Politics and Government in Israel

The Maturation of a Modern State

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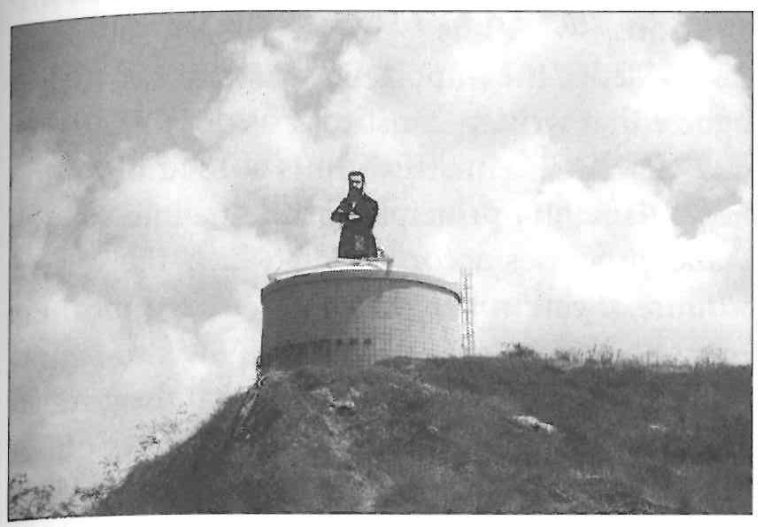

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The Constitutional System and Parliamentary Government

Not all constitutional settings are alike, and Israel's constitutional system is unique in the world. This chapter examines Israel's decision to have an unwritten constitution, with a related decision to write a constitution over time. It discusses the basic structures of Israel's constitution and the changing role of the courts in Israeli politics, as well as their impact upon the evolution of the Israeli constitutional system. Finally, it analyzes the implications of Israel's version of a parliamentary structure and attempts to interpret the significance of the Israeli idiosyncrasies in this regard.

By this juncture the formal creation of Israel and its contemporary social, economic, and religious features should be familiar to the reader. Our focus now shifts to a description of the constitutional principles and major structural components of the Israeli political system. Merging the societal with the structural will in turn facilitate our understanding of the system's subsequent evolution since 1948.

The establishment of a written constitution is considered essential for any modern nation-state. Constitutions have been seen as "power maps,"[1] playing an important role in political systems by providing broad guidelines for permissible and impermissible political behavior. In addition, a constitution

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A monument in the city of Herzliya to Theodor Herzl, seen by many as the visionary of modern Zionism.

provides the yardstick for judicial review and the set of standards for monitoring legislative or executive actions.

At the same time that we acknowledge the importance of written constitutions, however, we must recognize that written constitutions do not guarantee constitutional government. A written constitution is a document that contains an expression of the fundamental principles of the regime, as well as of the political structures and processes according to which the regime must operate. The term *constitutional government* has a specialized meaning for students of politics; it refers to a government of limited power, a regime in which there are policy or behavioral boundaries beyond which the government simply may not go. It is therefore possible, using this distinction, to have constitutional governments with formal written constitutions (the United States or France), constitutional governments without formal written constitutions (Israel or Britain), unconstitutional governments with formal written constitutions (the former Soviet Union), and unconstitutional governments without formal written constitutions (Nigeria after a military coup, Saudi Arabia). The point to note here is that it is possible to overstress the importance of a piece of paper, since the actual behavior of a regime may be more important than the extent to which it has created a set of legal documents.[2]

The political culture that has developed in Israel over the past five decades has been less concerned with formal structures.[3] Israel has no explicit bill of rights or specifically created constitution to provide clear and unambiguous guidelines for governmental power. Yet, the Israeli polity is a stable democracy. This investigation focuses on how such a condition of stability has come about in a culture of such remarkable diversity.

THE DEBATE OVER CREATING A WRITTEN CONSTITUTION

The United Nations resolution of November 29, 1947, advocating the partition of Palestine into two independent states, one Arab and one Jewish, required the states to adopt written constitutions.[4] In addition to requiring by each state the creation of a constitution, the resolution stipulated a number of other points:

1. Establishment of a legislature elected by secret ballot and universal suffrage, and an executive responsible to the legislature
2. Settling of international disputes peacefully
3. Acceptance of an obligation to refrain from the threat or use of force
4. Guarantee of equal nondiscriminatory rights in religious, economic, and political areas to all persons, including human rights, freedom of religion, language, speech, education, publication, assembly, and association
5. Preservation of freedom of visitation and transit for residents and citizens of the "other" state in Palestine, "subject to considerations of national security"[5]

In the Declaration of the Establishment of the State of Israel, proclaimed on May 14, 1948, the United Nations resolution was reiterated, and a commitment was undertaken to have an elected constituent assembly meet to adopt a constitution not later than October 1, 1948. Because of Israel's national war for survival following the Arab military invasion in 1948, this commitment was not kept. During this period, however, the Provisional State Council did undertake a number of discussions and appointed a committee to work on a written constitution.

In July 1948, the Provisional State Council appointed a committee of eight as a constitutional committee. The committee was given the assignment "to assemble, study, and catalogue pertinent recommendations and material, and to prepare a draft constitution which, together with minority opinions in the committee, shall be submitted to the Constituent Assembly for its consideration."[6] This committee was not asked to consider whether a constitution should be written; its recommendations were based upon the premise that the document *would* be written. On November 18, 1948, the Provisional State Council passed the Constituent Assembly Elections Ordinance, calling for the election of a constituent assembly. Two months later the council passed the Constituent Assembly (Transition) Ordinance, transferring all of its powers to the Constituent Assembly. The Constituent Assembly was elected on January 25, 1949, and on March 8, 1949, it transformed itself into the First Knesset.

During the three weeks of its existence, the Constituent Assembly, before it became the First Knesset, enacted the Transition Law (February 16, 1949). This law was, in fact, a miniconstitution, containing chapters on the Knesset, the president, the government, and other provisions.[7] But the assembly never fully debated—much less adopted—a written constitution. The assembly did table a draft constitution authored by Dr. Leo Kohn, a political advisor to then prime minister[8] David Ben-Gurion, but did not take it up again until it met as the First Knesset.[9]

Between May and December 1949, the Knesset Committee on Constitution, Law, and Justice devoted eight special sessions to the question of a constitution.[10] Various arguments were put forward against a written

constitution. Among the leading opponents was David Ben-Gurion, who, with other leaders of the Mapai Party, argued that there was no need to rush into a task that clearly needed to be handled with care and precision.[11]

Opponents of a written constitution also looked to England for a precedent, arguing that if the British, with their history of stable democratic government, did not need a written constitution, then perhaps Israel could survive without one, too. Supporters of a written constitution, on the other hand, retorted that the parallel with the unwritten British constitution was a fallacious one, because Britain was an established democracy with literally hundreds of years of stable government operation in its history that contributed to "built-in conventional safeguards." Israel, in their estimation, had "not yet developed sufficiently powerful and respected conventions to safeguard its system. Therefore, it was argued, Israel needed a written constitution."[12]

Beyond this, however, Ben-Gurion contended that Israel's population was in such a state of flux, already having doubled by 1949 and now on the verge of tripling, that writing a constitution might not be such a good idea. He suggested that "it was rather 'basic laws' without special status that were needed."[13]

> At the present time, the population of Israel represents only a small segment of world Jewry. But the aim of the State of Israel is to take in as many Jews as possible from the Diaspora countries. What right has such a State to adopt a constitution which will be binding on millions of men, women, and children yet to settle within its borders.[14]

Consequently, he declared that "no written constitution [should] be adopted until Israel's population stabilized and the threat of Arab invasion vanished."[15]

Another major stumbling block to a written constitution, likewise foreseen by Ben-Gurion, concerned religious groups in the polity. The question of the degree to which religious principles should be entrenched in an Israeli constitution was one that bothered many citizens,[16] both religious and nonreligious, and was clearly one for which a solution would not be readily discovered.[17] The two camps involved disagreed profoundly. Those referred to as "secularists" advocated Israel developing a constitution similar to those of other Western, liberal states. On the other side, spokesmen for the religious faction claimed that the Torah and its tradition should make up any written constitution, for this would be superior to any man-made legislation "since it was of divine origin." Because it was felt that constitutions are items regarding which consensus should be developed, rather than items to be

imposed by majorities upon minorities, it was decided that it would be better to put together, piece by piece, legislation that would eventually form Israel's constitution.[18]

On June 13, 1950, the Knesset voted by a fifty-to-thirty margin to postpone indefinitely the adoption of a formal written constitution and decided instead to allow for its gradual creation, with the individual pieces to be designated Fundamental Laws.[19] The resolution read:

> The First Knesset directs the Constitution, Law and Justice Committee to prepare a draft constitution for the State. The Constitution shall be constructed article by article in such a manner that each shall in itself constitute a fundamental law.
>
> Each article shall be brought before the Knesset as the committee completes its work, and all the articles together shall comprise the State Constitution.[20]

An additional point that still is perceived by many to be part of the June 1950 understanding was the assumption that at some point in the future the entire body of Fundamental Laws would be consolidated into a single document to be known as the Constitution of Israel.

The outcome of the 1950 resolution has been subjected to broad interpretation. Ben-Gurion and his supporters interpreted the vote as opposition to an "entrenched" constitution and as a vote for complete constitutional flexibility; there would be no laws of a "privileged position." Since the resolution said nothing about the time frame within which the Fundamental Laws had to be written—although because the resolution stipulated that this would be done by the First Knesset, it could certainly be argued that there was an implied time parameter—Ben-Gurion and his supporters were in no hurry. Indeed, the first of the Fundamental Laws was not passed until eight years later.[21]

There were, on the other hand, a number of leaders in Israel who, for a variety of reasons, supported the creation of a written constitution. One argument, of course, was that Israel had already committed itself to writing such a document. Not doing so would be a breach of faith with major international actors, primarily the United Nations and those countries that had supported the creation of the state of Israel. Further, many saw the Fundamental Laws as not being the functional equivalent of a constitution, because they would be passed by simple majorities of the Knesset and, thus, could be reversed by the same majorities. They argued instead that a constitution should be a more special and inflexible document than the Fundamental Laws would be. It should also require more than simple majorities—at least two-thirds or three-fourths of the legislature, for example—to come into existence.

In addition, a number of other arguments were put forward in favor of a written constitution:

- That a constitution would provide a firm basis for the government of the state, defining rights of the citizens, limiting the powers of authorities, and regulating relations between the branches of the government
- That because virtually every other country in the world had a constitution, Israel should have one too
- That a constitution has both educational and patriotic significance for the country
- That a constitution would be a symbol of national unity, which was especially important to Israel when it was welcoming immigrants from all over the world[22]

In the end, the forces advocating inaction prevailed, as might have been predicted. Since the resolution of June 13, 1950, the Knesset has passed a number of Fundamental Laws, but it has yet to complete its work and consolidate all of the Fundamental Laws into a single document. Some legal scholars have accordingly questioned the legitimacy of the Fundamental Laws because, unlike the First Knesset (which did not pass any Fundamental Laws), the Second and subsequent Knessot[23] did not have the same authority to enact "superior law" that was given to the First Knesset by the Constituent Assembly. They claim that only the First Knesset was a continuation of the Constituent Assembly. When it failed to adopt a written constitution, there was no duly authorized body to carry out that task.[24] Technically, then, they say, the Fundamental Laws cannot be considered constitutional.[25] Others respond that since the powers of one democratically elected legislature are passed to the next democratically elected legislature, all Knessot have had constitution-making legitimacy.[26] After four decades of debate, it seems safe to say, no consensus is discernable.

THE STRUCTURES OF THE ISRAELI CONSTITUTION

A well-known scholar of Israeli politics has written that it is not clear whether the classification "Fundamental Law" includes "only such legislation as has formally received that designation, or whether it may be used to define any law dealing with constitutional matters."[27] Fundamental Laws, except for their unusual titles, do not carry any specific features distinguishing them from other acts of the Knesset. As another analyst has noted,

> Since the resolution of 1950 did not define the term "Basic Law," many considered it to apply to all laws of fundamental constitutional content passed by the Knesset, like, for example, the Law of the Return (1950), which provides that every Jew has the right to immigrate to Israel, or the Nationality Law (1952). . . . At one point Knesset Chairman Kadish Luz cited twenty-two "laws of a constitutional nature" in addition to the two formal Basic Laws then on the statute books, and asserted that the task laid down in the 1950 resolution had already been largely accomplished.[28]

We noted earlier that, with only a few exceptions, Fundamental Laws can be changed at any time by a simple majority of the Knesset. One example of these exceptions can be found in Fundamental Law: The Knesset, which has clauses that can only be amended by absolute Knesset majorities (61 votes out of 120), and one clause that would require a two-thirds vote to amend, regardless of the number of members present. While a section in the Judiciary Law makes its structure and powers totally immune from emergency regulations, it is the only constitutional legislation protected in this way.

In fact, however, on those occasions when the Knesset has passed laws that have conflicted with Fundamental Law: The Knesset, and the Supreme Court of Israel has struck them down as unconstitutional, the Knesset has simply passed those same laws again with an absolute majority, and the legislation has then been interpreted as actually amending the Fundamental Law, making the legislation entirely constitutional and legal.

Thus far, eleven chapters of an Israeli constitution have been written, each of which is called a Fundamental Law. These laws are acts of the Knesset that have been passed by a regular majority (a majority of those present and voting), not an absolute majority (over 50 percent of the 120 Members of Knesset). Fundamental Laws are endowed with a special position when compared to regular legislation, but since they are simple decisions of a majority of those present and voting, they can, in principle, be modified or done away with by a simple majority as well. The eleven Fundamental Laws that have been passed by the Knesset are (1) The Knesset (1958); (2) Israel Lands (1960); (3) The President of the State (1964); (4) The Government (1968); (5) The State Economy (1975); (6) The Army (1976); (7) Jerusalem: Capital of Israel (1980); (8) The Judiciary (1984), (9) The State Comptroller (1988), (10) Human Dignity and Liberty (1992), and (11) Freedom of Occupation (1994).[29] These eleven Fundamental Laws collectively make up Israel's constitution.[30]

In addition to Fundamental Laws, a number of other pieces of legislation have been passed by the Knesset over the years that have taken on what might be called a quasi-constitutional status in terms of both their legal importance and their contribution to the country's political culture. Included among

them would be the Law and Administration Ordinance (1948), which established a massive body of Ottoman and British law as Israeli law; the Law of Return (1950), which laid out the fundamental principles of the rights of Jews to immigrate to Israel and the responsibilities of the state to help them in this effort; the Equal Rights for Women Law (1951), giving women equal political and legal rights in the state; the Nationality Law (1952), which regulated the naturalization of non-Jews; the Judges' Law (1953), setting up a framework for the appointment of judges; and the Courts Law (1969), which established several different systems of courts for different classes of litigation.

The first of the Fundamental Laws to be passed, Fundamental Law: The Knesset, dealt with the relations between the branches of government. The Knesset was entrusted with electing the head of state, the president, for a five-year term. The president is responsible only to the Knesset, and it alone has the power to remove the president from office for misconduct or incapacity. Special majorities are required to elect and remove the president. Although the president has a legal obligation to sign legislation from the Knesset, he has no veto power; nor can he refuse to sign a legislative act. The president also plays a role in the formation of the Government. According to Fundamental Law: The Government, it is the job of the president to "entrust to one of the Members of the Knesset the duty of forming a Government." Before this Fundamental Law was passed, there was much debate in Israel over whether the prime minister had to be a member of Knesset (MK); since 1968 the question has been moot.[31] This was amended in the Direct Election of the Prime Minister Law, which is discussed later in this volume, but the president is now again a direct participant in the process.

The presidency itself was first created in the February 1949 Transition Law and was more fully developed in Fundamental Law: The President of the State (1964). The intention was to model it after the British head of state, but in a republican rather than monarchical form of government. Chaim Weizmann, the first president of Israel, advocated an American-style "strong" presidency. His conception lost out to that of David Ben-Gurion, who advocated a "weak" head of state and a "strong" prime minister. The following anecdote illustrates the result: In 1951 the visiting American secretary of labor passed on a message from President Truman to President Weizmann expressing Truman's disappointment that Weizmann "had not taken a stronger position concerning the protection of Arab refugees. 'I am only a constitutional President,' replied Dr. Weizmann, 'and it's outside my province. My handkerchief is the only thing I can stick my nose into. Into everything else—it's Ben-Gurion's nose.' "[32]

Such colorful anecdotes are no longer common because the constitutional

relationship of the president and the prime minister is well known, yet the dual roles are maintained: When Egypt's President Sadat undertook his extraordinarily courageous trip to Jerusalem in November 1977, after his arrival at Ben-Gurion Airport he traveled to Jerusalem in a limousine with the president of Israel, Yitzhak Navon, and not with the prime minister, Menachem Begin, because Navon was the president, the head of state. Sadat negotiated, however, with Begin, the prime minister and chief executive of the Government.

The role of the Israeli president today is a symbolic one in the political world. He[33] is elected by a Knesset majority to a five-year term of office and can be reelected once beyond this. His powers are clearly limited by Fundamental Law: The President of the State and other laws. These powers include the responsibility to make a number of appointments—including judicial, diplomatic, and a number of other senior positions, such as state comptroller, the governor of the Bank of Israel, the president and deputy-president of the Supreme Court, among other public offices—although these appointments are made "on the advice" of the Government. He accepts the credentials of foreign diplomats and signs[34] all laws passed by the Knesset and treaties negotiated with foreign countries. He has the power to pardon or commute the sentences of both civilians and soldiers. He also performs a large number of public-related activities, including hosting groups, making speeches, and the like.[35] Israel has had eight presidents to date, as shown in table 4.1.

When Ehud Barak became prime minister of Israel in 1999, many felt that the time had arrived for Israel to finish the constitution-building process and entrench a constitution. This was possible because Barak had—as a later chapter shows—enough support in the Knesset to pass necessary legislation without the support of any religious parties, and Barak himself was in support of finishing the process. It was recognized, however, that even the proc-

Table 4.1 Israel's Presidents

1	Chaim Weizmann	1949–1952
2	Yitzhak Ben-Zvi	1952–1963
3	Zalman Shazar	1963–1973
4	Ephraim Katzir	1973–1978
5	Yitzhak Navon	1978–1983
6	Chaim Herzog	1983–1993
7	Ezer Weizman	1993–2000
8	Moshe Katsav	2000

Source: Ministry of Foreign Affairs, at www.mfa.gov.il/mfa/go.asp?MFAH00i50, accessed October 2003.

ess of pulling together already completed pieces of legislation would be a difficult and symbolically important process,[36] so the process could not be rushed through the Knesset with the appearance of being forced upon the Israeli public. Unfortunately, other political events—which we also discuss later in this book—resulted in Barak resigning as prime minister and participating in an early election for another term as prime minister, which he lost. With that loss the issue of constitutional completion was relegated to the back burner of the Israeli political agenda.

THE ROLE OF THE COURTS IN THE CREATION OF A CONSTITUTION

Due to the absence of a written constitution, the Supreme Court of Israel has often had no concrete source of law higher than acts of the Knesset upon which to base its decisions.[37] This has meant that when the Court has handed down decisions, it has always done so with questionable legitimacy.[38] The real reason for this may have more to do with politics than with principle.

The Mapai Party offered one rationale in opposition to the establishment of a written constitution: A written constitution would lead to an activist Court and the development of American-style judicial review.[39] A written constitution would be a known standard against which to measure legislation and public policy and would encourage courts to be active in such measurement. If there were no such standard, courts might be more hesitant to step into the political arena. Many political leaders were hesitant to accept an arrangement that would result in taking political power away from the legislature and placing it in the hands of a nonelected judiciary. Thus, the theme of a Knesset hesitant to divest itself of any political power is one that appears recurrently: "The idea of the sovereignty of the Knesset (on the British model) had great appeal to the strongest political party in the Knesset. Those who opposed the adoption of a written formal constitution and promised, instead, a flexible Israeli constitution were probably inspired by this political consideration."[40]

The importance of the principle of legislative supremacy—that the Knesset is the ultimate source of constitutional dogma by a majority vote—has several implications for the role of the Court. First, the jurisdiction of the Court is limited by the Knesset; the Court is not in a position to limit the jurisdiction of the Knesset.[41] Second, when the Court has chosen to adjudicate, its decisions are based upon the principle of legislative sovereignty. Only very rarely has it questioned Knesset legislation in a specific instance, and never has it questioned the ability of a majority of the Knesset to do anything it

wanted. Third, because of the principle of legislative supremacy, the Court cannot "say what the law is,"[42] which the Court has argued is the role of the Knesset. Thus, the absence of a formal, written constitution, combined with the principle of legislative supremacy, has resulted in a Court with strictly limited abilities to shape the constitution of the nation. On those occasions when the Court has been willing to become more active, its rulings have been limited and politically very cautious. As a group, the Court has expressed the belief that its function is to uphold the law, rather than to make it.[43] A few examples of this attitude are examined here.

The earliest instance of the Court avoiding political cases was *Jabotinsky v. Weizmann* (1951). This was also the first time the term *justiciability* was used by the Court.[44] The question under review concerned the mechanics of forming a new Government. One of the president's powers as set forth in the Transition Law was to form new Governments when the need arose. After consulting with the representatives of the political parties, the president was to assign the task of actually forming the new Government to a Knesset member who was prepared to undertake the effort. In this case, after receiving a Knesset vote of no confidence, David Ben-Gurion had resigned as prime minister. The president, Chaim Weizmann, consulted with party leaders and subsequently asked Ben-Gurion to try to form a new coalition. Ben-Gurion refused. At that point, the president quit trying, and Ben-Gurion introduced a motion of dissolution calling for the election of a new Knesset.[45] Suit was brought by members of the opposition, claiming that Weizmann had failed to fulfill his duty to "entrust a member of the Knesset" with the task of forming a Government by prematurely permitting Ben-Gurion to move for its dissolution. Their argument was that Jabotinsky, the leader of the opposition, might have been able to form a coalition if he had been given the opportunity.

In rendering its verdict the Court ruled that the entire question was "political," and therefore "nonjusticiable."

> The whole subject of the duty of forming a Government . . . is nonjusticiable and beyond the scope of judicial determination. The relationships involved are in their very nature outside the field of judicial enquiry; they are relationships between the President of the State, the Government and the Knesset, that is to say the executive and parliamentary authorities. . . . The remedy must be found through parliamentary means . . . in the reaction of the Knesset to [the] Government.[46]

The principle established was very clear: henceforth the Court would avoid what it deemed to be "political" questions that dealt with issues best resolved by the legislature itself, including questions dealing with the legislature's scope of sovereignty.

