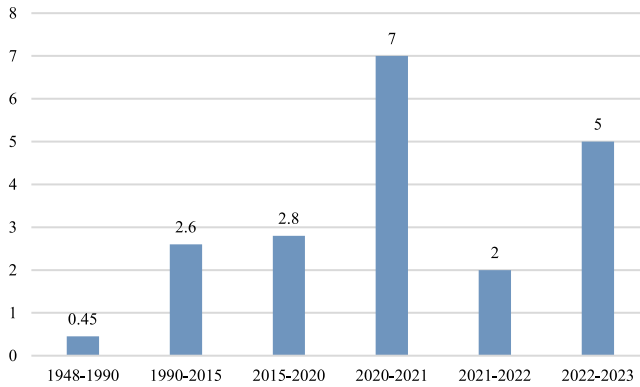


Figure 1. Amendments of the Basic Laws per year, 1948–2023.

The major changes in 2020–2021 were to establish an emergency government to fight COVID-19. The major changes in 2022–2023 were made for the 37th government, Netanyahu’s full right-wing government. Analyzing the content of the changes shows that they helped increase the power of the executive at the expense of the Knesset. One example is the change in the Basic Law: Government (Article 13a) that enabled the formation of the 35th government (the emergency government). The change created a rotation government in which the Prime Ministers would change at a particular point. The first to govern was Netanyahu and the second was supposed to be Benny Gantz. There was no professional discussion about the consequences of this fundamental change in the characteristics of the Israeli political system. Furthermore, this change in the checks and balances of the Israeli regime was passed within two weeks. The main criticism of the opposition members was that instead of dealing with the pandemic and the economic crises, the negotiation teams dealt with establishing a huge government (which supposed to be emergency government) with 35 ministers and 8 deputy ministers.

A second example is the amendment of the Basic Law: Government regarding the prime minister’s inability to fulfil his position.⁴ On 20 February 2023 a group of coalition MKs from the Likud, ultra-Orthodox and right-wing parties proposed a private bill to amend this Basic Law. The amendment stated that in order for a prime minister to be declared unfit to fulfil his position, either the prime minister must make such a declaration or 75% of the ministers must agree to it. In order to speed the legislative process of this amendment of the Basic Law a special committee was established. This committee held eight meetings to prepare the law for its first, second and third hearings. One month later, on 22 March 2023, the amendment passed on the third hearing. The content of this amendment stripped

any previous ability of the parliament to declare that the prime minister was unable to fulfil his/her duties.

I use a combination of indicators from Mezey (2020), Ilonszki and Vajda (2021) and Sebók et al. (2023) to analyze the role of populism in making the Israeli parliament vulnerable to attempts by the executive branch to increase its power. Mezey (2020) maintained that discussion, deliberation, and compromise are the very essence of legislative activity. Thus, any action the executive takes to limit the ability to discuss, deliberate, and compromise can be seen as an attempt to increase its power. Furthermore, it is important to note that populist leaders' argument is that discussion, deliberation, and compromise is a waste of time and a process that is corrupt at its core. Thus, there is an unbridgeable gap between this argument and the fact that these components are the very essence of legislative activity.

In order to measure the attempt of the executive to limit the ability to discuss, deliberate and compromise I rely on Ilonszki and Vajda's (2021) indicator of the duration of the legislative process. They proposed measuring the extent to which the populist executive in Hungary affected formal and informal parliamentary powers by the duration of the legislative process. A short legislative process indicates less discussion and deliberation. A long legislative process enables professional experts to present their analysis of the meaning and consequences of a given bill proposal and opens the committee's floor to the voices of opposition and coalition members. Sebók et al. (2023) proposed a similar indicator called parliamentary debate. It assessed the divergence from the average number of days spent on debates about a bill of a similar length as a measure of the quality of the legislative discussion.

Analysis and discussion

The elections for the 25th Knesset took place on 1 November 2022. The Knesset authorised the formation of the 37th government on 29 December 2022. The 37th government has 64 seats in the Knesset (out of 120) and has 30 ministers and 6 deputy ministers.⁵

On 5 January 2023 the Justice Minister Levin presented the judiciary reform of the 37th government. Article 30 in the coalition agreement referred to the judiciary reform and explicitly defined it as a high priority of the 37th government:

'All factions of the coalition will support all bills ... that deal with regulating the relationship between the authorities and their powers, and in particular, the relationship between the Knesset and the government and the judiciary and the Supreme Court and the method of selecting the judges. The aforementioned legislation will also include the enactment of a Basic Law: Legislation and the overhaul clause'.

