



NETANYAHU'S PARDON GAMBLE AND WHAT IT MEANS FOR ISRAELI DEMOCRACY

Yael Patir, J Street Policy Fellow

December 12, 2025

On November 30, Israeli Prime Minister Benjamin Netanyahu submitted a 111-page request for a presidential pardon to President Isaac Herzog – five and a half years after his trial began, and just weeks after Donald Trump personally urged Herzog, in the Knesset and in writing on White House letterhead, to [“fully”](#) pardon him.

The request is unprecedented in modern Israeli history: a sitting prime minister on trial for bribery, fraud, and breach of trust asking for an end to legal proceedings without an admission of guilt, without expressing remorse, and without any commitment to retire from political life.

Netanyahu’s Framing

Netanyahu’s letter is carefully crafted. Rather than presenting himself as a defendant seeking mercy, he casts himself as a statesman sacrificing his personal interest for the good of the nation. Netanyahu [argues](#) that the criminal proceedings against him “harm Israel’s national interests, inflame divisions among the people, and divert attention from urgent security and diplomatic challenges.” It highlights his record on Iran, the economy, and foreign policy. Crucially, Netanyahu does not admit any wrongdoing and reiterates his confidence in a full acquittal.

Trump’s Intervention

Netanyahu’s move cannot be separated from Donald Trump’s intervention. In October, Trump stood at the Knesset podium and publicly called on Herzog to pardon Netanyahu. In mid-November, he followed up with an official [letter](#) to the president, denouncing the trial as “political lawfare” and urging a full pardon. Trump has described his own political troubles in the same terms – as a deep state conspiracy. This parallel reflects more than personal loyalty between Trump and Netanyahu; it is a shared political project that seeks to delegitimize independent legal institutions as enemies of the people.

Netanyahu’s “Win-Win” Political Trap

Domestically, the pardon request is a classic Netanyahu maneuver: whichever way the system turns, he wins. If Herzog and the legal establishment move toward some form of clemency, Netanyahu can present it as national reconciliation and use it to reshape the political map – perhaps by assembling a unity government, moderating his coalition, and rehabilitating his image as a unifier after years of polarization. Voters who traditionally do not vote for Netanyahu may be tempted to do so for the sake of ending this saga. If, on the other hand, the president and the courts reject the request, Netanyahu still wins politically. He can tell his base: “I was ready to compromise for the sake of unity; they refused.” That narrative would deepen mistrust of the judiciary and energize Netanyahu’s loyal base of support.

When asked directly whether he would retire if he received a pardon, Netanyahu [answered](#) simply: “No.” In other words: no admission of guilt, no exit from public life, and no real accountability. The timing of the request is also strategic: with elections approaching, demands for an October 7 inquiry, economic strains, and diplomatic setbacks, the pardon request pushes these vulnerabilities off the agenda. It becomes a powerful distraction tool. And whichever way it goes, Netanyahu wins. If granted, he gains legitimacy; if denied, he can frame it as proof of a “rigged” system.

Knesset Reactions

The opposition’s leaders, including Yair Lapid, Yair Golan, Naftali Bennett, and Gadi Eisenkot all [publicly insist](#) that any pardon be conditioned on three elements: admission of wrongdoing, expression of remorse, and immediate retirement from political life – essentially, a structured exit that prioritizes the rule of law and restores minimal accountability.

Within Netanyahu’s coalition, the message is very different. Government ministers [praised](#) Netanyahu’s move as an act of “national responsibility,” called on Herzog to “end the Netanyahu trial saga,” and explicitly linked the pardon to “healing divisions” and moving forward with the government’s agenda. Echoing the language of Netanyahu’s pardon appeal, they also stressed their belief that the trial is hindering Netanyahu’s ability to handle matters of significant national consequence.

What does the Israeli public think?

The Israel Democracy Institute’s [poll](#) demonstrates a highly divided society and the absence of a clear public mandate for an unconditional pardon. According to the survey, 50% of the public opposes granting a pardon that would halt Netanyahu’s trial. Support for the pardon is concentrated overwhelmingly among right-wing voters – a majority of whom favor pardoning the prime minister.

A pardon that is conditional on Netanyahu’s retirement from politics [yields](#) slightly greater support, with no clear plurality in favor or against. These polls thus reflect not only polarization along political lines, but also widespread fatigue. Many Israelis, including some who oppose Netanyahu, appear torn between concerns over equality before the law and a desire to bring the prolonged legal and political crisis to an end – a tension Netanyahu is eager to exploit.