The later case of *Basul v. the Minister of Interior* (1965) concerned a legislative act dealing with the prohibition of pig raising in certain areas of Israel that were to be designated on a map. At the time the bill was passed, however, the Knesset had not yet completed the design of the necessary map, so the law could not be enforced. A Muslim petitioner, resenting pig raising in his area, appealed to the Supreme Court, claiming that the prohibition against pig raising should still apply because it was the Knesset's fault that it did not have the map completed, rather than a problem with the law itself. Justice J. Berinson, who authored the majority opinion dismissing the case, claimed:

> I doubt whether we [the Court] have the power to deny the validity of a law duly passed by the Knesset, even if it contains an error of fact or is based on faulty premises. In other words, it is doubtful whether a Court can look beyond the law and examine its correctness or compliance with the facts. . . . The Knesset is the legislative authority in the State and, as such, is sovereign.[47]

Once again the Court's reluctance to strike down legislation reflected its desire to support the Knesset and its belief that parliament should be supreme in the political system. The Court followed a doctrine of deferring action in cases that were labeled as political and disclaimed the power to amend or annul a law of the Knesset, believing that legislative supremacy was the very keystone of the Israeli constitutional system.[48]

The case of *Shalit v. the Minister of Interior* (1969) further substantiated the view that the Court's function did not include making policy. The case involved the request of a Jewish father and an agnostic mother of non-Jewish heritage that their children be registered as "of Jewish nationality but without religion."[49] The registration officer refused to register the children as Jews, claiming that according to *halachic*[50] rules "a child born to a non-Jewish mother cannot be registered as a Jew."[51] The father petitioned the Supreme Court, with the majority eventually ruling by a five-to-four margin—after two years of reflection and consideration—that the registration officer had to enroll the children in accordance with the information of the declarant "unless he had reasonable grounds to believe that the declaration was not correct."[52] The important principle in this case is that the Court refused to make law and interpret the question on religious grounds (i.e., Should the Orthodox rules about the mother's religious background be the deciding factor?), but simply said that the law of the Knesset indicated that the Minister of Interior was to register children according to parents' information.

Probably the most famous decision by the Supreme Court of Israel—often compared to the *Marbury v. Madison* decision by the Supreme Court of the United States—was the case of *Bergman v. the Minister of Interior* (1969). The

plaintiff, Dr. Aaron Bergman, had brought suit before the Court seeking to prevent the Minister of Finance from acting under a provision of the Financing Law of 1969 that provided for governmental financing of political parties in election campaigns.[53] Dr. Bergman claimed that the Financing Law unfairly discriminated against new political parties because it provided governmental financing only for those parties that already had seats in the (outgoing) Knesset. Bergman argued that such an inequality required the Court to invalidate the Financing Law by reason of Section 4 of Fundamental Law: The Knesset, which provides, "The Knesset shall be elected by general, national, direct . . . equal elections in accordance with the Knesset elections laws. This section shall not be varied save by a majority of the members of the Knesset."

Bergman argued that the Financing Law was in conflict with Section 4 in that it produced an election that was not equal.[54] In addition, he contended that the Financing Law could not be regarded as a valid amendment to the Fundamental Law since the Financing Law was passed by less than the majority of the total membership of the Knesset, as required for a valid amendment under the terms of Section 4.

The Court's decision would clearly establish the principle of judicial review, but like the *Marbury* decision, it did so in a way that was politically acceptable at the time. Justice Landau, speaking on behalf of the Court, declared an act of the Knesset void for the first time in modern Israeli history. The Court sided with Bergman and ruled that the Financing Law was "incompatible with the equality in Section Four of the Basic Law: a Knesset elected under the Financing Law would not by terms of the Law be elected in an equal election."[55] Accordingly, the Financing Law was struck down. In fact, the Court went even further and provided the legislature with detailed advice as to how it should repair the inequality in the Financing Law, advising the Knesset that it could either reenact it with a special majority to essentially override the Fundamental Law, or it could be amended "so as to remove the lack of equality" by providing support for new political parties.[56]

The Bergman case was the foundation upon which the modern Court has based its increasingly active role in more recent years, with some of its members being unapologetically activist in nature. Of course, the view that the Court had a legitimate role in interpreting and ruling upon acts of the Knesset was not always shared by the Knesset and other observers,[57] and tensions between the Knesset and the Court have increased and decreased over time, depending upon the particular individuals involved.[58] Former Chief Justice Meir Shamgar once wrote that "democracy finds its expression not only in majority rule but in restraint of the majority for the sake of properly protecting the rights of the minority," and court watchers have observed that

"clearly, the legislative and executive branches of government, chosen by the majority and dependent on it, can't provide that restraint; it must come from the judicial branch."[59] The problem was that some MKs didn't agree and threatened the Supreme Court with legislative retaliation—legislatively stripping the Court of some of its powers—if it became too active.[60]

A key event was the passage in 1992 of two pieces of legislation, the Freedom of Occupation Act and the Human Dignity and Freedom Act. They limited the Knesset's authority to pass legislation violating specified rights and turned out to be significant bases for the Court to use for increasing its role in shaping social policy.[61] At that time an observer wrote,

> the two dominant justices on the Supreme Court have taken another step forward by hinting that in the foreseeable future they are likely to invalidate laws as well. Chief Justice Shamgar noted that in the United States, the Supreme Court assumed the power to overturn laws without an explicit constitutional mandate. In Israel, Shamgar made clear, the question of whether the court has such authority is still open. And Justice Aharon Barak wrote last year: "In principle, the possibility exists that the court will declare invalid a law that contradicts the basic principles of the system. Even if those principles are not anchored in a rigid constitution, there is nothing axiomatic about the view that a law cannot be invalidated because of its content."[62]

One of the Court's most activist members, Justice Aharon Barak,[63] has argued, "Everyone agrees that in a constitutional government that recognizes judicial review of the constitutionality of a statute, the final decision about the fundamental values is in the hands of the court."[64] Barak's view, however, has not always been met with agreement and public support.[65]

As one scholar of the Israeli Supreme Court has written, "It is routine for the Court, particularly in recent years, to appeal to the Declaration of Independence as an aid in statutory construction[66]; generally, however, its appeal is to the paragraph referring to individual rights."[67] As well, it has often referred to the Constitution of the United States and American constitutional law and decisions of the U.S. Supreme Court in the justification of its opinions, such as the opinion of Justice Barak pointing out that the U.S. Constitution has permitted justices to have a "spacious view" of their role and that acts of the Knesset "should be viewed as fundamental constitutional provisions subject to . . . interpretive rules. Statutory silence is no bar to the Court's construing the law 'in light of the Declaration of Independence,' which expresses 'the vision and creed of the people.'"[68]

At the beginning of the twenty-first century, the discussion over the proper role of the Court was still actively being pursued in Israel.[69] One of the major groups of critics of the Court, as might be suspected from our discussion in

earlier chapters, has been the Orthodox religious parties that have resented mightily decisions by the Court to limit their ability to determine what, precisely, "Jewishness" means in Israel and what the implications of religious orthodoxy might be. In 1999 the United Torah Judaism (*Yahdut HaTorah*) and Shas parties worked a resolution through the Knesset just before a weekend (when, apparently, "most coalition members had already gone home for the weekend") that "called on the Supreme Court to refrain from interfering in halachic [religious definition] and political issues, the legislative process, and the religious-secular status quo."[70] Shortly thereafter, the Knesset passed a resolution rescinding the critical resolution and expressing support for judicial review and the Court:

> The Knesset last night declared support for judicial review of its legislation by the Supreme Court, in a resolution that rescinded an anti-Court statement passed last month. The resolution was passed at the end of a redebate on relations between the Knesset and the judiciary. Coalition whip Ophir Pines-Paz, who initiated the debate, said the Knesset had "saved its honor" by passing the new resolution.
>
> It states that the Knesset must strengthen the independent status of the judiciary and "recognizes the democratic need for judicial review over its legislation," in the framework of its authority emanating from basic laws.[71]

In November 2000, legislation was introduced in the Knesset to create a new Constitutional Court that would formally exercise the powers of judicial review that the Supreme Court of Israel had been developing. The new Constitutional Court would have eleven members and would be made up of three justices from the Supreme Court, two religious court judges, one *kadi*, four professors, and a new immigrant. The proposal, which passed a preliminary reading and vote, was seen as a legislative criticism of the increasingly political role of the Supreme Court; one of the bill's sponsors said that "the High Court of Justice is 'politicized' and as a result is not acceptable by half of the country [referring to Orthodox religious Israelis]." Because the Government of the day did not support the idea, the proposal died, but it did show the degree of unhappiness of some MKs with the Court.[72]

In the spring of 2001 the discussion of the role of the Court was still on the Knesset's legislative agenda. The Knesset was holding hearings on a proposal to establish a European-style constitutional court, "thereby stripping the Supreme Court of its current role as a constitutional arbiter." Observers felt that the primary motivation behind the legislation was "the accumulated frustration with the Supreme Court's unilaterally adopted powers. Led by Barak, the Court has slowly worked to create its own constitutional powers, despite the fact that the country has no constitution."[73] This bill, too, died in Knesset committee.

The Court has had to walk a difficult line in the evolution of its role in relation to Israel's constitution, because it is not yet altogether clear what "constitutionalism" means in Israeli politics. In the United States, for example, the argument could be made that the nation was founded upon the ideals of classical liberalism, including valuing life, liberty, individual rights, and so on. At the time of Israel's creation, its founders were clearly aware of and sympathetic to the values of mid-twentieth-century liberalism, but they were also strongly committed to other ideas already presented here, including the national aspirations implied in the concept of Zionism. As one scholar has noted, "constitutional law—indeed, law in general—must somehow reconcile liberal and communitarian precepts that are not nearly so accommodating to each other as they are in the United States."[74]

The role of the Court, then, in the creation of the Israeli constitution has evolved over the years. In Israel's earliest years, the Court was very hesitant to intervene and was content to declare conflicts to be political and to leave them to the political arena, primarily to the Knesset, for resolution. The Court was consistent in ruling that the will of a simple majority of the sitting Knesset was sovereign, save in those instances in which a Fundamental Law had explicitly required special majorities for legislation designed to amend the doctrines of the Fundamental Law. This meant that the constitution continued to grow through a slow, additive process of Knesset actions on new Fundamental Laws. In more recent years, the Court has been willing to take a more visible, more political, and more proactive role—sometimes in the face of criticism for doing so—and the body of what has been called constitutional law in Israel has grown more rapidly.[75] This continues and often includes the Israeli society's most controversial and pressing concerns, issues that cannot be addressed in the legislative arena.[76]

Here, as in so many other areas, we are reminded that Israel is a young nation and that it has not reached the level of development of political practices that we find in other stable, but much older, democracies. The issue of having a written constitution is still being resolved[77] as are both the issue of the role of the Supreme Court of Israel as an activist body[78] and the issue of the very nature of what makes up constitutionalism in Israel. This theme of Israel's relative youth is one that we see repeated again and again in this volume.

ISRAEL AS A PARLIAMENTARY SYSTEM

Many scholars argue that the British model is the mother of parliamentary government and that all parliamentary systems belong in one way or another

to the British family. This notion has received a good deal of attention in the Israeli context. Although there are many aspects of Israel's parliamentary system that do bear some resemblance to the British model,[79] a good many structures are also significantly different. One of the most respected studies on the subject has concluded that while Britain's "legacy" to the Knesset was "not negligible," major influences in the formation of the Knesset came primarily from the Zionist and Palestinian Jewish communities, as well as British, American, French, Yugoslav, Russian, and Turkish sources.[80]

There are a number of similarities between the Israeli parliament and the British or "Westminster Model," although the changes to the Israeli electoral system in 1992—that turned out to be temporary and that are discussed further in the next chapter—pulled Israel away from the Westminster Model in some significant ways. The Westminster Model is composed of four characteristics.[81] First, the same person who occupies the chief executive position does not act as the head of state. Second, the chief executive and his or her cabinet exercise the executive powers of Government. Third, the chief executive and the cabinet are all members of the legislature. Fourth, the chief executive and the cabinet are responsible to, and can be removed by, the legislature.

All of the above were characteristics of the Israeli polity until 1992 and are once again characteristics today. For the 1992–2001 nine-year period, Israel displayed the first, second, and fourth characteristics. First, there are two executives in Israel, the president and the prime minister, not one, as is found in the person of the president of the United States. Second, the prime minister and the cabinet exercise the "real" powers of the Government, while the president serves a primarily symbolic function, even though, as noted earlier, this relationship led initially to political machinations on the part of both Ben-Gurion and Weizmann before a firm relationship was established. The third characteristic was part of Israel's government until 1996 (although the law changing political structures was passed in 1992) and was reestablished as part of Israel's government in March 2001—the prime minister and most of the cabinet[82] come from the legislature, unlike the relationship found in a presidential system in which there are specific prohibitions against membership in both branches of government. In 1992 Israel decided to change to an entirely new version of Westminster-family executive elections; this is explained further in the next chapter. Fourth, and finally, the Knesset has the power to vote the sitting Government out of office at any time.

The Knesset is constitutionally the supreme political authority.[83] There is no executive veto of its actions and, within limits, the courts will not limit legislative actions by declaring them unconstitutional. Unlike in the United

States, in Israel there is no widespread American-style system of judicial review.[84] The Knesset cannot be dissolved, and neither the head of state nor the chief executive can call new elections, as we would find in other parliamentary systems. Only the Knesset can cut short its electoral mandate from the voters and dissolve itself and call for new elections.

The role of the president is clearly a secondary one in the political system, as we would expect from the Westminster Model. The president acts on the advice of the prime minister and, on his own, has very little discretionary power. As Sager reminds us,

> Just how limited the president's discretion can be in the determination of the premier designate was illustrated by the sequence of events that led up to the change of Government in 1983. After Prime Minister Begin declared his intention to resign, but before doing so, the *Herut* Central Committee nominated Yitzhak Shamir to succeed him, and Mr. Shamir at once met with the coalition partners of the outgoing Government and secured the necessary Knesset majority by a signed agreement. On Mr. Begin's resignation, shortly afterward, the president duly went through formal consultations with the parliamentary groups, while his choice of Mr. Shamir to form the new Government was in fact a foregone conclusion.[85]

In short, Israel can be considered to be a parliamentary political system, but it is not a clone of Britain.

CONCLUSION

Israel is a good model of a constitutional, parliamentary political system, but it does have some idiosyncratic characteristics. These characteristics are the subject of our study throughout the next several chapters, in which we see that the people elect the Knesset and that a majority in the legislature chooses the leader of the executive branch, the prime minister. The prime minister stays in office only as long as he or she can command a legislative majority. In the Israeli case, this entails the construction and maintenance of coalition governments.

As with other parliamentary political systems, then, the cabinet, not the legislature, is the day-to-day focus of public attention and is the engine that drives the machinery of government. Because of the strong party discipline that exists in Israel, the role of the individual MK in the legislative process is very limited. In short, it is the political party that constitutes a key link between society and the polity. It is to this area that our discussion now must turn.

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1. Ivo Duchacek, *Power Maps: Comparative Politics of Constitutions* (Santa Barbara, Calif.: Clio Press, 1973).

2. Leonard Ratner, "Constitutions, Majoritarianism, and Judicial Review: The Function of a Bill of Rights in Israel and the United States," *American Journal of Comparative Law* 26:3 (1978): 373–397.

3. Martin Edelman, "Politics and Constitution in Israel," *State Government* 53:3 (1980): 171–182.

4. See paragraph 10, section B, Part I of the United Nations General Assembly Resolution 181 (II) of November 29, 1947, Official Records of the Second Session of the General Assembly, Resolutions, September 16–November 29, 1947, January 8, 1948, p. 135.

5. See paragraph 10, section B, Part I of the United Nations General Assembly Resolution 181 (II) of November 29, 1947, pp. 135–138.

6. Asher Zidon, *The Knesset: The Parliament of Israel* (New York: Herzl Press, 1967), p. 285.

7. A full text of the Law of Transition can be found in David Ben-Gurion, *Israel: A Personal History* (New York: Funk and Wagnalls, 1971), pp. 336–338.

8. Although the new constitution was not yet written, Ben-Gurion had the title of prime minister because the understanding was that the Israeli political system was to be generally modeled after the British Westminster system, and that system called its chief executive—also unwritten in law—the prime minister.

9. Oscar Kraines, *Government and Politics in Israel* (Boston: Houghton Mifflin Company, 1961), p. 28.

10. A very good discussion of the major background issues of the argument for and against a written document can be found in Yehoshua Freudenheim, *Government in Israel* (Dobbs Ferry, N.Y.: Oceana Publications, 1967), pp. 24–37.

11. Ben-Gurion, *Israel*, pp. 331–334.

12. Ervin Birnbaum, *The Politics of Compromise: State and Religion in Israel* (Rutherford, N.J.: Fairleigh Dickinson University Press, 1970), p. 74. See also E. Rackman, *Israel's Emerging Constitution, 1948–1951* (New York: Columbia University Press, 1955), p. 111.

13. Samuel Sager, *The Parliamentary System of Israel* (Syracuse, N.Y.: Syracuse University Press, 1985), p. 36.

14. Zidon, *The Knesset*, 291.

15. Kraines, *Government*, p. 29.

16. See Arnold Enker, "The Issue of Religion in the Israeli Supreme Court," in Shlomo Slonim, ed., *The Constitutional Bases of Political and Social Change in the United States* (New York: Praeger, 1990), or Ehud Sprinzak, "Three Models of Religious Violence: The Case of Jewish Fundamentalism in Israel," in Martin E. Marty and R. Scott Appleby, eds., *Fundamentalisms and the State: Remaking Polities, Economies, and Militance* (Chicago: University of Chicago Press, 1993).

17. One of the best general discussions of this type of tension over the degree of religious institutionalization of the state can be found in Ervin Birnbaum, *The Politics of Compromise.*

18. Asher Arian, *Politics in Israel: The Second Generation* (Chatham, N.J.: Chatham House, 1985), p. 179.

19. Sometimes the term is translated as "basic law" rather than "fundamental law." Here we will use the translation "fundamental law."

20. Kraines, *Government*, p. 30.

21. Sager, *The Parliamentary System of Israel,* p. 39.

22. Zidon, *The Knesset*, p. 289.

23. The plural of Knesset is Knessot.

24. Melville Nimmer, "The Uses of Judicial Review in Israel's Quest for a Constitution," *Columbia Law Review* 70 (1970): 1219.

25. Nimmer, "The Uses of Judicial Review," pp. 1239–1240.

26. Claude Klein, "A New Era in Israel's Constitutional Law," *Israel Law Review* 6 (1971): 382.

27. Zidon, *The Knesset*, p. 297.

28. Sager, *The Parliamentary System of Israel,* p. 40.

29. Sager, *The Parliamentary System of Israel,* p. 40.

30. Michael Wolffsohn, *Israel: Polity, Society, and Economy, 1882–1986* (Atlantic Highlands, N.J.: Humanities International Press, 1987), p. 6.

31. Although it is worth noting that cabinet members do not have to be members of Knesset, many members of Knesset, upon appointment to the cabinet, resign their seats to devote their full attention to their cabinet duties, allowing party colleagues to take their places in the legislature. This method of succession is explained in chapter 7.

32. Kraines, *Government*, pp. 124–125.

33. All presidents to date have been men.

34. Fundamental Law: The President of the State indicates that "the President of the State *shall* sign every Law," not that he *may* sign laws passed by the Knesset [Section 11 (a) (1)]. The interpretation of this has been that the president has no choice but to sign all legislation that reaches his desk, and thus far no president has tested this assumption.

35. See the Ministry of Foreign Affairs document on the president of the state at the ministry's Web page, at www.mfa.gov.il/mfa/go.asp?MFAH00i50, accessed October 2003.

36. Arik Carmon, "A State Ready for a Constitution," *Jerusalem Post* (September 18, 2000): 8. See also Gil Hoffman, "Beilin: Accelerate Steps to Prepare Constitution," *Jerusalem Post* (September 13, 2000): 3.

37. Max Goldweber, "Israel's Judicial System," *Queen's Bar Bulletin* (April 1960): 204.

38. Meir Shangman, "On the Written Constitution," *Israel Law Review* 9 (1974): 352. See also Joseph Laufer, "Israel's Supreme Court: The First Decade," *Journal of Legal Education* 17 (1964): 44.

39. Klein, "A New Era," p. 382.

40. Klein, "A New Era," p. 383.

41. J. Sussman, "Law and Judicial Practice in Israel," *Journal of Comparative Legislation and International Law* 32 (1950): 30.

42. Ariel Bin-Nun, "The Borders of Justiciability," *Israel Law Review* 5 (1980): 569.

43. Shimon Shetreet, "Reflection on the Protection of the Rights of Individual: Form and Substance," *Israel Law Review* 12 (1977): 42.

44. Alfred Witkon, "Justiciability," *Israel Law Review* 1 (1966): 40.

45. Yaacov Zemach, *Political Questions in the Courts* (Detroit, Mich.: Wayne State University Press, 1976), p. 44.

46. Zemach, *Political Questions,* p. 45.

47. Witkon, "Justiciability," p. 54.

48. Eliahu S. Likhovski, "The Courts and the Legislative Supremacy of the Knesset," *Israel Law Review* 3 (1968): 351.

49. Felix Landau, *Selected Judgments of the Supreme Court of Israel* (Jerusalem: Ministry of Justice, 1971), p. 35.

50. Meaning "religiously orthodox."

51. Landau, *Judgments.*

52. Zemach, *Political Questions*, pp. 130–131.

53. Nimmer, "The Uses of Judicial Review," p. 1221.

54. Zemach, *Political Questions*, p. 58.

55. Nimmer, "The Uses of Judicial Review," p. 1221.

56. Zemach, *Political Questions*, p. 60.

57. See Rivka Amado, "Checks, Balances, and Appointments in the Public Service: Israeli Experience in Comparative Perspective," *Public Administration Review* 61:5 (2001): 569–584. Amado argues that the intervention of the Court in cases involving appeals in the appointment process in the 1990s was inappropriate and dangerous because it "imposes a legal solution when a political solution is called for, and it is counterproductive because frequent judicial intervention weakens both the judiciary and the political process."

58. See Yaacov Zemach, *The Judiciary of Israel* (Jerusalem: Institute of Judicial Training for Judges, 1993). Emanuele Ottolenghi's article, "Carl Schmitt and the Jewish Leviathan: The Supreme Court vs. the Sovereign Knesset," *Israel Studies* 6:1 (2001), pp. 101–125, discusses the notion of sovereign power in Israel and the way the Court and the Knesset have acted in recent years.