The coalition agreement explicitly indicted that all bills mentioned ‘*will receive complete and absolute priority, in any case and circumstance, over any other legislation*’.⁶

The attorney general objected to the judiciary reform, so the legislation was presented through private or committee bills, not government bills. It is important to note that a government bill must consider not only the professional opinion of the attorney general, but also the professional opinion of the various government ministries that must deal with the consequences of the bill: The Ministry of Finance on the economic consequences, the Ministry of Defense on the security consequences, and the Ministry of Foreign Affairs on international relations. None of these factors are relevant to a private bill. A previous study showed that coalition members are more likely than opposition members to pass private bills (Akirav, 2018). The 37th government used private bills in order to avoid criticism from the parliament.

As I will demonstrate, populism was a major factor in the constitutional revolution and its attempt to weaken the already weak parliament. I will use the indicator of discussion, deliberation, and compromise that will be measured by the duration of the legislative process to analyze the role of populism in making the Israeli parliament vulnerable to attempts by the executive branch to increase its power. In addition, similar to Sebők et al. (2023) I will conduct a qualitative mini case study of the attempt to change the method of selecting judges.

Populism and the attempt to change the method of selecting judges

Mudde and Rovira Kaltwasser (2018) defined populism as a set of ideas that not only depicts society as divided between ‘the pure people’ versus ‘the corrupt elite,’ but also claims that politics is about respecting popular sovereignty at any cost. To promote their agenda, populist leaders lie, create ‘fake news,’ and spread disinformation and conspiracy theories. I contend that these elements of populism were all evident in the constitutional revolution in Israel.

During his many speeches Netanyahu tried to undermine the public trust in the police, the attorney general’s office and the Supreme Court⁷ by referring to them as ‘the corrupt elite,’ whereas he and his followers were ‘the pure people’ (e.g. Balas & Malkin, 2021; Navot & Goldshmidt, 2022). Therefore, it was the obligation of the latter to change the composition of the committee that selects judges, who are part of ‘the corrupt elite.’

Article 4(b) of the Basic Law: The Judiciary defines the composition of the committee that selects judges for the Supreme Court.⁸ There are nine members of the committee: three Supreme Court judges, two ministers, two members of the Knesset, and two members of the Israeli Bar Association. The decision to select a candidate for the Supreme Court requires a special

majority of seven out of nine votes. This requirement gives the legislature and the judges effective veto powers, which, in turn, requires them to reach agreement on the candidates. In addition, since the 1990s, it has been the norm that, of the two Knesset members, one was from the coalition and one was from the opposition (with the exception of the 23rd Knesset). Analyzing the 11 out of 15 judges now serving on the Supreme Court who were elected during the Likud governments reveals that their appointments were based on negotiations and agreements between the representatives of the judiciary on the committee and the representatives of the coalition on the committee.⁹ This behaviour accords with the indicator of discussion, deliberation, and compromise.

Justice Minister Levin's amendment to the Basic Law: The Judiciary¹⁰ suggests keeping the same number of committee members, but changing its checks and balances. According to the proposed amendment, an additional minister and an additional member of the Knesset would serve in place of the two members of the Israeli Bar Association. Of the three MKs, two would be from the coalition and one from the opposition. The decision to select a candidate would need a majority of five votes. In addition, there would be a requirement to have only five people present to have a quorum to hold the meeting. In effect, the coalition would always have a majority of five on the committee, allowing it to meet and select a candidate without the presence or participation of the opposition member and the Supreme Court members.