Is it legal for the president to grant the prime minister a pardon?

Per Israeli Basic Law, the president is authorized to grant pardons and to commute or reduce sentences for “offenders,” with the custom being that pardons occur only after conviction. The only major exception was then-President Chaim Herzog’s pre-conviction pardon of senior Shin Bet officials implicated in the 1986 killing of two captured Palestinian hijackers – an exception he made to avoid state secrets being released in a trial. Crucially, however, the officials admitted

guilt in their pardon request, and the pardon decision required the implicated Head of the Shin Bet to resign immediately.

Netanyahu, by contrast, is seeking a pre-conviction pardon *and* refuses to admit guilt, meaning he wants a pardon without being an “offender.” This has no legal precedent, as the Basic Law speaks only of pardoning offenders. A minority legal opinion espoused by Netanyahu’s team is that, for cases of significant public interest, the president can grant a pardon, regardless of the status of the defendant as an offender. Meanwhile, former Justice Ministry officials have stated plainly that there is no legal mechanism for a mid-trial presidential pardon that simply stops the proceedings. Only a court verdict, a plea bargain, or a decision by the attorney general to halt the prosecution can do that. There is also an outstanding legal question surrounding the fate of Netanyahu’s co-defendants if the prime minister is pardoned.

Four scenarios for what could happen next:

1. **Herzog declines to act while the trial is ongoing:** He could simply reaffirm the long-standing practice of the president not to intervene before the courts and prosecutors have completed their work. This would preserve institutional norms, but would also keep Israel locked in the same exhausting political-legal stalemate.
2. **Compromise is achieved:** Behind the scenes, Herzog or others could push for a plea bargain that includes reduced charges, no prison time or a symbolic sentence, and a presidential commutation combined with Netanyahu’s formal exit from political life. This is the only path that offers both accountability and closure, but it requires Netanyahu to accept responsibility – something he has consistently refused to do.
3. **The coalition tries to change the rules mid-game:** One dangerous scenario is a legislative push to shield a sitting prime minister from prosecution. This would almost certainly be challenged in the High Court and test the limits of Israel’s democratic institutions.
4. **Herzog grants Netanyahu a pardon:** Another dangerous scenario is that the president succumbs to all the pressure and grants the prime minister a pardon, without requiring him to admit guilt or retire from politics. Even if such a pardon is framed as a compromise, unless it includes an admission of guilt and Netanyahu stepping away from politics, it would deal a heavy and perhaps existential blow to Israeli democracy and the rule of law.

Israeli Democracy in the Balance

Former Supreme Court President Aharon Barak recently offered a diagnosis that helps explain why the current moment is so consequential. Speaking at a public event, he warned that Israel is no longer the democracy it once was and described what he called a strategy of “flooding,” whereby “defenders of democracy build a dam to plug a hole, but there are countless holes... ultimately exhausting the public and the gatekeepers’ ability to protect democracy.”

Barak's description captures the dynamic at the heart of Netanyahu's pardon request. The issue is not a single legal decision, but a cumulative process in which repeated institutional pressures – on the courts, law enforcement, the media, and now the presidency – wear down the system's capacity to enforce limits on power. Each controversy can be framed as technical, temporary, or pragmatic; together, they amount to structural erosion.

As long as Netanyahu remains in office, this pressure is unlikely to abate. His personal legal predicament has become inseparable from the functioning of the state, ensuring that every institutional actor is drawn into a cycle of crisis management rather than principled governance. In this context, President Isaac Herzog holds a pivotal role: he can either reinforce the dam or, by intervening in a way that blurs accountability, widen the breach.

That responsibility is further complicated by [persistent media reports](#) – denied by Herzog's office – that discussions and legal deliberations concerning a possible pardon for Netanyahu took place even before Herzog assumed the presidency, including claims of back-channel understandings between the two. Even absent concrete proof of such arrangements, their circulation deepens public distrust and heightens the risk that any presidential decision will be perceived as politically tainted.

The path forward is clear. There can be no mid-trial pardon without an admission of wrongdoing and Netanyahu's retirement from political life. Anything less would formalize a two-tier legal system – one for ordinary citizens and another for a prime minister who can evade judicial scrutiny by invoking “national unity.” Israelis may legitimately desire an end to the legal saga and political chaos. But quiet at the expense of accountability would not heal the system; it would further weaken it. In this sense, the future of Israeli democracy hangs in the balance.