59. Moshe Negbi, "Power to the Court," *Jerusalem Report* (January 23, 1992): CD-ROM.

60. See Daniel Elazar, "Constitution-Making: The Pre-Eminently Political Act," chapter 1, in *Constitutionalism: The Israeli and American Experiences* (Jerusalem: Jerusalem Center for Public Affairs, 1990).

61. Moshe Negbi, "Surprise! We Have a Bill of Rights," *Jerusalem Report* (February 23, 1995): CD-ROM. See also Daniel Elazar, *The Constitution of the State of Israel* (Jerusalem: Jerusalem Center for Public Affairs, 1993), and Ran Hirschel, "The Political Origins of Judicial Empowerment through Constitutionalization: Lessons from Israel's Constitutional Revolution," *Comparative Politics* 33:3 (2001): 315–335.

62. Negbi, "Power to the Court."

63. Barak became Chief Justice of the Supreme Court of Israel in 1995. See Peter Hirschberg, "The Lawgiver," *Jerusalem Report* (August 24, 1995): CD-ROM.

64. Gary Jacobsohn, *Apple of Gold: Constitutionalism in Israel and the United States* (Princeton, N.J.: Princeton University Press, 1993), p. 156.

65. See "Israel's Other Barak," *The Economist* (April 10, 1999): 43–44.

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67. Jacobsohn, *Apple,* p. 153. See also Daphna Sharfman, *Living without a Constitution: Civil Rights in Israel* (Armonk, N.Y.: M. E. Sharpe, 1993).

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69. In 1994 Daniel Elazar—one of the foremost students of Israeli constitutionalism—

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76. See, for example, David Kretzmer's *The Occupation of Justice: The Supreme Court of Israel and the Occupied Territories* (Albany: State University of New York Press, 2002), or Yoav Dotan's "Judicial Rhetoric, Government Lawyers, and Human Rights: The Case of the Israeli High Court of Justice during the Intifada," *Law and Society Review* 33:2 (1999): 319–363.

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79. Leslie Wolf-Phillips, "The 'Westminster Model' in Israel?" *Parliamentary Affairs* 26 (1973): 415–439.

80. Samuel Sager, "Pre-State Influences on Israel's Parliamentary System," *Parliamentary Affairs* 25 (1972): 29–49.

81. Gregory Mahler, *Comparative Politics: An Institutional and Cross-National Approach* (Upper Saddle River, N.J.: Prentice Hall, 2003), p. 187.

82. Fundamental Law: The Government (1968) states that the president "shall entrust to one of the Members of the Knesset the duty of forming a Government." This made formal what prior to 1968 had been only convention—that the prime minister would have to be a member of Knesset itself. Prior to that year, when the Fundamental Law: The Government was passed, there was considerable debate as to whether the president could invite a nonmember of Knesset to be prime minister. However, as we have already noted, with the exception of the prime minister, cabinet members do not have to be members of Knesset, and many MKs resign from the Knesset after being named to the cabinet to allow party colleagues to inherit their seats in the legislature.

83. Benjamin Akzin, "Israel's Knesset," *Ariel* 15 (1966): 5–11.

84. Likhovski, "The Courts," pp. 345–367.

85. Sager, *The Parliamentary System of Israel,* pp. 196–197.

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The Prime Minister and the Knesset

If the British prime minister can be perceived as "first among equals," the Israeli prime minister can perhaps be perceived as first among unequals. Changes made in the electoral framework in 1992 significantly altered the prime minister's constitutional power base in Israel, and although the Knesset ultimately restored the electoral system to its previous state, there were ongoing changes in the power relationship between the Knesset and the prime minister. This chapter examines the setting and organization of the Knesset, how legislation is passed, the role of individual MKs, and the nature of Israeli coalition politics. We then analyze the unusual, but highly significant, role of coalition government in Israel to understand why Israeli governments act as they do.

THE SETTING

As indicated earlier, for all but approximately nine years (1992–2001) of its existence, the Israeli government has been a fairly typical parliamentary system; that is, as with many other Westminster Model systems, the prime minister and his or her cabinet derive their authority and power from the parliament. While the chief executive can take office only after he or she has received a vote of confidence from the Knesset, the prime minister can be

turned out of office at any time by a vote of no confidence in that same Knesset. Supposedly, then, the principle of legislative supremacy is characteristic of the Israeli political system, with the legislature doing the hiring and firing of the members of the executive branch of government.

Furthermore, the Knesset passes all legislation, serves as the pool from which the executive branch officials are drawn, controls the life of the Government (the prime minister and cabinet) by retaining the right to vote nonconfidence, elects the president for a fixed (five-year, renewable once) term, and, generally, remains the dominant political structure in Israel—at least, theoretically. In reality, as we shall see, this is not entirely the case, and through the institution of the political party and party discipline—the practice of members of a political party following the instructions of party leaders—the prime minister is, in fact, in control most of the time.

As noted earlier, in 1992 the Knesset approved a major change in the Israeli electoral system that greatly affected the prime minister, the Knesset, and the balance of powers generally in the Israeli political world for several years. With the change in the electoral system, the prime minister was directly elected by the people, rather than chosen by the president from among MKs. The new electoral system lasted until March 2001, and affected three Israeli prime ministerial elections—those of May 1996, May 1999, and the special election of the prime minister in February 2001.[1] Because there was significant unhappiness with the way in which the new system operated in these three elections, in March 2001 the Knesset voted to restore the electoral system that had operated from independence until 1992, in which voters would cast only a single ballot for a political party to represent them in the Knesset, and the prime minister would be chosen by the president from among MKs.[2]

In the current system, there is only one national-level election: for the Knesset. People vote for members of the Knesset; then, after it is clear what the party representation in the Knesset will be and which party will have the most seats, the president will "invite" an MK—invariably the leader of the largest party in the Knesset—to form a Government, which, given the number of political parties in the Knesset, invariably means creating a government coalition (something discussed in greater detail later in this chapter) that involves pooling the seats of several different political parties in the Knesset to create a majority bloc. After the prime minister designate negotiates at great length with a number of political parties, he goes before the Knesset for a *vote of confidence*, a demonstration that a majority of the Knesset will support the Government (for the time being, at least), after which the Government can be said to be in power.[3]

In the new system created in 1992 and in effect from 1996 until 2001, Israel changed from being a purely Westminster-based electoral system into a unique system when it, according to some, "presidentialized" the way it chose its prime minister.[4] The direct election of the prime minister first took place in Israel simultaneously with the 1996 elections for the Fourteenth Knesset. (Although the Knesset changed the electoral system in 1992, it did so under the condition that the changes would not take effect until the next Knesset election that took place in 1996.) The Fundamental Law: The Government, in its revised version, separated the election of the prime minister from that of the Knesset. This amendment of the basic law was proposed originally by four Knesset members following the difficulties in forming a coalition after the elections of the Twelfth Knesset (1988). The main purpose in changing the law, according to the proposals, was to strengthen the position of the prime minister and avoid the need for political horse-trading in order to form the coalition and Government. As often is the case, this change had unintended consequences, in effect bringing about what people did not want to happen, consequences that we discuss further later.

Following the collapse of the Government in March 1990, the four bills proposing changes to the electoral system were brought to the Knesset for a first reading on May 28, 1990. As the second and third readings approached (March 18, 1992), the four legislative proposals were united into one bill. Among the proponents of the new law were MKs Yitzhak Rabin and Benjamin Netanyahu. Among its opponents were then prime minister Yitzhak Shamir and MK Shimon Peres.

The new law, which went into force shortly before the elections to the Fourteenth Knesset, established the rules and procedures for the direct election of the prime minister.[5] The law stated that the prime minister must be elected by more than 50 percent of the valid votes. Should no candidate win the required majority, a second round of elections would take place with the two candidates who had received the largest number of votes. In the second round, the candidate who received a majority of the votes would become prime minister.

The newly elected prime minister had forty-five days in which to form a Government. The new Government did not need the approval of the Knesset, although the appointments of the cabinet members did need Knesset approval. In addition, sixty-one Knesset members could bring the prime minister down in a vote of no confidence, thereby bringing about his or her resignation and early elections for the Knesset and prime minister. The same situation could result from any of a number of conditions, including a decision by the prime minister to dissolve the Knesset, a resolution by the Knesset to dissolve itself, or failure to pass the annual budget law by the end of March of the new fiscal year.

Under the new law, special elections for the prime minister only would result from certain very specific situations, including the failure of the newly elected prime minister to form a Government within forty-five days, the prime minister's resigning on his or her own initiative (which happened in February 2001), the Knesset's decision to remove the prime minister from his or her post because of a criminal indictment, the decision of eighty or more Knesset members to remove the prime minister for some other reason, the prime minister's inability to fulfill his or her duties properly, or the prime minister's death. In fact, the election of February 2001—categorized as a special election—came about because of the resignation of Prime Minister Ehud Barak.

On May 29, 1996, the first direct elections of the prime minister took place with Shimon Peres and Benjamin Netanyahu as the candidates. Netanyahu won the elections with a lead of 29,457 votes, and a 50.49 percent majority. This new method of direct elections caused a significant drop in the political power of the two largest parties, Likud and Labor, which had a total of eighty-four Knesset seats in the Thirteenth Knesset and only sixty-six seats in the Fourteenth. At the same time, the number of midsize (5–10 seats) parliamentary groups increased. We look at the results of this election in some detail later in this book.

Immediately following the 1996 elections, MKs Yossi Beilin and Uzi Landau initiated a bill to cancel the direct election of the prime minister. Their justification for this move was the overall weakening of the Knesset and, specifically, of the two largest parties. Since 1996, there have been other proposals to change the law; ultimately, the law was overturned in March 2001.

In the direct elections for prime minister held on May 17, 1999, Ehud Barak defeated opponent Benjamin Netanyahu with a lead of 388,546 votes and a 56.08 percent majority.

The February 6, 2001, election for only the office of prime minister was held after Prime Minister Ehud Barak resigned and the Knesset did not dissolve itself. In order to allow Benjamin Netanyahu (not an MK at the time) to run as a candidate, the Knesset amended the law on December 19, 2000, so that candidates for prime minister did not have to be MKs, but did have to be nominated by a party currently represented in the Knesset. Even though the amendment to the law was nicknamed for him, Netanyahu decided not to run in the 2001 elections against Likud powerhouse Ariel Sharon. The candidates were Ehud Barak (Labor) and Ariel Sharon (Likud), and Sharon won the election in a landslide, something that we discuss further in the next two chapters.

THE BALANCE OF POWER

In recent years a great deal of attention has been focused on comparative policy making and a general tendency toward a "decline of legislatures."[6] The contention is that the increasing growth of executive government, which itself occurs for a variety of reasons,[7] is matched by a corresponding decline in legislative influence. Power in the political system is thus seen as "zero sum": every increment of growth in the executive's power is said to be matched by an equal unit of decline in the legislature's power. This situation, as has been suggested, has given rise to the de facto existence of cabinet supremacy rather than the de jure principle of legislative supremacy.

The principle of cabinet supremacy is relatively easy to express in its basic form. Strong party discipline exists in parliamentary systems. Individual members of parliament are expected to follow the instructions of their party leaders. Because the leaders of the majority party or the majority coalition are almost invariably members of the cabinet, we find a situation in which the legislature, which is technically in command in the governmental structure, actually takes its orders from the leaders of the executive branch, the cabinet, because they are leaders of the parties in the Knesset; hence, the notion of cabinet supremacy.

This principle has a great deal of relevance for Israeli political figures. It means that individual MKs are not expected to engage in activities that follow only a personal agenda. Rather, they are expected to do what they are told by their leaders. Members of opposition parties are expected to follow their party leaders, just as members of Government coalition parties are expected to follow theirs (who are usually cabinet members, as well).

Because of the many political parties active in the Israeli political system, no single party has ever had an outright majority in the Knesset. Coalitions have therefore been the rule. A coalition can be defined as a group of nonmajority parties that pool their strength in the Knesset to create a majority bloc for the purpose of supporting a Government. Understanding government coalitions is a crucial starting point for any study of the political process. Because forming coalitions has always been necessary for political parties in the Knesset, there has traditionally been less latitude in individual party and legislative behavior than might otherwise be the case. Party discipline—the practice of having MKs vote together and support party policy—becomes the norm, and coalition lines are rigidly enforced.

The term *Government* in Israel refers very specifically to the prime minister and his or her cabinet.[8] The cabinet meets weekly—usually every Sunday—to discuss those issues that have found their way onto the national political

agenda. The cabinet operates under the principle of collective responsibility: once a decision is reached, all members of the cabinet must support that decision. Individual cabinet members' only alternative to supporting a cabinet decision is to resign.[9]

Occasionally, the media refer to an "inner" cabinet or "security" cabinet. This is a subgroup of the full cabinet, made up of the prime minister's closest advisers and those most closely involved with key issues of national security and national defense.

The office of prime minister itself does not have the same relative weight as it does in Britain, for example, primarily because of the coalition nature of Israeli cabinets. One result of this is that the prime minister may make policy suggestions to his or her cabinet colleagues that will be voted down by a majority of members of the cabinet (with the prime minister voting in the minority), leaving the prime minister with only two choices: support the views of the majority of the cabinet or resign—something that would not happen in the British case.

The prime minister today is in a stronger position than he or she was prior to the brief period of direct election, however, because when the Knesset voted in 2001 to revert to the earlier system of election, it compensated for putting the prime minister in the more vulnerable position of having to assemble coalitions before coming to power by making it slightly harder for the Knesset to fire the prime minister. Between 1949 and 1996 the prime minister could be fired by a majority of those present and voting in the Knesset. A vote of no confidence could be called—with appropriate legislative warning—at any time, and if the prime minister could not demonstrate that he or she had the support of a majority of the Knesset, he or she would have to resign. While this did not happen often, it did happen. When the Knesset revised the system, they followed the model used in Germany, which is referred to as a "positive vote of non-confidence" and requires that the Knesset select a successor in the same resolution in which it expresses a lack of confidence in an incumbent. This offers greater security, of course, because it is easier to get a number of parties to agree that they do not want someone to be prime minister than it is to get them to agree on whom they will support as successor. Under the new system, if they have not already designated a successor, they cannot vote to throw the prime minister out of office.

This chapter examines the Knesset's role in the Israeli political system, along with the power held and exercised by coalition governments since 1948.[10] Although Israel is a relatively new nation in terms of the number of years that the modern state of Israel has existed, a number of traditions and customs have already developed that are uniquely Israeli and worthy of note.

LEGISLATION IN THE KNESSET

In addition to debate and discussion, probably the most important function of legislatures is passing laws. The legislative process in the Knesset follows the standard parliamentary model fairly closely; only a brief discussion of the process is needed here.[11]

An initial distinction must be made between Government bills and private members' bills (the latter are so named because they are introduced by private members, individuals acting on their own and not as members of the Government). Government bills are introduced by members of the cabinet, members of the Government. These bills are not all literally authored by members of the cabinet, of course, but tend to be authored within the ministries in the relatively vast governmental bureaucracy. Wherever they originate, these bills are passed up the chain of command in the ministry involved, eventually reaching the director general, the ministry's highest-ranking civil servant. He or she then passes the proposal along to the minister responsible for that department, who then takes the bill to the cabinet and, after receiving cabinet approval, introduces the bill in the Knesset as a Government bill.

On the other hand, private members' bills are introduced by noncabinet members, whether they are members of parties belonging to the Government coalition or members of opposition parties. Historically, private members' bills have been a very small minority of the total number of bills processed by the Knesset annually, but in the past few years, they have increased significantly in number and as a proportion of the total amount of legislation handled in the Knesset, as shown in figure 5.1.

An article in *Ha'aretz* appearing in October 2000 indicated the quite remarkable range of subjects covered by private members' bills introduced in the Knesset.[12] Whereas in the 1970s it was common for less than 20 percent of the total bills introduced in the Knesset to be from private members, in the past few years the number of private bills introduced has skyrocketed and nearly 50 percent—more than 50 percent in the Thirteenth Knesset—are introduced by private members. Since the Tenth Knesset, Menachem Begin's second Government, the number of private members' bills has doubled in each term of the Knesset. Despite the fact that the number of private members' bills introduced has increased drastically in the last two decades, however, it is still the case that a very, very small proportion of private members' bills are actually passed by the Knesset (see figure 5.2).

The bulk of the Knesset's output comes from Government-sponsored legislation. After approval by the cabinet, Government bills are tabled in the Knesset and entered as items for the agenda. All bills must "lie on the table"

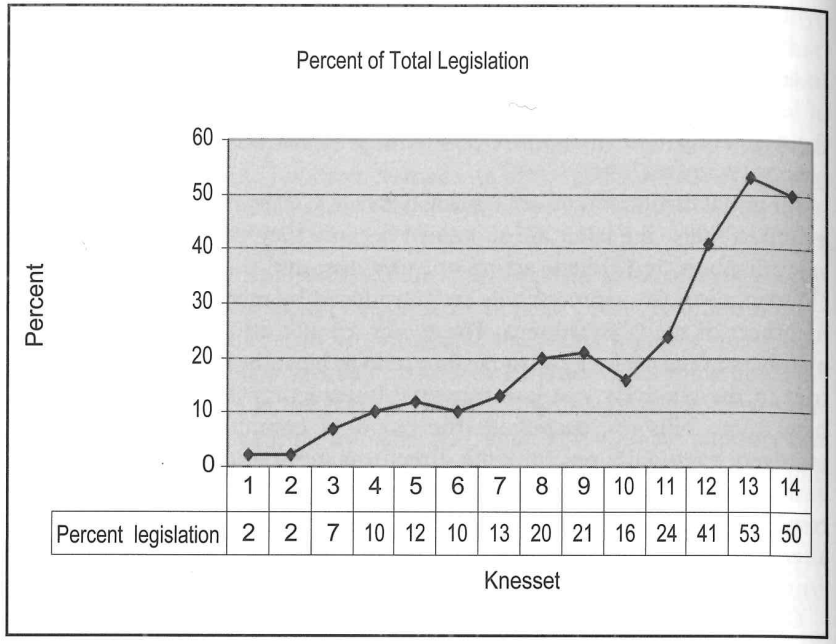

Figure 5.1 Percentage of Private MKs' Bills in Total Legislation

Source: Ilan Shahar, "An Avalanche of Bills Is Burying the Knesset," Article 863836, *Ha'aretz Newspaper Special Edition* (October 30, 2000), at www2.haaretz.co.il/special/knesset-e/d/333680.asp.

(be available for examination) for at least forty-eight hours before discussion on them begins. As with many other procedural rules in the Knesset, the Knesset committee, if it so wishes, may waive this forty-eight-hour rule.

The first stage in the legislative process is called the first reading.[13] The minister in charge of the bill begins with a summation of the contents of the bill and then a line-by-line reading. After the minister has finished presenting the bill, debate begins. This first reading debate is usually a general one. When the vote comes at the end of the debate,[14] Government bills almost invariably are passed and sent to committee. Private members' bills rarely meet with the same results.

The bill is then sent to whichever committee has jurisdiction.[15] If more than one committee is involved, the bill will go to the committees one after another, in whatever sequence the speaker of the Knesset selects. The committee in question may deal with a bill for three months or three hours, depending upon the importance of the bill, the committee's workload, the wishes of the Government, and the willingness of the committee to cooperate

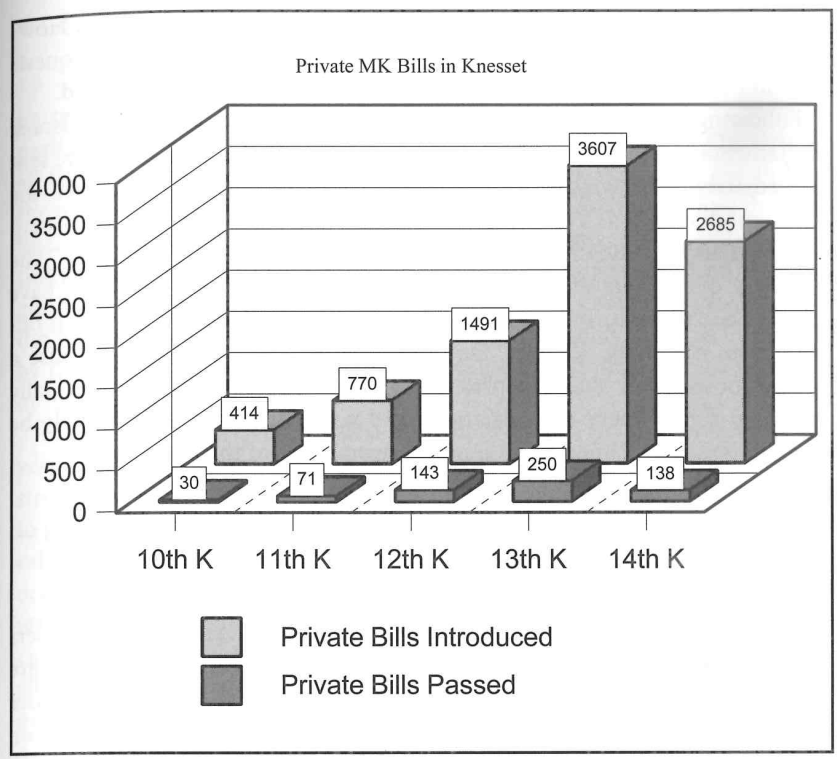

Figure 5.2 Private Members' Bills Passed by Knesset

Source: Ilan Shahar, "An Avalanche of Bills Is Burying the Knesset," Article 863836, *Ha'aretz Newspaper* (October 30, 2000), at www2.haaretz.co.il/special/knesset-e/d/333680.asp.

with the Government's manager of the legislation. The committee has the power to revise a bill, even to the extent of virtually rewriting it if necessary. However, the Government retains the power to recall a bill to the Knesset floor in the exact form in which it was sent to committee if it believes that the committee has significantly altered the bill away from its intended direction.

At this stage the second reading takes place. This is the final major hurdle the bill must pass, because bills that pass the second reading invariably pass the third reading. Another debate takes place at this point, but in this debate only members of the committee may participate; all other members are in attendance only to vote on the bill, section by section. If no amendments to the committee report are adopted, the third reading follows immediately after the conclusion of the second. If there are amendments, the third reading

is postponed for one week to allow members time to consider them. However, even if amendments have been proposed, if the Government requests an immediate third reading, it takes place immediately after the second.