Roznai et al. (2023) indicated that the proposal to change the composition of the committee that selects judges would transform the system into one in which the parliamentary coalition (controlled by the government) would control the appointment of judges. In addition, in their report about the proposed amendment, the Israel Democracy Institute described it as 'a complete takeover by the coalition of the process of electing judges, for all jurisdictions.'¹¹ Levin's proposal is an example of how the executive tried to limit discussion, deliberation, and compromise and transfer the vast majority of power to the executive. They used populist rhetoric to do so. For example, Justice Minister Levin's amendment was prompted by the statement often reiterated by Prime Minister Netanyahu¹² and many politicians from the coalition parties that '*the judges select themselves.*' As a result, they are 'the corrupt elite'. This phrase was part of Levin's speech on 5 January 2023.¹³ He repeated the statement in response to the criticism of Supreme Court President Hayut regarding his judiciary reform on 12 January 2023¹⁴ and again as part of an interview he gave on March 2023.¹⁵ On 20 March 2023 the Likud party stated: '*The faction has now voted by an overwhelming majority in favor of the law that restores the balance in the committee for selecting judges and eliminates the undemocratic situation in which the judges appoint themselves.*'¹⁶ Finally, on 21 March Finance Minister Smotrich again claimed that, '*the judges select themselves.*'¹⁷

For many weeks, hundreds of thousands of citizens demonstrated against Levin's judiciary reform.

The legislative process to amend the Basic Law: The Judiciary (the composition of the committee to select judges) had second and third hearings in committee on 27 March 2023, one day after Netanyahu fired the Minister of Defense who warned about the dangers of the constitutional revolution. This was the end of the first session of the 25th Knesset. This behaviour accords with the indicator of the duration of the legislative process. Its short duration indicates less professional discussion regarding the meaning and the consequences of the bills (Ilonszki & Vajda, 2021). It also accords with the indicator of parliamentary debate, which also refers to the duration of the legislative process (Sebők et al., 2023).

The populist component of the coalition members during the committee's meetings regarding the changes in the Basic Law weakened the Knesset. The committee chair did not allow opposition MKs to express themselves freely. Criticism from an opposition MK led to his removal from the room.¹⁸ This behaviour accords with the indicator of discussion, deliberation, and compromise, which populists claim is a waste of time and corrupt at its core (Mezey, 2020).

During the second session of the 25th Knesset the coalition did not bring this amendment to the floor for a second or third hearing. However, the coalition successfully amended two other Basic Laws. One of them dealt with the reasonableness clause of the Basic Law: The Judiciary, which stated that the Supreme Court could use reasonableness as a reason for striking down a government ruling. All 64 members of the coalition voted for the amendment, and all of the opposition members were absent from the vote. The lack of dissent on the floor votes was based on intra-party negotiations prior to them. The evidence of the negotiations that took place with regard to the judicial overhaul is within the coalition agreements the Likud party signed with its coalition partners. Articles 29–31 deal with the obligations of all coalition partners to *'support all bills ... that deal with regulating the relationship between the authorities and their powers, and in particular, the relationship between the Knesset and the government and the judiciary and the Supreme Court and the method of selecting the judges ... it also includes the enactment of a Basic Law: Legislation and the overhaul clause'*.¹⁹

As of the end of 2023, the composition of the committee to select judges has not changed, but the Minister of Justice has refused to assemble the committee. Several petitions have been submitted to the Supreme Court asking it to force the justice minister to assemble the committee. Levin argued that he is the only authority who can decide if and when to assemble the committee. Thus, the Supreme Court cannot override his authority.

On 16 November 2023, Levin assembled the committee for the first meeting since the establishment of the 37th government. The committee

decided that in about three weeks there would be a discussion on the appointment of a judge for the position of President of the Supreme Court and two additional Supreme Court judges. However, at this meeting there would be no vote to elect judges to the positions.²⁰

On 20 February 2024, Levin assembled the committee for the second time. The committee nominated 17 judges for the lower courts. On 12 March 2024, Levin assembled the committee for the third time. In the last meeting the committee nominated nine judges for the lower courts. However, the committee was not able to reach a decision regarding nominations for the regional court. The members of the coalition in the committee were not willing to compromise. As of the beginning of April 2024 the president of the Supreme Court is still a temporary nomination, and the judiciary system is lacking more than 50 judges.²¹

Conclusion

Israel is one example of the role of populism in making legislatures vulnerable to attempts by the executive branch to increase its power. The article analyzed the case of the committee that selects judges using Mezey's indicator of discussion, deliberation, and compromise. The findings show that the weak Israeli parliament was weakened even further by the attempt of the 37th government to change the system of checks and balances and give more power to the executive over the parliament. It did so using populist rhetoric to convince Israelis that the judicial reform was the right move to improve Israeli democracy.