Following the third reading the bill is voted on as a whole. Since the Israeli parliamentary system is a unicameral one, bills passed by the Knesset are sent immediately to the president for signature. As noted in the last chapter, the president does not, as a custom of Israel's unwritten constitution, have a veto over legislation. Fundamental Law: The President of the State indicates, "The President of the State shall sign every Law,"[16] and the words "shall sign" have always been taken to mean that the president does not have any option but to sign an act of the Knesset. One can only assume that it would cause a constitutional crisis should a president at some point in the future actually refuse to sign a piece of legislation, and such an action would likely be grounds for impeachment and removal from office of the president.

THE MEMBERS OF KNESSET

A general description of MKs would begin much as a description of members of parliament in most other nations. It would indicate that legislators are older than the general population, have a higher male proportion, and under represent minorities.[17] Apart from their primarily Jewish religious affiliation, they differ from legislators in other nations in one very important respect. A substantial percentage of them are immigrants, although this number—naturally—has decreased over the years. Eighteen of the members of the Sixteenth Knesset (elected in February 2003) are women, 15 percent of the total.[18] This figure is certainly not representative of the proportion of women in the Israeli population, but is not greatly different from that found in most European parliaments. It is significantly greater than the comparable figure of approximately 3.5 percent for the United States Congress. Most MKs are also highly educated.

Most members have come to the Knesset through the ranks of their political party,[19] with many having held some formal party office, either in the Knesset or some municipal position, prior to running for public office. Most date their association with a political party from very early in their lives and were active in "youth groups" throughout their childhood. This pattern of party activity simply continued on after early childhood and led to adult political activity. Eventually, the outcome was receipt of an invitation to be on the party's electoral list.[20]

LEGISLATIVE BEHAVIOR OF MEMBERS OF THE KNESSET

Party discipline in the Knesset is very strict. This is especially the case in the parliamentary vote (as it is with other parliamentary regimes). On virtually all legislation in the Knesset, both in committees as well as on the floor of the main hall (called the plenum), individual members must follow the party line. Failure to vote with the party can result in a change in a member's position on the party electoral list in the next election or removal from a prestigious committee in the Knesset. Although a member cannot be expelled from the Knesset for going against his or her party, pressures brought upon MKs by the public and party colleagues have caused more than one to resign his or her legislative seat.

MKs almost never vote against their parties, and in this respect Israel is very much like other parliamentary systems. A member who feels very strongly against his or her party's position on a particular issue is more likely to go to the Knesset restaurant for a long cup of coffee in the middle of a roll call, so as to miss the roll call vote. This can sometimes be effective, although occasionally absence in itself can be a sufficient act of insubordination to warrant punishment by party leaders. From time to time, if the vote is sufficiently close, the party leader will pull in reticent members—sometimes literally—from the restaurant or elsewhere to make sure that these members vote on a given issue in the "correct" direction. The reason, of course, is that with a narrow coalition majority, a Government could "fall"—lose its majority in the Knesset—as a result of only one or two "undisciplined" members.

Legislative voting is not the only dimension of activity in which the individual MK is essentially vulnerable to pressure from party leaders. Debate is another example of this relationship. Debate by itself may be the central characteristic of parliamentary bodies internationally. Regardless of the true role of legislatures in the power structures of the governments in which they are found, the one thing that they always do is debate. The Knesset is no exception here. Debate may ensue from a formally introduced bill, a motion to add to the agenda, or a statement by the Government. Votes of confidence and no confidence would fall into the latter category.

Knesset debates can be assigned one of two labels, personal and party. Personal debate, which is the less significant, is usually employed in either nonpolitical matters that the Knesset is discussing, but that are not related to pending legislation, or in matters of legislation on which opinions are not divided along party lines. Party debate, on the other hand, makes up the bulk of Knesset debate and takes place with respect to votes of confidence, no confidence, foreign policy, the budget,[21] and any matters that the Government

regards as significant (which means virtually any bill introduced by the Government). When this kind of debate takes place, the standing committee, called the Knesset Committee, decides how much time to allow for the total debate, then divides the total time by the total number of MKs, yielding a time-per-member figure.[22] This amount of time is then given to the party leaders in the Knesset to do with as they please. The leaders may choose to permit everyone in their party to speak for the allotted time per member, or they may choose to pool all of the time into one longer speech. In many cases the party leader himself or herself will speak, or the entire party time will be given to a senior party member who is considered the party's spokesperson on the given issue.

Here again, the individual MK is vulnerable to party leaders' pressure. Should an individual MK behave (e.g., vote, speak) in a way that the party leader views as unsupportive of or disloyal to the party, that party member may find himself or herself no longer allowed to introduce legislative proposals or speak out in debates!

A significant distinction can be drawn between intralegislative and extralegislative behavior. Within the Knesset, members do not have a great deal of autonomy, nor are they expected to exercise a great deal of free will. Outside of the assembly hall and the committee rooms, however, MKs are still in a position to perform many services for the public, all of which bolster the esteem in which they are held. They respond to correspondence, provide information and policy positions to their constituents, make speeches and attend rallies, and represent the full gamut of their constituencies.

The Knesset is not currently held in terribly high standing with today's public, however. In a study commissioned by the Knesset in 2001, it received an overall score of four on a ten-point scale; "a full 88 percent are unhappy with their legislature, while 50 percent are downright ashamed of it." Individual MKs did not fare much better, also scoring a four, with respondents describing individual MKs as "lazy, selfish, and indifferent to the public. Seventy-six percent of the public believe that MKs see the Knesset as a way to make a living and get respect, and not as a mission."[23] Other highlights of the public's views of the Knesset are indicated in box 5.1.

The term *constituency* in Israel does not have the same meaning as it does in the United States or Britain. In countries with district-based voting, such as the United States, a representative's constituency is geographically delimited: lines are drawn on a map, and anyone living in the area concerned is a part of the representative's constituency. It is possible for an individual voter to know, without any doubt at all, who his or her representative is.

In Israel, on the other hand, with the electoral list system and a single national electoral district for the purposes of elections, the term *constituency*

Box 5.1 Public Perceptions of the Knesset

- Only 8 percent believed that MKs are concerned about the welfare of citizens.
- Only 2.6 percent believed "MKs are concerned about people like me."
- Public confidence in the Knesset has declined from 41 percent in 1995 to 14 percent today.
- Fifty-five percent of the public does not have faith in the Knesset.

Source: Poll carried out by the Dahaf Institute, reported in the *Jerusalem Post*. See Nina Gilbert, "Study: Knesset Rates 4 on Scale of 1–10," *Jerusalem Post* (April 4, 2001): 1.

takes on what is called a "functional" meaning.[24] When individuals are placed on a party's electoral list, they are often put there as representatives of a group, and it is clear to the candidate, and to the group involved, who is on the list to represent which group.[25] A typical list might have clearly designated (although not in writing on the list) representatives for women, teachers, blue-collar workers, farmers, kibbutz inhabitants, Yemeni immigrants, residents of Eilat, and Arabs, to name just some of the functional constituencies that might be represented. Although American citizens might react by wondering how they would know who, for example, their Labor Party representative was, an Israeli citizen would not have the same reaction. He or she would go to any MK representing his or her party, in the case of the smaller party lists in the Knesset, or in the case of the larger party lists, he or she would go to one of the more "specialist" representatives.

MKs also perform much ombudsman work, in which they speak or act on behalf of members of the public to help resolve their problems. This is often the aspect of his or her job that the average MK spends the most time on and for which the MK receives the most glory (or scorn). Citizens write, telephone, or visit the MK and complain that they need help. Members contact the appropriate ministers, who are in the Knesset daily, who in turn contact the directors general of the ministries involved, and frequently, sooner or later, the problem is resolved. Actually, the MKs' success ratio in this type of activity is quite high, possibly because the political-bureaucratic system in Israel is gauged to this personalistic approach to problems.

In any case, once one distinguishes between intra- and extralegislative behavior, a remarkable difference in effectiveness in individual legislative

behavior can be observed.[26] In aspects of intralegislative behavior, the individual MK is highly constrained and is consequently highly frustrated and cynical. It is no surprise that of the members interviewed for a study many years ago,[27] more than 83 percent indicated that they considered themselves accountable to their party or party leaders for what they did as an MK, and 74 percent indicated that individual members had "little," "very little," or "no influence" in the formation of government policy.

In extralegislative behavior, however, MKs do not feel as cynical or helpless. They indicate that they receive a great deal of mail and spend a great deal of time (many say most of their time) responding to this mail. They feel that members play a very important role in the Israeli political system and enjoy helping their constituents with problems they are having.

KNESSET ORGANIZATION

The Knesset is the central organ of the Israeli political system. The power of the Government comes from the Knesset, and Government policies are all either enacted in the Knesset's name or approved by its members. The Knesset sits for two terms a year, one in the summer and one in the winter. Under Fundamental Law: The Knesset, the two terms must total at least eight months.

Although the job of the MK is taken seriously, Israeli legislators, like most other legislators in the world, do not have the office space, secretarial help, or legislative staff budgets of their American counterparts. When they receive mail—and they receive a great deal—they must read, act upon, and answer it by themselves. It was not until 1975 that a bill was passed giving them a small allowance to spend at their discretion on legislative staff, secretarial help, and the like. Their only supplement comes from elsewhere. Political parties receive an allowance from the treasury for each seat they control.[28] This money goes toward defraying expenses at the party's discretion, either within or outside the Knesset, and helps pay for party secretarial help and legislative staff in the Knesset. Again, if an MK is a good party worker, it is possible that the party leader will grant some small access to secretarial help or to the party's staff workers. If the member decides not to follow party instructions to the letter, he or she must find other sources for secretarial help in the Knesset.

MKs are all afforded substantial degrees of parliamentary immunity to guarantee the freedom to perform their legislative duties without fear of possible governmental persecution. This immunity is discussed in the Immunity, Rights, and Duties of Members of the Knesset Law passed in 1951, which

was based on an ordinance dating back to 1949. The protection afforded is extremely broad. The law states that a

> member of the Knesset shall not be held civilly or criminally responsible, and shall be immune from legal action, with regard to any vote cast, any oral or written expression of opinion, or any other act performed in or out of the Knesset, provided that such vote, opinion, or act pertains to, or has as its purpose, the fulfillment of his mandate as a Member of the Knesset.[29]

In May 1998 the criminal immunity of Arye Deri of the Shas Party was lifted by the Knesset upon the request of the attorney general of Israel so that Deri could be prosecuted for "alleged misuse of funds related to his personal finances."[30] More recently, in November 2001 an Arab MK, Azmi Bishara, lost his immunity for actions related to Palestinian violence against Israel:

> The Knesset voted yesterday to remove Balad leader Azmi Bishara's parliamentary immunity, so that he can stand trial for making speeches praising Hizbullah and for arranging illegal trips to Syria for Israeli Arabs.
>
> The unprecedented decisions passed with majorities of 61–30 and 65–24, making Bishara the first MK to have his immunity removed for words, not deeds. Soon after the vote, Attorney-General Elyakim Rubinstein confirmed he intends to press charges.[31]

In order to protect individual legislators, the act protects the MKs beyond their legislative behavior. Neither MKs themselves, nor their property, may be searched, except by customs officials. While they hold office, MKs are absolutely immune from arrest, unless they are caught committing a crime or an act of treason. If a member is arrested, the authorities must notify the speaker immediately, and the member may not be detained for more than ten days, unless the Knesset has revoked his or her immunity. As with other national legislatures, the Knesset building itself has immunity. Under the Knesset Buildings Law of 1952, the building and grounds are under the control of the speaker and sergeant at arms. This, too, is designed to free members from extralegislative pressures and distractions, such as demonstrations and other interruptions.

In the Knesset, chairmanships are apportioned with the major parties sharing control.[32] Seats on committees are given to parties, not to individuals, and the parties then assign their own members to the committee seats. For example, the Finance Committee might have nineteen members, representing only three large parties, Labor, Likud, and the National Religious Party, and these parties in turn would assign their own members to the Finance Committee. Here again, not only is there interparty competition for positions, but there is intraparty competition as well. Even though it might be

decided that the Labor Alignment would receive five positions on the Finance Committee, for example, the manner in which the various factions of the Labor Party would divide up these five positions might remain in dispute.

Committees provide MKs with an opportunity to specialize in their areas of interest and to keep in touch with Government ministers and high-ranking civil servants in a variety of subject areas. The committees also play a role in the legislative process, although, as already indicated, this fluctuates with the willingness of the Government to accept proposed legislative changes.

As a general rule, there are between twelve and twenty members on each of the thirteen permanent standing committees, which are in turn appointed for the full term of a Knesset. In addition to the thirteen permanent standing committees, temporary committees are appointed from time to time as deemed necessary by the Knesset Presidium. Committees made up of members from more than one permanent standing committee are sometimes jointly appointed when legislation that crosses the jurisdictions of more than one permanent standing committee arises. The respective jurisdictions of the committees are basically self-explanatory. The committees are shown in box 5.2.

Committee meetings are usually closed to the press and public, so that all information about their proceedings must come from the committee members themselves. The committees vary in the importance they are perceived as having in the legislative process. Committee members are divided over what the true role of the committee is, with many saying that a committee's role depends upon the particular legislation that is before a given committee at a given time. Most members agree, however,

> that committee action is generally 'meaningless' because the Government as a general rule takes no notice of committee recommendations, and although committees may spend a good deal of time modifying Government legislation, or drafting their own legislation, when the third reading of a Government bill comes on the floor of the Knesset, the Government bill is usually voted upon as it was originally introduced in the Knesset.[33]

There are exceptions to the general rule of committee ineffectiveness worth noting. The Finance and the Labor Committees have been given a great deal of authority by both the Knesset and the Government to write laws in their own spheres of expertise. These committees, especially the Finance Committee, are thus considered quite powerful and influential, and positions on these committees are highly sought. The third committee to be an exception to the general rule of committee ineffectiveness is the Foreign Affairs and Security Committee. Interestingly, this committee is considered an

Box 5.2 Standing Committees of the Knesset

- Committee for the Advancement of the Status of Women
- Constitution, Law, and Justice Committee
- Economics Committee
- Education and Culture Committee
- Finance Committee
- Foreign Affairs and Security Committee
- House Committee
- Immigration and Absorption Committee
- Interior and Environment Committee
- Labor and Welfare Committee
- Committee on Scientific and Technological Research and Development
- State Control Committee
- Committee for the War Against Drugs

Two other committees are similar to the permanent committees, but have limited terms of office:

- Committee for the Advancement of the Status of Children
- Committee for Foreign Workers

Source: Knesset Web page, at www.mfa.gov.il/mfa/go.asp?MFAH00h70, accessed October 2003.

exception to the general rule, although it has few powers and is mostly involved in oversight and debate, devoting little time to drafting legislation. However, since foreign affairs and security are priority concerns, and since MKs on this committee are privy to more classified information than MKs on the Agriculture Committee, positions are in greater demand.

As indicated previously, seats on committees are given to parties and are then reassigned by party leaders to party members. Consequently, when a member bolts from the party line in a committee or speaks out of turn too often, he or she may be limited to participation in the general assembly, having been either reassigned from one committee to another or, in more extreme cases, stripped of all committee memberships. In fact, members may have no committee memberships if their party leaders feel they do not deserve such positions.

The Knesset has an elaborate framework of other organizational and behavioral rules in addition to the more formal structures of the presidium

and committees. A period of time is regularly set aside for individual legislators to ask questions of the Government—the so-called Question Time. This serves the dual functions of both bringing new issues to the attention of the Government, as well as reminding the Government that the public is watching its overall behavior. This question period can become quite animated, as opposition members endeavor to ask the Government embarrassing questions. After Prime Minister Begin signed the Camp David Agreement (which we discuss later), opposing members within his own party used the Question Time to express their dismay and their serious concerns about the national security implications of the agreement.

In addition to parliamentary questions, another institution that should be mentioned here concerns parliamentary motions. Since the Government controls the daily calendar and thereby, in general, controls which subjects will be debated in the Knesset and for how long, a procedure is needed by which subjects that the Government may not want to talk about can be brought to the agenda to receive public scrutiny.

The Knesset has a very elaborate and highly formalized procedure by which individuals can endeavor to force the Government to schedule debates dealing with certain subject areas that it may prefer to avoid. *Motions to add to the agenda* and *urgent motions to add to the agenda* give members a potentially significant role in the process of deciding what issues are and are not discussed in the Israeli political world.[34] For example, after recent demonstrations by Israeli Jewish settlers on the West Bank against the *intifada*, or the West Bank Arab uprising, some Arab MKs sought to introduce a motion to add to the agenda so that they could have the Knesset debate the Government's policy in regard to both the settlers and the way it was handling the Arab demonstrators.

COALITION POLITICS AND COALITION GOVERNMENTS

Understanding government coalitions is central to any study of Israeli politics.[35] Because political parties have traditionally had to form coalitions, there has been less opportunity for individual party and legislative behavior. Party discipline is extremely tight, and coalition lines have been rigidly enforced.

A coalition government is, very simply, one in which two or more nonmajority parties pool their seats to form a majority alliance. There is often a formal agreement drawn up among the coalition partners, indicating, among other things, their priorities and objectives, limitations upon the freedom of speech or actions of member parties, and payoffs to coalition partners (for example, the number of cabinet seats a party will receive for joining a coalition or a promise that the Government will act on certain legislative programs within a brief period of time).[36]

Since Israel's independence, there has never been what has been referred to as a *majority situation*,[37] that is, one in which the party organizing the Government has controlled on its own more than 50 percent of the seats in the Knesset. Israel, in fact, has been an oft-cited illustration of a "minority situation, majority government," one in which a party with less than a majority of parliamentary seats joins with other minority parties to create a majority Government.[38] As a result, coalitions have been formed not only after, but also between, Knesset elections. In fact, during Israel's sixteen Knessot, there have been thirty Governments, as shown in table 5.1.[39]

Before we turn our attention to an examination of several major themes related to Israeli coalitions, let us briefly discuss coalition governments in the abstract. When no single party has a majority in a parliamentary political system, as indicated above, the most likely outcome is the creation of a political coalition in which two or more parties will join together to create what is referred to above as a "minority situation, majority government."[40] Let us imagine a hypothetical situation with a one-hundred-seat parliament and five political parties, as indicated in table 5.2.

In this instance, the head of state would most likely invite the leader of Party A to form a Government, since Leader A leads the largest parliamentary group. Leader A needs to find an additional eighteen seats in order to form a majority of fifty-one (out of one hundred seats, total) to support his Government in the legislature. In this case, Leader A could go to either the leader of Party B or the leader of Party C to find a partner. Of course, Leader A could also go to more than one other party leader to try to form an ABC coalition, for example.

Usually, Leader A will have to promise the leaders of other parties involved in the coalition some sort of payoff for joining the coalition. In most instances, this payoff is a cabinet position (or more likely several cabinet positions). Sometimes the payoff is a promise that a certain piece of legislation that the prospective coalition partner has drafted will be passed as part of the Government's program. It should be clear, though, that the more partners Leader A has to invite into the coalition, the more different payoffs he or she will have to make. Thus, individuals charged with forming coalitions usually strive to form what are called "minimal winning coalitions," coalitions no bigger than necessary to wield a majority (be a winning coalition) so that unnecessary payoffs will not be required.

If Leader A can reach an agreement with one or more partners to form a coalition that will control a majority of the legislature, then Leader A will

Table 5.1 Prime Ministers and Coalition Partners, 1949–2001

Date of Government Creation	Knesset	Approximate Life of Government (Months)	Prime Minister (Party)	Coalition Partners
March 10, 1949	I	20	Ben-Gurion (Mapai)	Left, Center, Religious
November 1, 1950	I	10	Ben-Gurion (Mapai)	Left, Center, Religious
September 8, 1951	II	15	Ben-Gurion (Mapai)	Left, Religious
December 24, 1952	II	13	Ben-Gurion (Mapai)	Left, Center
January 26, 1954	II	17	Sharett (Mapai)	Left, Center
June 29, 1955	III	4	Sharett (Mapai)	Left, Center, Religious
November 3, 1955	III	26	Ben-Gurion (Mapai)	Left, Center
January 7, 1958	III	24	Ben-Gurion (Mapai)	Left, Center
December 17, 1959	IV	23	Ben-Gurion (Mapai)	Left, Center, Religious
November 2, 1961	V	19	Ben-Gurion (Mapai)	Left, Religious
June 26, 1963	V	18	Eshkol (Mapai)	Left, Religious
December 22, 1964	V	13	Eshkol (Mapai)	Left, Religious
January 12, 1966	VI	38	Eshkol (Mapai)	Left, Religious
March 17, 1969	VI	9	Meir (Mapai)	Left, Religious
December 15, 1969	VII	51	Meir (Mapai)	Left, Religious
March 10, 1974	VIII	3	Meir (Mapai)	Left, Religious
June 3, 1974	VIII	36	Rabin (Mapai)	Left, Religious
June 20, 1977	IX	49	Begin (Likud)	Right, Center, Religious
August 5, 1981	X	26	Begin (Likud)	Right, Center, Religious
October 10, 1983	X	11	Shamir (Likud)	Right, Center, Religious
September 13, 1984	XI	25	Peres (Labor)	Left, Right, Religious
October 20, 1986	XI	26	Shamir (Likud)	Right, Left, Religious
December 22, 1988	XII	18	Shamir (Likud)	Right, Left, Religious
June 11, 1990	XII	25	Shamir (Likud)	Right, Religious
July 13, 1992	XIII	40	Rabin (Labor)	Left, Religious
November 22, 1995	XIII	7	Peres (Labor)	Left
June 18, 1996	XIV	37	Netanyahu (Likud)	Right, Religious
July 6, 1999	XV	20	Barak (One Israel)	Left, Center, Religious
March 7, 2001	XV	24	Sharon (Likud)	Right, Left, Center, Religious
February 26, 2003	XVI	—	Sharon (Likud)	Right, Center, Religious

Sources: Ministry of Foreign Affairs Web site, at www.mfa.gov.il/mfa/go.asp?MFAH0hyd0, accessed October 2003; see also *Facts on File,* "Sharon Forms Coalition Government," accession number: 2003277920; story date: February 26, 2003.

receive his or her vote of confidence, a vote by a majority that it supports his or her Government, and the Government can be said to be installed. If, however, Leader A cannot find sufficient coalition partnership within a constitutionally mandated period of time, usually one or two weeks, then Leader A must return his or her mandate to the president and inform the president of his or her inability to form a Government. At this point the president seeks out a different party leader to try to form a majority coalition.

Table 5.2 A Hypothetical Party Distribution

Party A	33 seats
Party B	20 seats
Party C	18 seats
Party D	16 seats
Party E	13 seats
	100 seats

Coalition majority governments tend to be less stable than single-party majority governments in parliamentary systems. In a single-party majority system, the prime minister must impose party discipline to keep his or her party followers in line and maintain a majority. In a coalition system, the flow of power is more diffuse. The prime minister must exercise party discipline over his or her party followers and must count on the leaders of partner coalition parties to do the same. Coalition downfalls have usually come about because of differences between party leaders—in terms of our example above, because Leader B has a disagreement with Leader A and pulls the support of Party B out of the AB coalition—not because of a failure of party discipline.

As might be expected, the complexity of the coalition-formation process is a direct function of the number of political parties in a legislature. In the examples in table 5.3, clearly Situation I is relatively simple, Situation II is more complex, and Situation III is even more complex. One should keep in mind that in Situation III, there are only eight parties represented; in some countries, such as Israel, there are more. The more parties that exist, the more possibilities there are to form a winning coalition, and the more partners there are in a coalition, the more possibilities there are for a coalition to fall apart.

The study of what has come to be called coalition theory has greatly expanded over time. Indeed, in a recent study political scientists have suggested that coalition theory is now in its third generation: the first developed theories of how coalitions work, the second tried to apply the general theories to real-world politics to see how well the models predicted what would happen, and the current generation seeks to combine the research of both the first and the second generations to make coalition theory a truly predictive model.[41]

There are, of course, a number of problems with broad theories of coalition formation. First, the theories may be more or less valid in one political system than in another. Second, the research may not be transferable; that is, research done in Japan may not tell us a great deal about how coalitions work

Table 5.3 The Complexity of the Coalition-Formation Process in a 100-Seat Legislature

Situation I: Simplest Majority Possibilities		
Party A	44 Seats	
Party B	42 Seats	AB, AC, BC, ABC
Party C	14 Seats	
Situation II: More-Complex Majority Possibilities		
Party A	38 Seats	
Party B	20 Seats	AB, AC, AD, ABC, ABD, ABE, ACD, ACE, ADE, BCD, etc.
Party C	17 Seats	
Party D	15 Seats	
Party E	10 Seats	
Situation III: Most-Complex Majority Possibilities		
Party A	30 Seats	
Party B	19 Seats	
Party C	12 Seats	
Party D	9 Seats	ABC, ABD, ABE, ABF, ABG, BCDE, CDEFGH, etc.
Party E	8 Seats	
Party F	8 Seats	
Party G	7 Seats	
Party H	7 Seats	

in Israel. Finally, the distribution of cabinet positions may be explained by many different theories, including the number of seats a party can claim to control, patronage, loyalty, payment for future support, and a variety of other reasons.

Several of these themes must be kept in mind when we analyze the formation of coalitions among Israeli political parties. First, political parties play an overwhelming role not only in political, but also in social and economic life, as we noted earlier in this book. Parties publish newspapers, run medical clinics, sponsor athletic and social events, and, in short, permeate every aspect of life.[42]

Second, one must note the number of parties currently active. As many as twenty-four presented themselves at elections for the First and Second Knessot[43]; twenty-seven parties ran candidates in the Twelfth Knesset elections in 1988, and twelve won Knesset seats. Thirty-one parties ran candidates in the Fifteenth Knesset elections in 1999, and fifteen parties won seats.[44] Twenty-nine parties ran candidates in the Sixteenth Knesset elections in 2003, and fourteen parties won seats.[45] The number of political parties active in the political system may affect our ability to theorize about coalition formation. It has been noted that whereas twelve cabinets had actually formed through 1965, in those twelve cabinets there were 7,873 possible winning coalitions,[46]

to say nothing of the number of near-winning or minority coalitions possible. To provide a comparison, in Belgium over a comparable period of time (1949–1965), there were fourteen actual coalitions with 463 possible winning combinations.[47]

Third, the regional military balance and national security in general have always been of paramount importance in Israeli politics. War situations, for example in 1967, have greatly influenced the size of coalitions that were formed in Israel. On several occasions coalitions have been created that were larger than they needed to be and that included parties whose support was not really necessary in order to demonstrate to the outside world that the Government in power at the time had a strong base of support. The institution of past National Unity Governments is an example of a larger-than-necessary coalition.[48]

Finally, the history and ideological nature of the Israeli party system must be considered. The party system in Israel has been called overdeveloped by many, and several political scientists have written that the large number of political parties is not really necessary. The abundance of political parties is usually attributed to the fact that most parties—or the parents of parties that have broken away from older parties—existed before the state did.[49] This history, combined with the proportional representation electoral system that encourages new parties to form by making representation in the Knesset relatively easy, has encouraged the expansion of parties, which has complicated the coalition-formation process.

The important consequences of coalition governments for the Israeli political system are several. First, they result in an increased party discipline and, thereby, in less individual legislative freedom, because the Government has to be sure that it can depend upon coalition members to support government policy.[50]

Second, and perhaps more important, coalitions leave the Government vulnerable to "blackmail." If a given coalition is a "minimal" one in which the Government would lose its majority if a single party withdrew, then a relatively small coalition partner might have considerably greater leverage with the Government than its size alone would suggest. We have already seen how Israel's religious parties have had a great deal of influence over government policy. This has rarely reflected a Government's ideological commitment to religious issues. Rather, it has often been the result of smaller religious parties issuing ultimatums such as "Pass/Support our policy, or we will withdraw from the government coalition and you will lose your majority and will no longer be prime minister." Prime ministers have tended, over the years, to respond to this kind of threat.

Finally, coalitions have led to a condition termed *immobilisme*—or an

inability to act on a given issue. This occurs when a problem comes up, and the Government knows that if it acts in one direction or another, one of its coalition partners will get angry and quit the coalition. The only solution, then, is to do nothing. A good example was seen during the Government of Menachem Begin: the minister of education told Begin that if the cabinet did not approve a significant raise for teachers, he would leave the cabinet and take all of his party followers with him. As a result Mr. Begin would lose his Knesset majority. In response to this threat, however, the minister of finance indicated that if Mr. Begin gave in to the minister of education and altered the fiscally tight budget he had created, *he* would leave the cabinet and take all of *his* party followers with him, which would also result in Mr. Begin's losing his majority. It was clear that whatever Mr. Begin did, or didn't do, he would lose the support of one of his coalition partners and, thereby, lose majority support in the Knesset. The outcome was Begin's decision to call for new elections and subsequently create a new coalition. (After the election, when a new coalition was in place with a new budget, the teachers did receive slightly higher salaries!)

THE KNESSET, THE GOVERNMENT, AND ISRAELI POLITICS

The political structure of Israel tells us a great deal about Israeli society. As was pointed out earlier, it is a stable democratic society in a part of the world in which stable democratic societies are not very common. Stability and democracy, of course, do not necessarily mean unanimity, or political quiet, and it is this characteristic of modern Israel that has led to the existence of a multiple-party political system in which so much loud and often heated debate takes place.

Political parties, it has been argued, are the key to the political structures of the Knesset and the Government. Parties not only are the basis for governmental organization, they are also the vehicles through which virtually all of the official functions of the Knesset are undertaken. Individual legislators are to a substantial degree at the mercy of their party organizations: not only can they not run for office without being on a party list, but once they are in the Knesset, they cannot introduce bills, serve on committees, or engage in debate without a party leader's approval.

The number of political parties has led to the development of a coalition system in Israel. This, in turn, has had two broad consequences. First, Governments have on a number of occasions taken less dramatic action than otherwise might have been the case, precisely because the prime minister

needed to worry about whether a more dramatic action would alienate one of his or her coalition partners. Second, this phenomenon has resulted in the smaller parties—most notably, of course, the orthodox religious parties—having far more influence over government policy than their size alone would have merited. The role of the small party as the keystone of Government coalitions has contributed significantly to the continued visibility of the religious question in Israeli politics and has continued to serve as a source of irritation to a substantial portion of the Israeli electorate.

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2. For more detailed discussion of the actual change back to the previous electoral system, see Evelyn Gordon, "Fix the Fatal Flaws," *Jerusalem Post* (March 6, 2001): 8; Nina

Gilbert and Dan Izenberg, "Knesset Set to Repeal Direct Elections," *Jerusalem Post* (March 7, 2001): 4; Sarah Honig, "(Not) 'The Way Things Were'," *Jerusalem Post* (March 8, 2001): 1; Nina Gilbert, "Direct Elections System Nixed," *Jerusalem Post* (March 8, 2001): 4; and Daniel Bloch, "Good Riddance," *Jerusalem Post* (March 11, 2001): 6. The text of the electoral system for the prime minister is found in Fundamental Law: The Government (2001), found on the web page of the Ministry of Foreign Affairs, "Basic Laws" > "Basic Law: The Government," at www.mfa.gov.il/mfa/go.asp?MFAH00hd0, accessed October 2003.

3. See Ethan Bueno de Mesquita, "Strategic and Nonpolicy Voting: A Coalition Analysis of Israeli Electoral Reform," *Comparative Politics* 33:1 (2000): 63–80.

4. See Avraham Brichta, "The New Premier-Parliamentary System in Israel," *The Annals of the American Academy of Political and Social Science* 555 (January 1998): 180–192.

5. See Gregory Mahler, "Israel's New Electoral System: Effects on Policy and Politics," *Middle East Review of International Affairs* 1:2 (1997), at http://meria.idc.ac.il/journal/1997/issue2/jv1n2a2.html, accessed October 2003; Gregory Mahler, "The Formation of the Netanyahu Government: Coalition Formation in a Quasi-Parliamentary Setting," *Israel Affairs* 3:3–4 (1997): 3–27; Henri Stellman, "Electing a Prime Minister and a Parliament: The Israeli Election 1996," *Parliamentary Affairs* 49 (1996): 648–660. See also Ministry of Foreign Affairs, "Direct Election of the Prime Minister," > "Main Points—Basic Law the Government (1992)," at www.mfa.gov.il/mfa/go.asp?MFAH00hl0, accessed October 2003.

6. Gerhard Loewenberg, *Modern Parliaments: Change or Decline?* (Chicago: Atherton, 1971), p. 3.

7. Joseph LaPalombara, *Politics within Nations* (Englewood Cliffs, N.J.: Prentice Hall, 1974), pp. 221–225.

8. With a lowercase "g," "government" refers to the collective body of government structures of a regime. With a capitalized "g," "Government" refers to the prime minister and cabinet.

9. See Don Peretz, *The Government and Politics of Israel* (Boulder, Colo.: Westview, 1983), p. 159, for a description of one instance in which this type of resignation caused the breaking apart of a coalition and the fall of a Government, in fact.

10. For a wonderful collection of essays on this topic, see Lawrence D. Longley and Reuven Hazan, *The Uneasy Relationships between Parliamentary Members and Leaders* (Portland, Ore.: Frank Cass, 2000). Hazan's article in this collection is titled "Yes, Institutions Matter: The Impact of Institutional Reform on Parliamentary Members and Leaders in Israel."

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14. An edited collection of major debates in the Knesset between 1948 and 1981 has been compiled by Netanel Lorch, former secretary of the Knesset. See Netanel Lorch, *Major Knesset Debates, 1948–1981* (Lanham, Md.: University Press of America, 1991).

15. The definitive work on parliamentary committees is Reuven Hazan's *Reforming Parliamentary Committees: Israel in Comparative Perspective* (Columbus: Ohio State University Press, 2001).

16. Fundamental Law: The President of the State, Section 11 (a) (1). See the Ministry of Foreign Affairs Web page, at www.mfa.gov.il/mfa/go.asp?MFAH00hc0, accessed October 2003.

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18. See the Knesset Web page for a list of women in the current Knesset, at www.knesset.gov.il/mk/eng/mkindex_current_eng.asp?view=3, accessed October 2003. For a historical perspective, see Avraham Brichta, "Women in the Knesset," *Parliamentary Affairs* 28 (1974): 31–50. See also Shlomo Swirski and Yaron Yechezkel, *Women's Representation in the Legislature and the Executive in Israel and Worldwide* (Tel Aviv: Adva Center, 1999).

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20. Mahler, *The Knesset*, pp. 138–159, includes a thorough study of the political recruitment of members of Knesset.

21. See Shlomo Swirski et al., *The Role of the Knesset in the Budget-Making Process: A Critical Analysis and Proposal for Reform* (Tel Aviv: Adva Center, 2000).

22. In order to provide the small parties (one or two members) with some debate time, Knesset rules state that no party shall have less than ten minutes' time in a four-hour debate and fifteen minutes' time in a five-hour debate.

23. Nina Gilbert, "Study: Knesset Rates 4 on Scale of 1–10," *Jerusalem Post* (April 4, 2001): 1.

24. See Reuven Hazan, "Constituency Interests without Constituencies: The Geographical Impact of Candidate Selection on Party Organization and Legislative Behavior in the 14th Israeli Knesset, 1996–1999," *Political Geography* 18:7 (1999): 791–811.

25. See the article on the Labor Party convention by Myron Aronoff, "Better Late Than Never: Democratization in the Labor Party," in Gregory Mahler, ed., *Israel Since Begin* (Albany: State University of New York Press, 1990).

26. For a thorough analysis of this intralegislative frustration and extralegislative effectiveness, see Mahler, *The Knesset*, chapter 8.

27. Mahler, *The Knesset*, p. 103.

28. Mahler, *The Knesset*, p. 98; Samuel Sager, *The Parliamentary System of Israel* (Syracuse, N.Y.: Syracuse University Press, 1985), pp. 68–69, 139.

29. Zidon, *Knesset*, p. 40.

30. See Liat Collins, "Deri Defends His Record during Knesset Immunity Hearings," *Jerusalem Post* (May 27, 1998): 5.

31. Several articles that are representative of the press coverage of this event include

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33. Mahler, *The Knesset*, p. 89.

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36. A discussion of these payoffs can be found in Mahler, *The Knesset,* pp. 74–80.

37. Valerie Herman and John Pope, "Minority Governments in Western Democracies," *British Journal of Political Science* 3 (1973): 191.

38. Herman and Pope, "Minority Governments," p. 191.

39. See the Ministry of Foreign Affairs Web page, at www.mfa.gov.il/mfa/go.asp?MFAH0hyd0, accessed October 2003, for a list of all Governments between that of David Ben-Gurion, formed March 10, 1949, and that of Ariel Sharon, formed March 7, 2001.

40. See Itai Sened, "A Model of Coalition Formation: Theory and Evidence," *The Journal of Politics* 58: (1996): 350–372.

41. Eric Browne and Mark Franklin, "Editors' Introduction: New Directions in Coalition Research," *Legislative Studies Quarterly* 11:4 (1986), 471. The entire issue of *Legislative Studies Quarterly* in which this article appears is devoted to the study of coalition theory.

42. Benjamin Akzin, "The Role of Parties in Israeli Democracy," *Journal of Politics* 17 (1955): 507–545.

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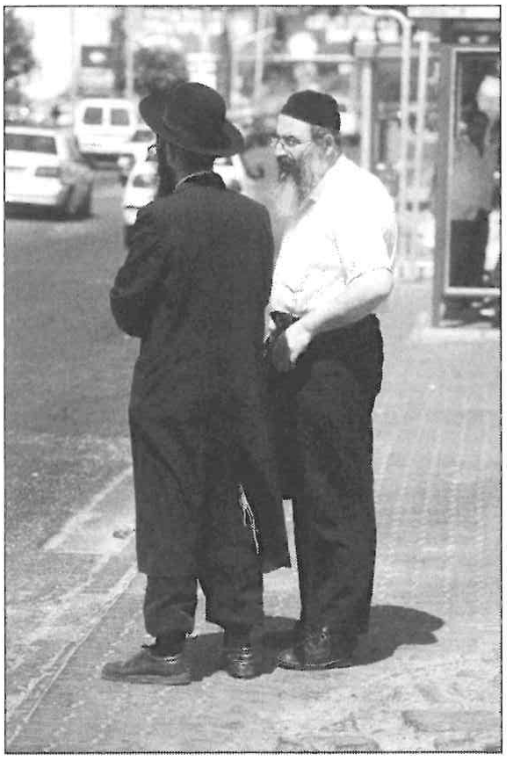

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Political Parties and Interest Groups

The building blocks of Israeli democracy have been its political parties. Israel was described nearly fifty years ago as a *parteienstaat* ("party-state"), and the role of political parties in the day-to-day operation of the polity has not diminished. This chapter discusses the structure and behavior of political parties and related interest groups, how political parties are organized in Israel, what their key issues are, and how they differ from each other. Then, the chapter's focus shifts to interest groups, another very important structure in the contemporary Israeli democratic arena.

THE SETTING

The underlying factor in contemporary Israel that explains a good deal of the turbulence in the political system is that of the political party. The Israeli political system has been referred to as a *parteienstaat* par excellence,[1] and

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The Orthodox Jewish religious organizations have their own formal political parties.

the description is appropriate. Political parties played an important role in Israel's achieving statehood. One could even say that the state of Israel "was actually brought into existence by political parties, which were organized and developed entities . . . years before the coming of statehood."[2] Indeed, contemporary Israeli political parties are a direct link to the past in that virtually all have roots in some prestate political form.[3]

The Israeli political party system could almost be classified as overdeveloped. Indeed, thirty-one parties ran candidates in the Fifteenth Knesset elections in 1999, and fifteen of these parties won seats in the Knesset[4] by winning at least 1.5 percent of the votes[5]; twenty-seven parties ran in the Sixteenth Knesset elections in 2003, and thirteen parties won seats in the Knesset.[6] Many of these lists represented temporary electoral coalitions of up to five separate political party organizations. Many Israelis believe that the system would be better off with only a very small number of parties and see no real need for so many organizations. They suggest that Israel could operate with greater stability with only a left, a right, and a religious party, with perhaps an Arab party as a fourth party. They argue in support of the position that there is no need for four individual religious parties, although many argue that Israel's various religious parties are sufficiently different from each other that one party alone would not meet all social needs.[7]

There are, of course, several reasons why the independent party organizations continue to function—and even thrive—in spite of the fact that they may be losing their autonomy within the legislature. Perhaps the most important is that party organizations engage in considerably wider ranges of activity than merely drafting legislation. They do not, in other words, confine their behavior to only the obviously political. Israel's parties "have been more than electoral mechanisms and formulators of governmental policies."[8] Parties "occupy in Israel a place more prominent and exercise an influence more pervasive than in any other state with the sole exception of some one-party states,"[9] and they work for their members in a variety of ways to maintain public support. One classic study of party activity, to a very large extent still quite accurate today, beautifully captures the party-member relationship:

> A person who subscribes to the party's daily newspaper, is given medical care in a party sponsored clinic, hospital, or convalescent home, spends his evenings in a party club, plays athletic games in the party's sports league, gets his books from the party's publishing house, lives in a village or in an urban development inhabited solely by other adherents of the party, and is accustomed to look to the party for the solution of many of his daily troubles—is naturally surrounded and enveloped by an all-pervasive partisan atmosphere.[10]

While this is less true today than it was at the time the article was written in 1955, political parties in Israel still perform a much broader range of services for their members than do parties in most other democracies; thus, they have stronger ties to their publics than is typical elsewhere. It therefore becomes clear that an understanding of political parties is absolutely essential for a clear understanding of the operation of the Israeli political system.

IDEOLOGY IN ISRAEL

"The style of Israeli politics is ideological."[11] Ideology refers to a set of values and beliefs pertaining to political behavior and public policy, the political "oughts" or "shoulds." In particular, Israel was born of both socialist and Zionist ideologies,[12] both of which have endured to this day. In addition to these fundamental philosophies, however, a number of other ideological and policy issues have developed over time that have become the focus of much debate. Israel's political culture, in fact, "demonstrates a fascinating mix of ideology and pragmatism."[13] Many years ago a path-breaking study of political ideology in Israel was undertaken. At that time, five major issues were deemed crucial in determining party platforms:

1. Private enterprise (a) versus socialism (b)
2. Activist Arab policy (c) versus restraint (d)
3. Torah-oriented life (e) versus secularism (f)
4. Pro–Soviet Union (g) versus pro-West (h) foreign policy, and
5. Zionist (i) versus non-Zionist (j) approaches to the legitimacy of the state[14]

Based upon these five issues, thirty-two different political party platforms were mathematically created, of which nineteen were logically impossible or ideologically incompatible. (An example of an incompatible ideological mix would be a pro-Soviet, private enterprise, Torah-oriented, non-Zionist platform.) Ten of the remaining hypothesized platforms corresponded with platforms of political parties of the time, and three were logically possible, but had yet to be offered as political alternatives.

With the exception of the Soviet question (issue number 4 from the list above), which is not a matter of contention in Israel today (even if we substitute "pro-Russian" for "pro-Soviet" versus pro-West the conflict is moot today), the other four issues remain active and continue to be the cause of further party fragmentation.[15] In research done in the Knesset, members were asked to position the various political parties of the time along the remaining four scales, which they were able to do without trouble. It is clear from the responses that these members felt it was possible to position parties along a

number of different ideological scales in a way that adequately represented their different issue positions and, thereby, gave them their distinctive identities. It is also clear from the legislators' responses that although many of the center, left, and religious parties had similar views, they did diverge enough for the legislators to feel comfortable rating them separately.

While the total number of positions on four bipositional issues ("yes"/"no," "for"/"against") is only sixteen,[16] some of which may be logically contradictory or incompatible, the various degrees of opinion and intensity of belief for each of the four issues leave open the possibility for more competing party organizations to form. At the same time, conversely, some political parties have become firmly identified with specific ideological positions. This concept is represented in table 6.1.

It is clear how extraordinarily tenuous some of the coalition governments in Israel have been, how difficult it is for partners to be partners: they disagree, sometimes fundamentally, on many issues, including economic policy, how flexible Israel should be in negotiations with Arab powers, what Israel's policy should be in regard to settlements on the West Bank, what influence the Orthodox religious groups should have in politics, and so on.