In the V-Dem report for 2024²² Israel fell out of the liberal democracy category for the first time in over 50 years. It is now classified as an electoral democracy. This change is primarily due to substantial declines in the indicators measuring the transparency and predictability of the law, and government attacks on the judiciary. This drop illustrates that the rise of populism in Israel, as we presented in the analysis, is a threat to representative democracy itself.

One procedure that can help vulnerable parliaments confront populist leaders and their behaviour is the duration of the legislative process. Lengthy debates allow for deep and meaningful discussion and deliberation. The duration of the legislative process should be defined in the Rules of Procedure, which would make it difficult for legislators to push through proposed changes quickly. In addition, the Rules of Procedure should also require the participation of experts in these debates. Experts from different relevant disciplines and organisations should be invited to the committee's meetings in order to present a wide range of opinions and information during the legislative process.

A second procedure that can help vulnerable parliaments confront populist leaders and their behaviour is presenting facts as a reaction to the lies and demagoguery of the populist rhetoric. During the demonstrations against the constitutional revolution in Israel, the leaders of the protests sent many short video films presenting facts and dismantling the lies of the populist leaders. This behaviour is an important counter move to the populist rhetoric.

Despite its contributions, one limitation of this paper is that it mainly concentrates on one country and analyzes one mini case study. However, this mini case study illustrates how populist rhetoric can lead to actions that weaken parliaments. Unfortunately, the issue of executive domination through populist appeals is not restricted to Israel. Orban in Hungary and Erdogan in Turkey, among others, offer distinct parallels to the Israeli case. A second Trump term in the United States, should it come to pass, might demonstrate whether or not what most consider the world's strongest legislature will succumb to the same populist pressures. Thus, future studies should analyze more cases to understand the depth of the phenomenon and to offer ways and procedures to overcome it.

Notes

1. On 28 February 2019, for the first time in the history of Israel, the Attorney General announced the filing of an indictment for crimes of bribery, fraud and breach of trust against an incumbent Prime Minister.
2. <https://v-dem.net/> The answers range: 0: Extremely unlikely, 1: Unlikely, 2: As likely as not, 3: Likely, 4: Certain or nearly certain.
3. <https://main.knesset.gov.il/en/activity/pages/basiclaws.aspx>
4. <https://main.knesset.gov.il/Activity/Legislation/Laws/Pages/LawBill.aspx?t=lawsuggestionssearch&lawitemid=2201424>
5. <https://news.walla.co.il/item/3548645>
6. <https://main.knesset.gov.il/mk/government/Documents/CA37-Otzma.pdf>
7. For example, see: <https://www.maariv.co.il/news/law/Article-763326>
8. https://www.nevo.co.il/law_html/law00/74874.htm
9. <https://13tv.co.il/item/news/domestic/crime-and-justice/p8lag-903388027/>
10. https://fs.knesset.gov.il/25/law/25_ls1_1792677.pdf
11. <https://www.idi.org.il/knesset-committees/48199>
12. <https://edition.cnn.com/2023/01/31/middleeast/benjamin-netanyahu-cnn-interview-israel-intl/index.html>
13. <https://www.ynet.co.il/news/article/sjczdeq5i>
14. <https://www.ynet.co.il/news/article/skcuwpp9s>
15. <https://www.ynet.co.il/news/article/h1cjrum3>
16. <https://www.ynet.co.il/news/article/b111hwbieh>
17. <https://www.ynet.co.il/news/article/rjvt11owlh>
18. See the committee's protocols of the debates <https://main.knesset.gov.il/Activity/Legislation/Laws/Pages/LawBill.aspx?t=lawsuggestionssearch&lawitemid=2201200>

19. <https://main.knesset.gov.il/mk/government/Documents/CA37-RZ.pdf> <https://main.knesset.gov.il/mk/government/Documents/CA37-Otzma.pdf> <https://main.knesset.gov.il/mk/government/Documents/CA37-Shas.pdf> <https://main.knesset.gov.il/mk/government/Documents/CA37-YT.pdf>
20. <https://www.israelhayom.co.il/news/law/article/14832222>
21. <https://www.kan.org.il/content/kan-news/politic/720846/>
22. https://v-dem.net/documents/44/v-dem_dr2024_highres.pdf

Disclosure statement

No potential conflict of interest was reported by the author(s).

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