Party ideology has been most important in times of elections. "Israeli voters tend to report that ideological considerations are important" in motivating their votes.[17] To some extent, of course, this depends upon how one defines "ideology," because in one sense all of Israeli politics is ideological. If we define "ideology" in a more specific sense to include policy positions on a wide variety of individual issues, then it is possible to conclude that electoral campaigns have become less ideological over the years. Many argue that ideological differences between the parties have decreased to such an extent that general party image and the popularity of individual party leaders have taken the place of ideology as the reason why people vote as they do.[18]

Over the years, the predominant coalition of political ideologies in Israel

Table 6.1 Four Bipositional Issue Spectra and Possible Political Party Positions

Dimension	*Policy Extremes*
1	Private enterprise (A) versus socialism (B)
2	"Activist" Arab policy (C) versus restraint (D)
3	Torah-oriented life (E) versus secularism (F)
4	Zionist (G) versus non-Zionist (H)
Possible combinations for political parties to represent: ACEG ACEH ACFG ACFH ADEG ADEH ADFG ADFH BCEG BCEH BCFG BCFH BDEG BDEH BDFG BDFH	

has been deemed to have shifted to the right[19] toward a more conservative and hawkish position. This was one of the reasons for Likud's victory and the Labor Alignment's loss in the 1977 election; the left's ideology had become stale and had fallen out of step with public opinion.[20] To some extent, the creation of preelectoral blocs between several different political parties has tended to force some of the parties to relax their ideological rhetoric. Parties seeking to hold political office must operate in the real world, which has sometimes necessitated their making political deals with parties that take opposing ideological positions, requiring some compromise and modification of pure ideological standards.[21]

THE FUNCTIONS OF PARTIES

Quite apart from the fact that we may credit the various organizational ancestors of contemporary political parties for assisting in the formation of the state of Israel, contemporary political parties perform a significantly greater number of important functions in the political system. Although I do not mean to suggest that all Israeli parties perform all of these functions (or that they all perform them equally well), it can be suggested that most parties perform most of these functions most of the time.

First, parties act as personnel agencies, or mechanisms to assist in the recruitment of political leaders.[22] It is very clear that in Israel one does not become active in politics at the national level without operating within a party framework. Independents are not elected to the Knesset, and, as should have become clear in chapter 5, the Knesset does not encourage the participation of independent, nonparty members. Individuals seeking political office in Israel must operate using the vehicle of a political party. This assertion is further substantiated by the fact that when individuals break away from established political parties, they do not compete in the political arena as independents. Rather, they establish their own political parties and continue to operate in the party-dominated environment. An overarching explanation for this is the country's electoral system. The Israeli formula of proportional representation makes it impossible—legally impossible—to run for office without a party label. The nature of the electoral system likewise gives party leaders a great deal of leverage over individual members even after elections.

The second function of political parties is to help organize groups and articulate political demands.[23] Parties seek the support of various constituencies when elections for the Knesset are at hand, and they work full-time between elections to continue generating public support for their organizations. Translated into action, this means that parties publish newspapers,

operate medical clinics, subsidize housing, run job-placement services, and provide a wide range of additional specialized services to their members.[24] Beyond this, when parties see new issues looming on the public agenda, they seek to stake out an advantageous position in relation to their own platforms and those of their rivals. Parties will act to mobilize groups around their issues and will speak out in an effort to attract even more popular and electoral support. This is especially true in relation to issues of social class structure.[25] The importance of Russian immigrants is very clear in this way, with the creation of *Yisrael Ba'Aliya*, a political party focused overwhelmingly on the problems of Russian immigrants.[26] In this respect, political parties in Israel can be seen to act as movements, in addition to being simply political parties in the conventional sense of the word. It is difficult for citizens of other democracies, in which political parties serve primarily elective functions, to appreciate the extent to which parties in Israel touch a wide range of aspects in an Israeli citizen's life.

A third function involves providing an ideological or perceptual frame of reference for voters. The world is a complicated place, and very often citizens (and voters) are not sure how to perceive events happening around them. Parties perform a useful function here by staking out positions on a wide range of issues, offering general and detailed explanations for why those opinions are the "correct" opinions to hold, and thereby making the political world a more understandable place for individuals who might not otherwise grasp many of the finer points of contemporary political discourse. In this sense parties perform a crucial role in the function of political socialization, the process by which individuals develop beliefs, attitudes, and values related to the political world. Along with the family, schools, ethnic groups and group leaders, occupational colleagues, peers, the media, and community leaders, the political party plays a significant role in serving as a point of orientation as the individual develops his or her views about how and why the political world operates as it does.[27]

Finally, parties serve as so-called linkage mechanisms, helping to tie the individual to the political system within which he or she resides. Although there are formal mechanisms in the Israeli political system that link members of the public to governmental structures, namely specifically elected representatives, there is a great deal of ambiguity about the role that the representative should play. Since Israelis vote for political parties, not individual candidates, and since there are no geographic districts in Israel, as we noted earlier, individual Israelis are left without their own official—governmentally designated—representatives. It is, instead, through the political party that Israelis relate to the political system as a whole. Israeli parties are what is termed *mass parties*—they are based upon mass membership and are truly

run by the rank-and-file of the party—and it is the party that provides the opportunity for individuals to feel that they have a real say in the political process.

PARTIES AND ISSUES

Israeli political history has seen a substantial number of political parties. Table 6.2 indicates the major parties that have been active in Israeli elections between 1949 and 2003. There are a lot of them, and their relationships are quite complex, because many have merged, broken apart, and recombined over the years. Political parties that have participated in Israeli coalition governments can be conventionally grouped into four categories: left, center, right, and religious. (Arab parties exist, too, but have not been formal members of Government coalitions or formally in positions of power in the Knesset.[28]) This quadripartite classification has occasionally been upset by the existence of parties that do not fit into the system, such as the Democratic Movement for Change (DMC) in the late 1970s. Here we briefly review the political parties that ran for office in the elections for the Fifteenth and Sixteenth Knessot and won seats in those elections[29] to describe not only the basic tenets of the parties today, but also the evolution of the parties and the political groups from which they have developed, if appropriate.

Left Parties[30]

One Israel

One Israel is the current form of the Labor Party, which started in Israeli history as Mapai, an acronym for *Mifleget Poalei Israel* ("Israel Workers' Party"), in 1930. Labor is a classical social-democratic political party, with a commitment to government activism to provide social and economic benefits for the public.[31] The Labor Party's roots are based in Labor and Zionist ideology, and it was founded by the same two groups that founded the *Histadrut,* the national labor federation; these groups were the *Ahdut HaAvodah* ("Unity of Labor") and *HaPoel HaTzair* ("Young Labor").

Ahdut HaAvodah itself had a long history, tracing its roots back to 1919 when it was created from the *Poalei Tziyon* ("Workers of Zion"); *HaPoel HaTzair* was active in Palestine from 1905 to 1930 and was a leading force in building Jewish settlements in the area. Mapai was the dominant partner in the Labor Party after its creation in 1968 from the merger of Mapai, *Ahdut HaAvodah*, and *Rafi. Rafi,* an acronym for the *Reshuma Poaeli Israel* ("Israel

Table 6.2 Major Political Parties in Israeli Elections, 1949–2003

A	Israel Labor Party (MAPAI)
AMT	Alignment—Israel Labor Party and United Workers' Party (7th–12th Knesset)
	Labor headed by Yitzhak Rabin (13th Knesset)
	Labor (in the 14th Knesset)
	One Israel headed by Ehud Barak—Labor, Gesher, Meimad (15th Knesset)
AT	Alignment—Israel Labor Party and Unity of Labor (6th Knesset)
B	National Religious Front, Mizrahi, and Mizrahi Workers
G	United Torah Judaism—Agudat Yisrael, Degel HaTorah, Rabbi Yizhaq Peretz Agudat Israel Workers (was AI/PAI)
D	National Democratic Alliance (BALAD)
HD	The Third Way for National Consensus
HN	Centre—Shinui List
W	Democratic Front for Peace and Equality, The Israel Communist Party (RAKAH), Black Panthers and Jewish and Arab Circles
H	Freedom Party
HL	Herut-Liberal Front (GAHAL)
HLTAM	Likud
T	Free Center (7th Knesset)
T	Moledet
T	Yahad—Movement for National Unity (11th Knesset)
YT	National Union—Moledet, Herut, Tequma
YM	United Arab List (9th Knesset)
JS	Ometz—Recovery of the Economy (10th–11th Knesset)
JS	Democratic Movement for Change (DASH) (9th Knesset)
JS	Shinui—Secular Movement headed by Lapid and Poraz
KA	Israel Workers' List (RAFI)
KACH	KACH—Movement founded by Rabi Meir Kahana
KN	Shlomzion—Realization of Zionism Movement
KN	Yisrael Ba'Aliya headed by Natan Sharansky
L	Liberal Party
L	Yisrael Beiteinu headed by Avigdor Liberman
LA	Independent Liberals
M-MAPAM	United Workers' Party and Nonaligned
MHL	Halikud (Mahal)—Likud, Gesher, Zomet
MEREZ	Merez—Democratic Israel, RZ, Mapam, Shinui
M	Am Ahad headed by Amir Perez—Faction of Workers and Pensioners
NJ	Israel Tradition Movement (TAMI)
ADP	Arab Democratic Party
AD	Morasha, Mazad, Agudat Yisrael Workers
AM	State List
AM	United Arab List (15th Knesset)
EZ	Degel HaTorah
P	Progressive List for Peace
PH	Center Party headed by Yizhaq Mordechai
PS	Flatto-Sharon—Development and Peace
TZ	Zomet—Movement for Zionist Renewal
K	Israel Communist Party
KN	Moked (Tekhelet-Adom Movement)
RZ	Citizens' Rights Movement and Peace
S	HaOlam Haze
S	Shelli
SHAS	Universal Assn. of Sephardi Observers of the Torah
Th	Resurrection
TW	Unity of Labor
TLM	Movement for State Renewal (KEN)
—	Minorities' lists connected with the Alignment
—	Other lists

Source: Central Bureau of Statistics, *Statistical Abstract of Israel, 2003*, table 10.00, "Elections and the Knesset: Legend to Tables 10.1–10.3," online at 194.90.153.197/reader, accessed October 2003.

Labor List"), had been created in 1965 when David Ben-Gurion and some of his supporters left Mapai after a disagreement over a policy issue. In 1968 most of those who left (but not, it should be noted, Ben-Gurion) returned to Mapai and along with *Ahdut HaAvodah* created the Labor Party.

From 1968 to 1974 the Labor Party's formal party positions were distributed on the basis of 57.3 percent for Mapai, and 21.3 percent each to *Ahdut HaAvodah* and *Rafi*; after 1974 (when Yitzhak Rabin, Shimon Peres, and Yigal Allon were leaders of the three factions and agreed to truly merge them), Labor absorbed the three formative groups entirely. Between 1969 and 1984 Labor and Mapam, an acronym for *Mifleget Poaeli Meuchedet* ("United Workers' Party"), joined together to form the "Maarach," or "Alignment." Mapam had been created in 1948 from the merger of two kibbutz-related political parties, *HaShomer HaTzair* ("The Young Watchman," founded in 1913) and *Ahdut HaAvodah* (some of which left in 1954 to become independent again). After 1984, in protest of the Alignment's joining the Likud in a national unity government, Mapam left the Alignment and continued as an independent party.

Meretz

Meretz was founded in 1992 by a union of the Citizens' Rights Movement (CRM), Mapam, and Shinui. Shulamit Aloni, an MK from the Labor Party, created the CRM in 1973. The CRM put great emphasis on civil rights and was willing to make more compromises on Palestinian-related issues than was the Labor Party at the time. The focus of Meretz's ideology is on human rights, and thereby Meretz has been associated with the peace process because it has championed Arab rights as well as Jewish rights.[32]

The Center and Right Blocs[33]

The Center Party has tried to stake out a position in the center of the ideological continuum in Israel. Candidates in the 1999 election advocated investing in education, improving the economy, and negotiating for peace with Syria and the Palestinians.

The Likud ("Union") was created at the time of the 1973 election when the Free Center Party and the Gahal bloc merged. The Free Center had been a bloc of the Herut ("Freedom") Party that had broken away in 1967, only to rejoin in a new form with its former partners in 1973. (The Free Center later left the Likud in 1977 and joined the reform party the DMC.) Gahal actually was another acronym, deriving from *Gush Herut Liberalim*, or *Herut-Liberal Bloc*, that was created in 1965 by Herut and the Liberal Party

to compete more effectively in the Mapai-dominated party system (see figure 7.2). The Liberal Party was formed in 1961 from a merger of the Progressive Party and the General Zionist Party, both of which dated from before the creation of the state. Herut was a right-wing party founded by those who had been active in the *Irgun* in the prestate years, with an ideology based upon Revisionist Zionism. Herut has become the dominant component in the Likud. Since 1977 the Herut/Likud bloc on the right has been the basis of most Israeli governments, committed to a diminution of government regulation in the economy, fewer concessions to the Palestinians, and strong security concerns. It is significantly reliant on a Sephardic constituency to stay in power.[34]

Yisrael Ba'Aliya ("Israel for Immigration") was created in 1996 by one of Israel's best-known immigrants, Natan Sharansky, a Russian-Israeli immigrant who struggled against significant odds to leave the former Soviet Union and emigrate to Israel. The party's general ideology is close to that of the Likud, and it has a strong Zionist focus, supporting immigration and more state support for new immigrants. Its primary focus has been on the new Russian immigrants (of which Sharansky is one).

The National Unity Party (*HaIchud HaLeumi*) was created in 1999 and is itself a right-wing coalition that includes former members of Herut, and other right-wing parties. The platform of the party emphasizes that "the land of Israel is the homeland of the Jewish People, from the authority of its Torah and heritage, home of the returnees to Zion."[35]

Israel Our Home (*Yisrael Beiteinu*) is a new party created before the 1999 elections with the specific goal of drawing support from new Russian-speaking immigrants. The founder of the party, Avigdor Liberman, was director general for former prime minister Benjamin Netanyahu and was a supporter of the Likud Party. His belief was that forming a new party would draw more support from the new Russian immigrants than would simply waiting for them to come to the Likud.

One Nation—For Israeli Workers and Pensioners (*Am Ehad*) was a party created by former members of the Labor Party interested in focusing upon workers and retirees.

The Religious Parties[36]

The National Religious Party (NRP), also known as Mafdal, an acronym for *Mifleget Ha Datit Leumit* ("National Religious Party"), was created in 1956 by the merger of *HaPoel HaMizrahi* ("Eastern Workers," established in 1922 as an Orthodox religious workers' party) and *Mizrahi* ("Eastern," established in 1902 as an Orthodox religious Zionist party). In 1949 *Mizrahi* joined with other religious parties to form the United Religious Front. Between 1948 and 1977, the NRP allied with Labor in coalition governments, in return for which it continually controlled the Ministry of Religious Affairs. Until 1981 the NRP fairly regularly drew about 10 percent of the vote and received about twelve seats in the Knesset; after that time there were other religious parties, and the NRP contingent in the Knesset was significantly smaller.

Shas, or Sephardic Torah Guardians, was created as a religious and theocratic party in 1984 by the former *Agudat Israel* ("Society of Israel"). *Shas* is really a Sephardic copy of *Agudat Israel* and was founded in Poland in 1912 and reestablished in Palestine in the 1920s with most of *Agudat Israel*'s Ashkenazic supporters moving to the United Torah Judaism Party. In 1949 *Agudat Israel* joined with *Mizrahi* to be part of the United Religious Front, and between 1955 and 1959 it operated with *Poalei Agudat Israei* ("Workers' Society of Israel") as the Torah Religious Front. The Torah Religious Front broke up prior to the 1961 election. *Agudat Israel* was a non-Zionist party directed by a Council of Torah Sages whose primary function was religious, not political. Shas became a major party only in recent years when the primarily Ashkenazic-dominated *Agudat* bloc refocused its attention on Orthodox Sephardic Jews, whose support for Shas has turned it into the third largest party in Israel today. Shas today is considered a party for the ultra-Orthodox Sephardim; most Ashkenazic ultra-Orthodox have chosen to support the United Torah Judaism (*Yahdut HaTorah*) Party.

United Torah Judaism is a coalition of two ultra-Orthodox religious parties, *Agudat Israel* (see above discussion of Shas) and *Degel HaTorah* ("Flag of the Torah"). *Degel HaTorah* was formed in 1988 and is an Ashkenazic spin-off of Shas.

Reform Parties[37]

Shinui ("Change") was created in 1973 as a protest group in response to the 1973 War. In 1976 Shinui joined the DMC, led by Yigal Yadin, but three years later, when the DMC joined Menachem Begin's Likud-led coalition government, the Shinui faction broke away from the DMC to compete independently. It has survived, while the DMC has not. In 1992 Shinui joined Meretz, but competed independently again in 1999. Shinui's concerns are to the left of Labor and Meretz; it advocates a free-market economy based on liberal principles, and it supports the peace process between Israel and its neighbors.[38]

Far Left, Communist, and Arab Parties[39]

The Democratic Front for Peace and Equality has roots dating back to the creation of Israel. In 1949 the Communist Party of Israel, or Maki, the acro-

nym for *Mifleget Kommunistit Yisraeli* ("Israel Communist Party"), was created, and in 1965 it broke into two factions, Maki and Rakah. Maki continued to be primarily Jewish, while Rakah, an acronym for *Reshuma Kommunistit Hadash* ("New Communist List") was mostly made up of Arab Communist supporters. In 1973 Maki and Rakah joined again as Moked ("Focus"). In 1977 Maki and several other groups created Shelli, an acronym for *Shalom l'Israel* ("Peace for Israel and Equality for Israel"), which dissolved in 1984. The Democratic Front for Peace and Equality arose from the gap created by the disappearance of Shelli.[40]

The United Arab List (UAL) is a coalition of the Arab Democratic Party and other small Islamic organizations in Israel. The Arab Democratic Party was created in 1988 and has focused on equality for Arab-Israelis and Israeli withdrawal from the West Bank. The primary focus of the UAL is the creation of a Palestinian state and the removal of all Israeli settlements in the West Bank and Gaza areas.

Balad, the National Democratic Alliance, is one of Israel's major Arab parties, advocating the return of Arab refugees from 1948 and 1967, Israel's withdrawal to 1967 borders, and the creation of a Palestinian state. Balad was made up of a variety of factions, including the Arab Movement for Change, created in 1996.

What we see in this brief examination of the Israeli party system is an almost bewildering array of political opinions and options, as shown in table 6.3. The nature of the electoral system tends to permit—even encourage—a proliferation of what we can call maverick parties. It is relatively easy for a well-known political leader with a solid base of support to break away from his former party and to form a party of his own, with little that is ideologically new, just with himself or herself as the party head. This is precisely why it is difficult to pinpoint the differences in substance between many of the parties, because often there are very few substantive differences. What we find is a series of personal followings that form individual parties that then establish coalition blocs on the basis of ideology and programmatic preference.

INTEREST GROUPS

Interest groups are commonly defined as collections of like-minded individuals. There are many different kinds of interest groups, some highly organized, others less so. Some are large, such as organizations for Russian Jewish immigrants; others are small, such as groups for pensioners' rights. Regardless of their size or level of organization, interest groups are important

Table 6.3 Parties Winning Seats in the Elections for the Sixteenth Knesset, 2003

Party List Name	*Percentage of Vote*	*Number of Seats Won*	*Percentage of Seats Won*
Likud	29.4	38	31.7
Labor-Meimad	14.5	19	15.8
Shinui	12.3	15	12.5
Shas	8.2	11	9.2
National Union	5.5	7	5.8
Meretz	5.2	6	5.0
National Religious Party	4.2	6	5.0
Torah and Shabbat Judaism	4.3	5	4.2
Hadash	3.0	3	2.5
Am Ehad	2.8	3	2.5
National Democratic Assembly (Balad)	2.3	3	2.5
Yisrael Ba'Aliya	2.2	2	1.7
United Arab List	2.1	2	1.7
Total	96.0	120	100.1

Source: Government of Israel, Ministry of Foreign Affairs Web page, "Knesset," > "Elections in Israel January 2003," at www.mfa.gov.il/mfa/go.asp?MFAH0n130, accessed October 2003.

because of the manner in which they can influence the behavior of a Government.[41] Not only do interest groups communicate the views of the public, they also help to communicate the views of the Government back to different segments of the public. Thereby, interest groups serve as linkage mechanisms in the democratic machinery of government.[42] It should be noted, however, that interest groups in Israel do not have the level of activity or importance that they do in many other democratic polities, because many of the most important functions performed by interest groups elsewhere are performed by the political party organizations in Israel. In a sense, then, political parties have essentially usurped many of the roles traditionally played by interest groups.

Not all of the specialized parties have been as successful as others, however. To take only one example, the new party focused on pensioners was not successful in the election of 1999 because not enough of its target membership was willing to forsake other interests to cast their votes for the pensioners' party; they apparently preferred to vote based upon their other interests. A study of that election showed that if only 10 percent of those who ostensibly would have had an interest in the issues of that party—those aged sixty-five or older—had voted for the party, the party would have elected two MKs in the election of 1999. Instead, it received less than 1.5 percent of the total vote and received no representation in the Knesset.[43]

The largest single interest group in Israel is labor, the largest organization

of which is the *Histadrut* or General Federation of Workers, which was established in 1920.[44] The *Histadrut* is often referred to as a national labor union, but it is much more than that. It owns, builds, rents, and sells property, runs housing projects, administers medical clinics, owns newspapers and publishing houses, supervises schools, and in general is responsible for a wide range of social services. Through the 1977 Knesset election—that is, as long as the Labor Party dominated Government coalitions—the *Histadrut* had very strong and close ties with the Government. Primarily this was achieved through an explicit overlap (or interlocking directorate) of personnel in leadership positions of each. In the process, *Histadrut* actually inspired many important pieces of legislation dealing with labor and employment, such as the Hours of Work and Rest Law, the Youth Employment Law, and the Labor Exchange Law.[45]

Another interest group that must be considered when examining Israeli politics is the military. The study of civil-military relations has demonstrated that the military does influence public policy in Israel.[46] Since an overwhelming percentage of Israel's adult population is either on active service or in the reserves, opinions of the military have a way of finding their way into politics. This is particularly noticeable when one examines the political recruitment process. There has been no shortage of examples—Dayan, Rabin, Weizman, Sharon—of individuals who have achieved fame through their military exploits, then have exchanged that fame for a position on a party's electoral list or have simply gone out and formed their own political party. On the whole, studies of Israeli army officers "have indicated that their political attitudes and orientations are as diverse as those of the population at large. They do not constitute a distinct or separate ideological bloc."[47]

International Jewry constitutes yet a third group that exercises an influence in Israeli politics. Diaspora Jewry has on many occasions expressed its policy preferences through a variety of mechanisms, including formal organizations such as the Jewish Agency, the World Zionist Organization, and the American Jewish Committee, as well as through direct communication between Jews in the Diaspora and Israeli politicians. It is clear that international Jewry was very important in terms of its response to the 1988 election in which its American component (at least) exerted great pressure on Yitzhak Shamir to deter him from forming a Likud-Orthodox coalition in a fashion that would force a ruling on the "Who is a Jew?" question. The eruption of this long-simmering controversy—with the Orthodox parties wanting Mr. Shamir to introduce legislation recognizing only Orthodox Jewish conversions and marriages, among other rituals—generated a tremendous amount of concern in Jewish communities outside of Israel, and is an excellent case study of how overseas Jewish communities can influence domestic Israeli politics.

The fact of the matter is that the Israeli government receives a great deal of money through these international interest groups, and thus is very sensitive about avoiding actions that might cause an erosion of this international support. For example, "Because of the prestige and wealth of its members, the American Jewish Committee has been especially cultivated by Israel's leaders. It is the only private organization with which the Israeli government has reached a quasi-official agreement defining a 'proper' relationship with diaspora Jewry."[48]

Finally, but not least, specific ethnic groups have begun to influence government policy in a direct way.[49] For many years, as we have already noted, the Ashkenazic group of the Israeli population dominated the political arena. Sephardic Jews were a substantial minority in Israel (even approaching majority status), but were systematically excluded from positions of leadership in the party organizations, governmental bureaucracy, and elected positions. In recent years the Sephardic groups in the Israeli population have begun to speak out, to organize, and to lobby in their own interest. Their common interests and platforms have to do with equal opportunity with the claim that they have not had the education and career opportunities of other segments of society, as well as all of the concomitant benefits that such opportunities include. We have already seen how new political parties such as Shas have been created specifically to represent the interests of the Sephardim.

Shas, it must be noted, is a special kind of organization that is both an interest group and a political party. Shas is clearly a Sephardic religious political party, but it has been far more successful than others of its type by seeking to be integrative rather than separatist in its approach to the political world. It has tried to establish itself as a vehicle for drawing the disenfranchised into the political world and has been quite successful in doing this.[50]

A result of this activism by Sephardic groups is that the larger parties, especially Labor and Likud, have been compelled to increase their overtures to the Sephardim. Likud recognized prior to the 1977 election that the Sephardim were an untouched electoral resource, and it became identified as the party of Sephardic interests. Labor, in recent years, has tried to make inroads in this Likud constituency and some progress has been made. In brief, the Sephardim have been recognized as a significant interest group and are now receiving the kind of electoral attention that they felt in the past they deserved.

Another category of interest group that has increased in visibility and significance in Israeli politics in recent years involves Arab political organizations. For many years in Israeli politics, Arab interest groups were fundamentally invisible. In more recent times, for reasons that are both obvi-

ous and unfortunate, Arab visibility in Israeli society has become much more significant and contentious; until the recent breakdown in civil relations between Israeli Jews and many groups of Israeli Arabs, there were some indications that Arab interest groups were becoming more effective in pressing their causes. Increased violence has changed this, and some Israelis argue that peace is not possible until Arabs are fully integrated into Israeli society and politics, while others argue that Arabs will never be welcomed into Israeli society and politics and that peace will not be possible until Arabs are fully separated from Israeli society. These arguments, sadly, are very much the same types of arguments that history has seen in different places at different times related to long-term violence and political instability, such as India with the Hindus and Muslims, South Africa with black and white South Africans, Ireland with Catholics and Protestants, and the like. Arab interest groups have become increasingly organized and vocal in recent years and will likely continue to be more visible and more included in the political process.[51]

The Knesset has been a high-priority target for much lobbying in Israeli politics, and some have been concerned about the ethics and legality of much interest group behavior.[52] This has been increasingly discussed in the Israeli political arena, and the Government has paid particular attention to challenges caused by these concerns.[53]

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2. Scott Johnston, "Politics of the Right in Israel," *Social Science* 40 (1965): 104.
3. For a description of the history of parties in Israel, see Benjamin Akzin, "The Role of Parties in Israeli Democracy," *Journal of Politics* 17 (1955): 507–545.
4. The data can be found on the Knesset Web page. The list of parties running for office can be found at the Knesset's website: "Knesset Website Map" > "Elections and the State" > "Elections for the 15th Knesset, 1999" > "Lists Running in the '99 Knesset Elections," at www.knesset.gov.il/elections/eindex.html, accessed October 2003. The list of parties winning seats in the Knesset can be found at the same Knesset website: "Knesset

Website Map" > "Elections and the State" > "Elections for the 15th Knesset, 1999" > "1999 Election Results," at www.knesset.gov.il/elections/eindex.html, accessed October 2003.

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18. Arian, *Politics in Israel,* pp. 253–254.

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The Electoral Process and Voting Behavior

While parties and interest groups are of great importance to an understanding of how Israeli politics operates, they cannot be understood without knowledge of the rules of the game, how they are expected (and permitted) to behave in the polity. Israel's proportional representation electoral system for Knesset elections and, in 1992, the addition of a direct election for the prime minister, followed less than a decade later by a return to the original model of elections, have made elections in Israel consistently problematic. This chapter discusses key factors influencing election outcomes and examines trends in recent elections to understand the significance of the electoral framework for Israeli voting behavior and Israeli politics more generally construed.

Most Israeli voters are not supporters of Orthodox religious political parties.

THE ELECTORAL SYSTEM AND ISRAELI VOTING BEHAVIOR

The electoral system of any country is very important in terms of both its role in the selection of political leaders and its influence on the nature and style of political discussion and activity. This is clearly the case in Israel, where the electoral system itself promotes such diverse and even contradictory phenomena as a splintering of established political parties, strict party discipline, and close overall control of individual legislators within the separate party organizations. Indeed, as we noted in the last chapter, the very nature of the Israeli electoral system is often credited with being the prime reason for so many political parties. There are few institutional incentives for factionalized parties to remain together and many for groups with a moderate amount of popular support to break away from parent political organizations and run for office under their own banners.

Conversely, individuals who do not wish to break away are left in a very vulnerable position in relation to their party leaders, for party leaders can use the electoral system as a lever—or a threat—to remind the rank and file that they would do better to act in a manner consistent with party guidelines or face the consequences. Not surprisingly, then, there have been numerous calls for reform of the Israeli electoral system over the years and, as we have already noted, a major reform of the electoral system (involving the direct election of the prime minister) was enacted by the Knesset in 1992 and came into effect in 1996, only to be repealed in 2001!

PROPORTIONAL REPRESENTATION AND ELECTIONS

Maurice Duverger, a French political scientist, once wrote that there is a direct relationship between the electoral system of a nation and the number and nature of political parties that exist in it. More specifically, Duverger wrote that proportional representation elections lead to multiple political parties.[1] That is certainly the case in Israel.

Israeli elections must be held *at least* every four years; in other words, although the maximum term of any single elected Knesset is four years, the Knesset may vote to dissolve itself prior to the normal time of expiration of its term and call for new elections. Unlike the situation in other parliamentary systems, only the Knesset, not the head of state—such as the Queen in England—has the power to dissolve itself prior to the expiration of its legislated term of office. On a number of occasions in Israeli history, the term of

a Knesset has been less than four years, including most recently the term following the 1996 election, when new elections were held in 1999; on two occasions (1949–1951, and 1959–1961), it was less than three years.

The Fundamental Law: The Knesset says that "the Knesset shall be elected in general, national, direct, equal, secret, and proportional elections."[2] This means, in practice, that all citizens eighteen years of age or older can vote. The actual electoral system employs a single-ballot, national constituency, proportional representation electoral framework.[3] That is, the whole country is considered a single electoral district, and each voter casts his or her vote for the party whose platform and candidates he or she most prefers. The percentage of votes received by each party in the national election determines the percentage of seats it will accordingly receive in the Knesset.

Parties receiving at least 1.5 percent of the vote are entitled to representation. Parties receiving less than this threshold receive no Knesset representation. Total number of votes in the election (minus the votes going to parties that receive less than the 1.5 percent threshold) is divided by 120, the total number of seats in the Knesset, thereby establishing a key. When the Knesset seats are distributed in this way, there are typically as many as ten or fifteen seats remaining as a consequence of rounding. Seats remaining in the Knesset after the initial assignment are then distributed, in a complex process, among parties with high numbers of surplus votes. This surplus vote distribution mechanism appears to be quite complex, but in actuality is not that hard to understand. The process, which has been used in Israel since 1973, is called the d'Hondt system, named after the Belgian who devised it. Briefly, the system seeks to guarantee that "no reallocation of seats would reduce discrepancies in the shares of the vote received by the winners."[4] In Israel it is referred to as the "Bader-Ofer System," named after the two members of Parliament who introduced the distribution system to Israel.[5]

For many years seats were awarded purely on the basis of the size of the remainders. This, in fact, sometimes permitted parties that had not even won a single seat to win a surplus seat, because they had higher remainders (in this case, a remainder after zero seats and before one seat) than the more established parties (perhaps with more votes than needed for thirty-two seats, but not quite enough votes for thirty-three seats). The Bader-Ofer formula does not allow this and is said to favor the larger parties slightly.

This system does not necessarily give surplus Knesset seats to the largest parties or to the parties with the largest remainders, but instead puts a premium on the base of party support. The idea here is that "a party supported by a million voters must be treated differently from a party supported by 20,000 voters."[6]

The operation of the Bader-Ofer formula is reflected in table 7.1. The

remaining seats are distributed by setting up a table very much like that demonstrated in table 7.1, in which each party's remaining votes are divided in turn by larger and larger divisors. In table 7.1, three hypothetical parties (A, B, and C) have remaining votes of ten thousand, eight thousand, and three thousand, respectively. After the division has taken place, the remaining seats are given, in order, to the largest dividends in the table, so that if there were fifteen remaining seats to be distributed, Party A would win seven (seats 1, 3, 5, 8, 10, 11, and 14), Party B would win six (seats 2, 4, 7, 9, 12, and 15), and Party C would win two (seats 6 and 13), as shown in table 7.2.

During the preelection period, the amount and degree of partisan campaigning reaches intense proportions. Election periods vary in length; when the Knesset passes the act dissolving itself and calling for new elections, it sets the period of the campaign. There is no legally mandated period, although campaigns generally tend to last for about eight to ten weeks. The election expenses of Israel's political parties through the 1960s had been among the world's highest.[7] Reform in 1969 led to limitations on overall campaign expenses and increased government oversight of party spending during the election period. Since 1973 Israeli parties have been forbidden from receiving corporate contributions.[8] Parties are given free time on television and radio for campaigning, and those that already control seats in the Knesset are given substantial allowances for the electoral campaign based upon the number of seats they control in the Knesset at the time.[9]

The role of the media has changed over time. The media are now being recognized in the scholarly literature as playing a significant role in Israeli campaigns, and the role of the Central Elections Committee is reflected in box 7.1.[10] During the last month of the campaign each party list is allocated

Table 7.1 Surplus Vote Distribution (Bader-Ofer Formula): The Computation Method

	Party A	*Party B*	*Party C*
"Surplus Votes"	10,000	8,000	3,000
Divide by:			
1	10,000	8,000	3,000
2	5,000	4,000	1,500
3	3,333	2,666	1,000
4	2,500	2,000	750
5	2,000	1,600	600
6	1,666	1,333	500
7	1,428	1,142	428
8	1,250	1,000	375

Table 7.2 Surplus Vote Distribution (Bader-Ofer Formula): The Awarding of Extra Seats

	Party A	*Party B*	*Party C*
"Surplus Votes"	10,000	8,000	3,000
Divide by:			
1	(1) 10,000	(2) 8,000	(6) 3,000
2	(3) 5,000	(4) 4,000	(13) 1,500
3	(5) 3,333	(7) 2,666	1,000
4	(8) 2,500	(9) 2,000	750
5	(10) 2,000	(12) 1,600	600
6	(11) 1,666	(15) 1,333	500
7	(14) 1,428	1,142	428
8	1,250	1,000	375
Total "Extra" Seats Won	7	6	2

ten free minutes of television prime time each evening, six nights a week, and parties already represented in the Knesset receive an additional four free minutes per seat they controlled in the previous Knesset.

Opinion about the quality and level of argument presented in these advertisements varies, however, to such an extent that one wonders if the editorial writers were in the same country watching the same television![11] Yeshayahu Ben-Porat wrote in an editorial in one major newspaper,

> Most, if not all of the party telecasts constitute an insult to the intelligence. They are based on the assumption that the average voter is an infantile imbecile, whose vote will be determined by some jingle or electronic or graphic stunt taken from the world of video pacman games. (*Yediot Aharonot*, October 9, 1988)

Avraham Schweitzer wrote in another editorial,

> A few words should be said in praise of the telecast war. Labor, the Likud, Tehiya, the CRM—and even the representatives on earth of God Almighty, the religious parties—are all addressing the issues. Observers of the American presidential election are complaining about the absence or extreme paucity of substantive issues in the campaigns of Bush and Dukakis. That is not the case in Israel. (*Ha'aretz*, October 7, 1988)

There is no doubt that the television campaign adds an extra dimension to the campaign. The question is, Is the extra dimension a positive one or a negative one?[12]

During the campaign, walls are covered with party advertisements, while rallies and speeches abound. All registered voters are mailed an official government publication, prepared by the Central Elections Committee, which

Box 7.1 Announcements of the Central Elections Committee in the Special Prime Ministerial Election, 2001

The broadcasting schedule of the campaign for the special elections for prime minister, as decided on by the Central Elections Committee Plenum

At their first meeting on Sunday, December 31st, 2000, the Central Elections Committee for the 16th Knesset and for prime minister, chaired by Supreme Court Judge Mishael Heshin, determined the broadcasting schedule for the election campaign on television and radio, to begin on Tuesday, January 16, 2001.

Representatives of the political parties and the Israel Broadcasting Authority reached agreement on the broadcasting schedule of the campaign on television (Channel 1) and radio.

However, the representatives of the political parties, of Channel 2 and of the broadcasting licensees did not reach an agreement as to the schedule for campaign broadcasts on Channel 2.

The representatives of Channel 2 and the broadcasting licensees requested that the broadcasting of the election campaign on Channel 2 be between 19:00–19:15 or 19:35–19:55. They claimed that otherwise the broadcasting schedule would be severely damaged.

The representatives of the parties, MK Ophir Pines (One Israel) and MK Michael Eitan (Likud) demanded that the election broadcasts on Channel 2 be between 20:35–20:55.

No agreement was reached between the sides, despite the intervention of the chairman of the Central Elections Committee. Judge Mishael Heshin therefore decided that the campaign broadcasts on Channel 2 take place Sunday through Thursday between 19:35–19:55.

. . .

Judge Mishael Heshin wrote in his decision: "I have based my decision on my colleagues' considerations as well as my own. I will say further that time is short and for this reason also—particularly for this reason—I will not elaborate as did my colleagues in their decisions".

The campaign broadcasts will begin on Tuesday, January 16, 2001 and will end on Monday, February 5th, 2001 at 19:00.

Each candidate for prime minister will be allowed 120 minutes for radio broadcast, 120 minutes for television broadcast on Channel 1, and 120 minutes on Channel 2.

It was further decided that each television broadcast in Hebrew will be not shorter than two minutes and will not exceed five minutes, and in Arabic will be not shorter than one minute and will not exceed five minutes.

Each radio broadcast in Hebrew, Arabic and Russian will be not less than two minutes and will not exceed five minutes.

Source: Government of Israel, Knesset Web page, "Elections for the Prime Minister 2001: Central Elections Committee Announcements," at www.knesset.gov.il/elections01/eannouncements.htm, accessed October 2003.

contains information provided by all political parties that have lists of candidates on file with the Election Bureau. This Central Elections Committee is made up of MKs' parties in proportion to their strength.

Lists of candidates for Knesset elections may be submitted either by a party that is already represented or by a group of twenty-five hundred qualified voters.[13] In 1948 the requirement was for a group of 250 qualified voters. This was raised to 750 in 1951, and it has steadily increased ever since.[14] Individuals whose names are on party lists must write to the Central Elections Committee and accept their nominations. In order to submit lists of candidates to the voters, new parties must deposit a sum of money (about $2,800 in 1984)[15] with the Central Elections Committee. If the party wins at least one seat, its deposit is returned; if not, it forfeits a portion. This is designed to discourage truly unrealistic parties from campaigning. But it is clear from the number of parties that compete in Knesset elections that this desire does not stop new parties from forming.

Many of the serious parties submit lists with 120 names on them, one for each possible seat in the Knesset, even though the parties know that no single party will win 100 percent of the vote. Smaller parties and the unrealistic parties often submit smaller lists with fewer names, realizing that there is no point in their putting forward 120 names. Sometimes even the smaller parties surprise themselves, though. In the Eighth Knesset election of 1973, for example, the Citizen's Rights Movement, started by a former Mapai parliamentarian, submitted a list with only five names to the electorate, not really expecting that the party would win enough votes for even the first name on the list to be given a seat. To the surprise of many, the party won enough votes for the first three names on the party list to be given seats in the Knesset.

Some parties today use primary elections or national conventions or both to determine the composition of their electoral lists.[16]

The official assignment of seats in the Knesset is determined purely by position on a party list. If a party wins 25 percent of the national vote and is allotted thirty seats in the Knesset (0.25×120 seats $= 30$ seats), the seats are awarded to the first thirty names on the party list. If an MK dies during the term or if a member resigns for some reason, the seat is passed along to the next name on the list. The importance of rank order for an individual candidate on the party electoral list immediately becomes clear. Since most parties will put a great number of names on their lists that have no realistic chance of being elected, it is crucial to a serious candidate that he or she be placed in as high a position on the party list as possible.[17]

This positioning on electoral lists has a great deal of significance in the Israeli political recruitment process.[18] It also has an equal importance in

terms of intraparty and interfactional argument over which individual is placed in which position on the electoral list. In a preelectoral coalition, in which one electoral list is submitted for a number of parties, such as some of the preelectoral alliances discussed in the preceding chapter, one's position on the list is as decisive for the component parties as for the individuals concerned. This position is determined in a conference of party leaders, the most important party in the alignment receiving the best positions, and so on.

As a general rule, there is no overall formula for the placement of party factions in order on the list. Each position is argued over individually among the parties involved until an agreement is reached. This type of argument can sometimes lead to near crisis for the preelection party alignments: on one occasion the Likud alignment almost fell apart before an election because of fighting between the State List and the Free Center parties over which would receive the thirty-sixth position on the party list and which would receive the thirty-seventh place.[19]

Some parties reach a compromise on list positions by determining that there shall be a rotation of office; this is especially frequent in the smaller parties, which can only elect a few members. Occasionally, in the middle of a parliamentary term a member of one small party bloc will resign because of a preelection compact within his party that required him to do so in order that a member of another party faction, who was next on the party list, could assume a seat in the Knesset.[20]

A good position on the party list, which is important to the leaders of party factions who desire maximum representation in the Knesset, is likewise critical for serious candidates. On the Labor list, which won forty-nine seats in the Eleventh Knesset, positions forty-five through fifty-five were in the maximum risk area. A higher position would have been considered safe, since it was virtually assured before the election that the party would win that share of the vote; a lower position was considered unrealistic since it was also virtually assured that the party would not win that much of the vote. Today the Labor Party and other big parties have primary elections for positions on the party list, so the decisions about ranking candidates are not made in the smoke-filled rooms of the past.

Because their position on the party list is so critical for those who want to advance their political careers, individual Knesset members in parties that do not have primary elections are extremely vulnerable to the party leaders and list makers. The member who is elected from a safe position—for example, position number ten on the Labor Party list—who is too much of a maverick during the Knesset term, who votes against the party, or who speaks against the party may find his or her position on the next electoral list lowered, perhaps by only one or two positions as a warning, or perhaps more. This ability

to lower a member's position on the list puts a real lever in the hands of those who demand party discipline in the Knesset.[21]

Since the assignment of a safe position on the party list, or even the assignment of a marginal position, may be entirely up to the discretion of the party leaders in a given party,[22] a safe position is usually awarded as a prize or a reward for a history of good work and loyalty. The work may involve living on a party kibbutz, working at the party's headquarters in one of the many possible full-time positions, or merely being active in campaign activities. Even being placed in an unrealistic or symbolic position can be seen as an honor for a political neophyte, for it implies that with continued good work and loyalty, a higher list rank and possibly a Knesset seat might eventually be forthcoming. The party list thus becomes a prime tool in the hands of the party leaders for recruiting new members. If leaders see an individual whom they would like to nurture and encourage to become active in the party, they can place him or her in the marginal zone, or slightly below that, with the implicit understanding that better things are to come.

In addition to recruiting individuals with the Knesset list, the party can also use the list strategically to attract groups.[23] The group may serve as the focal point in this process, where the party may offer groups safe or marginal positions on the party list in exchange for party endorsements and support.

Certain groups in the Israeli political system have sufficient power to demand and receive safe places on the major parties' lists. For example, the Tel Aviv Women's Association has regularly demanded and received a safe place in recent elections, along with the right to choose its own candidate. In 1973 it chose as its candidate Mrs. Ora Namir, who had no previous party political experience. She was given position number fifty on the Labor Party list for the Eighth Knesset, and was subsequently elected to the Knesset. The Jerusalem Women's Association similarly demanded a safe place on the Labor list, but since its electoral influence was not as great as the Tel Aviv group, the Jerusalem group was given a position in the low eighties—a symbolic reward only.[24]

To take a more recent example, much was written during the 1988 Knesset campaign period about the role of women in the Israeli polity and the degree to which the electoral list system did or did not help women as much as a different electoral system might. As things turned out, women ended up expressing their disappointment with the outcome of the list-formation process, in which fewer women ended up in high list positions than they had hoped.[25]

All types of groups are represented on the party list, irrespective of how the group candidates are chosen. Local party organizations vie for safe places, as do union organizations, professional associations, ethnic groups, and the

like. In recent years the major parties have significantly opened their nomination procedures with primary elections affecting candidates and candidates' positions on the party list, but the basis of group representation has not changed.[26]

PAST PROPOSALS FOR ELECTORAL CHANGE

Over the years many efforts have been undertaken to change the electoral system in Israel, some moderate and some much more extensive. It is clear that the electoral system as it presently exists has a significant effect upon the election outcome. If Israel had a single-member district electoral arrangement similar to that of the United States, it is doubtful that fifteen different parties would be represented in the Knesset. Accordingly, many Israelis—especially those in the smaller political parties—have steadfastly fought against any proposed change in the structure of the electoral system.

One of the earliest proponents of electoral change was former prime minister David Ben-Gurion. He favored the single-member district as practiced in Britain and the United States, claiming that the Israeli proportional representation system encouraged small factions to break away from larger parties and form new, small parties, which in turn made it more difficult to form stable Government coalitions. In fact, in 1952 Ben-Gurion and the Mapai Party proposed raising the 1 percent threshold necessary to gain representation in the Knesset to 10 percent,[27] a change that would have significantly cut Knesset representation at the time (from fifteen parties to four) and would have a similarly radical effect today (cutting party representation in the Knesset from fifteen parties to three parties—Labor, Likud, and Shas). In 1958 Ben-Gurion and Mapai spoke out favoring an amendment providing for 120 single-member districts in Israel, but the bill was never passed.[28]

Although there were a number of subsequent and unsuccessful efforts, the next major attempt at reform came in April 1974, when a bill aimed at modifying the party list system was introduced in the Knesset. The bill would have made the Knesset members "more responsive to the wishes of the constituents and would prevent a minority from having the power to distort the wishes of the majority."[29] This proposal, sometimes referred to as the Ya'acobi Proposal (named after its primary advocate, Gad Ya'acobi), is an imaginative proposal worth brief examination here.[30]

Ya'acobi proposed that MKs be elected in two ways: most—90 of the 120—from a modified proportional representation system using eighteen small constituencies, with the rest chosen from a single national district. He envisaged that voters would cast two ballots. The first would be in the eighteen five-member districts. There each of the parties would field five candidates. Voters would express their preference for a political party, and the actual number of seats would be determined proportionally. If a party won 20 percent of the vote, for example, it would receive one seat.

It is clear that one effect of this proposal would have been to raise the vote threshold from 1 percent to 20 percent. Parties receiving less than that would not win seats. This would also very likely encourage more preelection alliances between political parties (especially small parties) that knew they could not win sufficient votes alone, but felt that in combination with other parties they might stand a chance. An additional favorable result of this system would be that members of the public would now have a stronger sense of who their representatives were.

In the second vote, there would be a single national constituency as there is today, in which the remaining thirty members would be elected at large, and a party winning, say, 10 percent of the at-large vote would receive three seats. This would enable the smaller parties to contest some of the Knesset seats; essentially, there would be a 3.3 percent threshold for these seats (instead of the 1.5 percent threshold that exists today), since 3.3 percent of the vote would net one at-large seat.

When Ya'acobi's bill was introduced in the Knesset, it barely passed with sixty-one votes. Although this was a large majority in terms of those present and voting, it received the absolute minimum necessary. Any bills proposing change in the electoral system are in fact proposals for amendments to the Fundamental Law: The Knesset (which describes the method of election to the Knesset), and as amendments to a Fundamental Law, in order to pass they require an absolute majority (i.e., at least 61 votes out of 120 possible votes), not merely a majority of those members present in the legislature at the time. Since Ya'acobi's bill was a private member's bill, that is, a bill not introduced by a member of the Government (cabinet), when it received its sixty-one votes, it was sent to committee for consideration, and it never reappeared.

A more recent attempt at electoral reform took place in 1977 after the elections for the Ninth Knesset.[31] The DMC had demanded electoral reform as one of its primary campaign platforms, and when Menachem Begin invited them to join his Likud coalition, electoral reform was one of their two prerequisites (they also wanted Begin to appoint the DMC leader as the foreign minister as the other prerequisite). Since the 1977 election was the first in nearly thirty years in which Mr. Begin's party had emerged victorious, observers predicted that he was hardly likely to agree to change the electoral system that had put him there, which proved to be the case.

In the final coalition agreement that the DMC signed with Mr. Begin, the Government agreed to set up a committee of the four coalition partners

(Likud, the DMC, the National Religious Party, and *Agudat Israel*) to discuss the topic of electoral reform, although it was widely perceived that this concession was purely symbolic as the price Mr. Begin was willing to pay to broaden the coalition. With two small religious parties on the committee with the Likud, the DMC held no illusions about the likelihood that it could effect changes. The committee commenced to discuss the number of regions into which the country might be divided for district-based representation, but that was as far as the reform move went.

To no one's surprise, the DMC's proposals for electoral reform, which it characterized as central to any reform of Israeli politics, were not put into effect by the Likud Government. The leaders of the DMC knew when they signed the coalition agreement that setting up a committee to study their reform proposal was comparable to putting a cat in the cage to protect the bird; *Agudat Israel* had openly condemned the proposal before the elections, and both Likud and the NRP were skeptical at best.

The arguments of the DMC were that the consequences of this type of change would have been enormous. To change from an electoral system based upon proportional representation and a single national electoral list as described here to any kind of district-based representation as suggested by the DMC—regardless of the number of districts to be established—would have crucial consequences for party discipline in the legislature. Giving legislators a specific district and constituency to which they were to feel responsible would lessen the vulnerability of the individual MKs to their party leadership, if for no other reason than there would no longer be a single national party electoral list.

The theme of electoral reform has continued to receive interest over the years, leading to one significant move in 1988 and another—that ultimately proved temporarily successful—in 1992.[32] In June 1988 the Knesset began to address a bill that "could revolutionize the country's political life," one dealing with electoral reform. The bill proposed two possible ways for changing the Israeli electoral system, both of which would produce a 120-member Knesset as presently exists. The first would divide the country into twenty electoral districts, each electing four MKs, with another forty representatives to be elected by a national proportional representation list system as exists at the present time. A second proposal would divide the country into sixty electoral districts, each electing one representative, with the remaining sixty to be elected by a national proportional representation list system as presently exists. Both proposals were strongly opposed by the religious parties, which claimed that "the system would deprive large sections of the electorate of any share of the vote." In the final analysis, the bills were not voted on before the Knesset adjourned for the fall elections.[33]

After the 1988 election the topic of electoral reform received even more attention as a result of the initially unsuccessful efforts of Mr. Shamir and the Likud Party to form a coalition Government. In that event, since the Likud received a plurality of Knesset seats—that is, more than other parties, but less than an absolute majority—the president gave the Likud's leader, Mr. Shamir, three weeks in which to form a coalition. After a great deal of public wrangling, most of which had to do with demands by the small religious parties for an expansion of the role of orthodox religion in the state in exchange for their support, the three-week period expired without the Likud being able to establish a coalition; Mr. Shamir was simply unwilling to give in to what he felt—and what substantial communities in Israel as well as Jewish communities overseas felt—were unreasonable demands by the Orthodox religious parties.[34]

Mr. Shamir returned to the president and asked for another three-week mandate, arguing that he was sure that he could succeed in a second period. The president gave him a second mandate, but advised him to form another Government of National Unity with the Labor Party, something that both the Likud and the Labor parties had promised their audiences during the campaign that they would not do. The president also advised Mr. Shamir to consider making changes to the electoral system after a coalition was established that would have the effect of limiting the number of small parties represented in the Knesset in the future, something the president felt exacerbated difficulties in the coalition-formation process.

Eventually, fifty-one days after the November 1 Knesset election, Mr. Shamir succeeded in forming a broad Likud–Labor–religious unity government. Unlike its predecessor unity government, this coalition did not include an agreement for Mr. Shamir and Mr. Peres to exchange offices after two years; Mr. Peres was appointed finance minister, but the Likud held control over foreign policy with the appointment of Moshe Arens, a senior Likud member, as foreign minister. The entire coalition-formation process brought honor neither upon Mr. Shamir, nor upon the system of forming coalitions in Israel. One editorial writer observed,

> The Likud made exorbitant promises to [the religious parties] in order to win their support—and then systematically broke most of them. Had it not made those promises, in the field of religious legislation, settlements, and in ministries, honors and money, they would not have recommended to the President that he name Shamir to form a government, and the President would not have chosen him. Nor could Shamir have expected Labor to agree to join his government without a rotation in the premiership. The unity government could not have arisen on the conditions that it did. The government that did arise was the result of two factors: the

Likud's acquiescing in most of the demands of the religious parties, and its breaking of those promises.[35]

THE NEW ELECTORAL SYSTEM FOR PRIME MINISTER

As we noted in the previous chapter, in 1992 the Knesset did, in fact, change the electoral system to include a dual ballot, with citizens voting for the Knesset on one ballot and for the prime minister on another; the Fundamental Law: The Government, in its revised version, separated the election of the prime minister from that of the Knesset.[36] The direct election of the prime minister first took place in Israel simultaneously with the 1996 elections for the Fourteenth Knesset. This amendment of the basic law was proposed originally by four Knesset members (Yoash Tsiddon, Amnon Rubinstein, David Libai, and Uriel Lin) following the difficulties in forming a coalition after the elections of the Twelfth Knesset (1988). The main purpose in changing the law, according to the proposals, was to strengthen the position of the prime minister and avoid the need for political horse-trading in order to form the coalition and Government.

The new law established the rules and procedures for the direct election of the prime minister. The law stated that the prime minister must be elected by more than 50 percent of the valid votes cast. If more than one candidate ran for the office of prime minister and none of the candidates won the required majority, a second round of elections would take place with the two candidates who received the largest number of votes. In the second round, the candidate who received a majority of the votes would become prime minister.

The newly elected prime minister would have forty-five days in which to form a Government, that is, to create a majority coalition, assuming that no single party received a majority in the Knesset. In addition, sixty-one Knesset members could bring the prime minister down in a vote of no confidence, thereby bringing about his or her resignation and early elections for the Knesset and prime minister. The same situation could also result from the following conditions: a decision of the prime minister to dissolve the Knesset, a resolution by the Knesset to dissolve itself, or failure to pass the annual budget law by the end of March of the new fiscal year.

As described in the previous chapter, because of dissatisfaction with the unintended consequences of the new electoral system, many MKs supported changing the new electoral system back to its previous form. Indeed, as early as immediately following the 1996 elections—the first election using the new

system—MKs Yossi Beilin and Uzi Landau initiated a bill to cancel the direct election of the prime minister and return to the system of elections used previously. Their justification for this move was the overall weakening of the Knesset and specifically of the two largest parties. Their proposal didn't pass, but eventually, in 2001, the Knesset did decide to go back to the previous electoral system[37]; the national election of 2003 took place under the old system, with a single election being held for the Knesset and the prime minister being selected from among the newly elected MKs.

VOTING BEHAVIOR AND ELECTORAL RESULTS

This is not the place for a comprehensive analysis of voting behavior in all of the sixteen Knesset elections. That has been done more than adequately elsewhere.[38] Our task here is to highlight some of the major themes that have been brought to light in the substantial scholarship in this area.

To begin with, overall voter turnout in Israel is high. It has ranged from a high of 86.8 percent in 1949 for the first Knesset election, to a low of 67.8 percent in 2003, with an average of about 80 percent. Turnout in 1999 was 78.7 percent, and in 2003 turnout was 67.8 percent, the lowest turnout in modern times.[39] Even the voting turnout over time of the Bedouin voters in Israel is slightly over 64 percent, lower than most other groups in Israel, but certainly much higher than a corresponding American figure. One interesting difference between Jewish and non-Jewish Israelis has appeared in recent research: they differ significantly in their motivations for nonparticipation. Few Jewish Israelis fail to vote for ideological or political reasons, and their responses to interview questions indicated that when they failed to vote, it tended to be because of technical factors such as illness, having failed to register to vote, or not having adequate identification when they intended to vote. Non-Jewish Israeli citizens, on the other hand, expressed a conscious motive in their nonparticipation: "54.6 percent of the non-Jews gave purposeful abstention as the reason for not voting, compared to 12.8 percent of the sample of Jewish voters."[40]

VOTING AND IDEOLOGY

The reasons that Israelis vote as they do have been the subject of much study over the years. Certainly one explanation has to do with ideology—what Israeli voters believe and what policy alternatives the political parties offer

the voters. According to Asher Arian, "Israeli voters tend to report that ideological considerations are important in motivating the vote. The Israeli political system is, and is perceived to be, ideological in nature; one is tempted to say that this is the ideology of the system."[41] Survey research data tend to support this view: recent survey research has shown the following responses to the question, Which is the most important factor in influencing a person to vote for a particular party?

- 32 percent responded that their party identification was the most important factor
- 10 percent responded that the party's candidate was most important
- 53 percent said that the party's platform or ideology was most important
- 4 percent indicated that the party's being in Government or opposition was most important
- 2 percent offered other responses[42]

One of the real problems with political ideology in Israel, and one dimension in which we can see its direct impact upon the electoral system and electoral behavior, has to do with the number of cross pressures that individuals face. Cross pressures can be defined as conflicting claims on a voter's loyalties, with one issue pushing the voter in one direction, and another pulling him or her the opposite way.

In the United States, with its loose party discipline in the legislature, this would not be such a great problem. Although various Republicans in Congress may have different opinions on some crucial issues, they can all survive as Republicans because the national party platform is (deliberately) general and vague, and because they have a great deal of legislative autonomy (including actual voting) in Congress. In the Knesset, however, with highly disciplined political parties that try to deliver on the policy promises they make, members of legislative parties cannot disagree on important policy issues. Instead, new political parties tend to be formed that represent new specific policy combinations.

In fact, some in Israel say that more parties are needed, not fewer, because of the great number of possible issue positions that can be taken. As we noted earlier, the various degrees of opinion and intensity of belief for each issue leave the possibility open for more competing party organizations to form. Given that most of the major issues in the Israeli political arena are not bipositional—there is a left, a right, and a center, as well as a number of intermediate positions—there is room for a wide range of parties to functionally represent the spectrum of views in Israeli politics.

ETHNICITY

Although scholarship on Israeli voting behavior has found a number of meaningful associations in recent years, the most important has increasingly been that pertaining to ethnicity. In brief, Likud was brought to and has stayed in power since 1977 (with a couple of brief periods of Labor government since 1977) with the support of the Sephardim—Jews of Asian, African, or Middle Eastern background. Correspondingly, the Alignment is most strongly supported by European Jews (including American Jews), the Ashkenazim.[43]

Interpretations of this phenomenon vary. Many suggest that for almost thirty years, while the Labor Alignment was in control in Israeli politics, the Sephardic Jews were systematically shut out of top political positions in the Government, the bureaucracy, and the Knesset. This was reflected directly in the electoral lists for the Knesset, although in the early years, the Alignment "regularly won support from most groups in society."[44] Significant change in electoral behavior occurred during the 1970s. Research has shown that "in the late 1960s both parties were predominantly Ashkenazi; by 1981 the Alignment had stayed that way, and the Likud had become predominantly Sephardi. The turnabout seems to have occurred in 1977 when a majority of the Likud vote was Sephardi for the first time."[45]

Other reasons can be advanced for the increased Sephardic vote as well. As the proportion of Sephardim in the population increased from a minority to a majority and as awareness of their relatively lower income and education levels grew, the Sephardim became increasingly dissatisfied with the "in" party, Labor. At the same time, Likud was seeking a new constituency, and the attraction of Likud to the Sephardim proved advantageous for both the Likud and the Sephardim themselves. In any event, for whatever reasons, ethnic politics has been more and more visible in Israel for the last three elections, and there is no indication that this will not continue to be the case, even though the Alignment has undertaken a concerted effort to break the Likud's hold on the loyalties of the Sephardim.

VOTING TRENDS

Although there have been a large number of short-term variations in the sixteen elections for the Knesset, most have been exhaustively chronicled and analyzed in specific monographs and essays.[46] Here we simply want to demonstrate a few general trends in recent elections.

First, observers of elections in Israel have seen a substantial decline—and

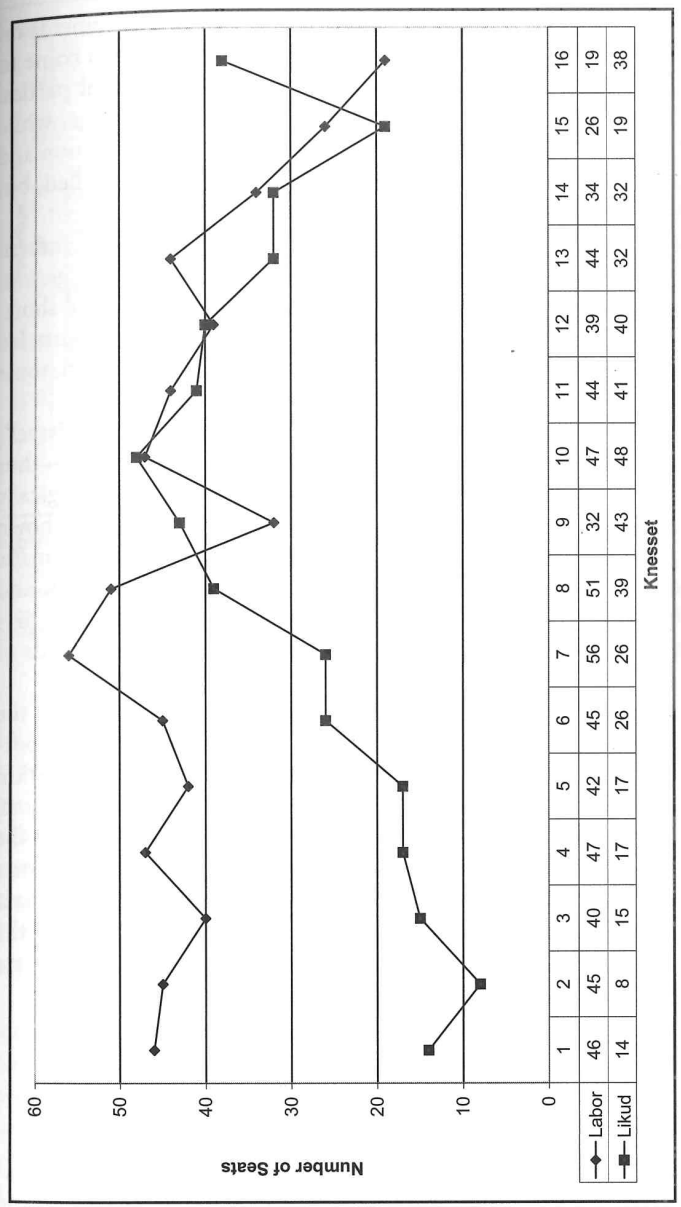
then partial resurgence—in the strength of the Labor Alignment, as illustrated in figure 7.1. This has been explained as a function of both short- and long-term factors. After the 1977 election the Labor leader indicated that "corruption in his party was the major cause of the Labor defeat in the election." In fact,

> during the Seventh and Eighth Knessot there were scandals in the Finance Ministry, the Bank of Israel, and personal financial illegalities committed by the Labor Prime Minister (Rabin) and his wife. . . . These events simply led to the public perception of the Labor party as a whole becoming corrupt, and a good share of the public was looking for new leadership.[47]

In the longer term one could list ethnicity (already discussed in the preceding section), other demographic shifts, and changes in the general political setting as factors influencing voting behavior. Many analysts noted that the terrorist bombing of an innocent civilian's vehicle on the day of the 1988 Knesset election was responsible for a last-minute swing of several percentage points of the vote to the Likud Party. In sum, Mapai was originally the overwhelmingly dominant party on the political landscape in Israel because it was the Government party. As the role of the government has changed, the advantages for members of the public of supporting Mapai, and then the Alignment, have changed, and voters have proven to be much more willing to switch to other parties when given the choice in national elections.

One high-ranking Likud Party official explained the decline of Mapai, the rise of Likud, and the subsequent equalization of parties in the Knesset as a function of governmental involvement in the economy.[48] During Israel's formative years, political parties were extremely important in providing services to the public as extensive as employment, housing, education, medical care, and so on. As the government itself has assumed responsibility and equalized the public's access to these services, there has been less need for citizens to belong to a major political party like Mapai, for example, to receive these benefits.

The gradual decline in the electoral strength of Mapai, the largest party in Israel until 1977 and the party organizing the government in every coalition until that time, can be explained by this phenomenon. Since Mapai was the largest party, it had the most rewards to give to its supporters. Now that these rewards—medical care, education, employment services, and the like—are being distributed equally by the government ministries, Mapai has lost the advantages that it used to hold over the other, smaller parties, and consequently, voters have felt freer in recent years to shift their support, knowing that the governmental services would be theirs in any case.



Knesset	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
Labor	46	45	40	47	42	45	56	51	32	47	44	39	44	34	26	19
Likud	14	8	15	17	17	26	26	39	43	48	41	40	32	32	19	38

Figure 7.1 Relative Strengths of Labor and Likud in Knesset Seats

Sources: Central Bureau of Statistics, *Statistical Abstract of Israel, 2001*, table 10.01, "Elections to the Knesset: Legend to Tables 10.1–10.3," at 194.90.153.197/reader, accessed October 2003, and table 10.3, "Knesset Members by Main List," at 194.90.153.197/reader/, accessed October 2003; Ministry of Foreign Affairs Web page, "The Knesset," > "Elections in Israel January 2003," at www.mfa.gov.il/mfa/go.asp?MFAHOn130, accessed October 2003.

In more recent years, foreign policy issues, the question of settlements on the West Bank, and the general issue of national security have also come to be seen as distinguishing characteristics of the two major political parties. Likud was the party of the strong response to the Arab challenge, while Mapai—now Labor—was perceived as the party supporting negotiation and moderation. This has been an image that Labor has tried hard to shed, but to a large extent it has not been successful.

This led to a gradual decline in the strength of Mapai, later the Alignment and then Labor, and an increase in the strength of Likud. When this general pattern is combined with the change in degrees of ethnic support, and short-term issues such as corruption or the emergence of a new political party led by a charismatic leader—such as the DMC—are added to the equation, some drastic changes in electoral outcomes can result.

One thing is quite clear: although the Likud may have been seen in Israel's early years as a totally unrealistic alternative basis for a Government—thus leading some voters to support Mapai, or Labor, despite being ideologically predisposed not to do so—that is no longer the case today. Likud has shown that it can govern and that it does provide an ideological and programmatic alternative to the Labor bloc. This is a self-reinforcing phenomenon and means, minimally, that voters will continue to vote for non-Alignment parties now that they realize the Israeli political system can survive periods of alternative leadership.

Beyond this, as can be seen in figure 7.2, we can observe that both of the major parties have lost strength in recent years in terms of the overall proportion of Knesset seats that they control. Figure 7.2 shows that the proportion of seats that Labor and Likud control in the Knesset has declined over time. As we noted above, much of the blame for this pattern was placed on the (temporary) new electoral system for direct election of the prime minister, which permitted individuals to vote for their preference for prime minister between the major candidates and then to vote for a smaller party for the Knesset. The pattern was not significantly reversed, however, when the system reverted to the old method of electing the Knesset.

SIGNIFICANCE OF THE ELECTORAL PROCESS FOR ISRAEL

The current Israeli electoral system has been criticized for a number of reasons, including the argument that the electoral list system makes the MK too dependent upon party leaders, which means that the MK has no reason to want to stay in contact with the voters, that power is too highly concentrated

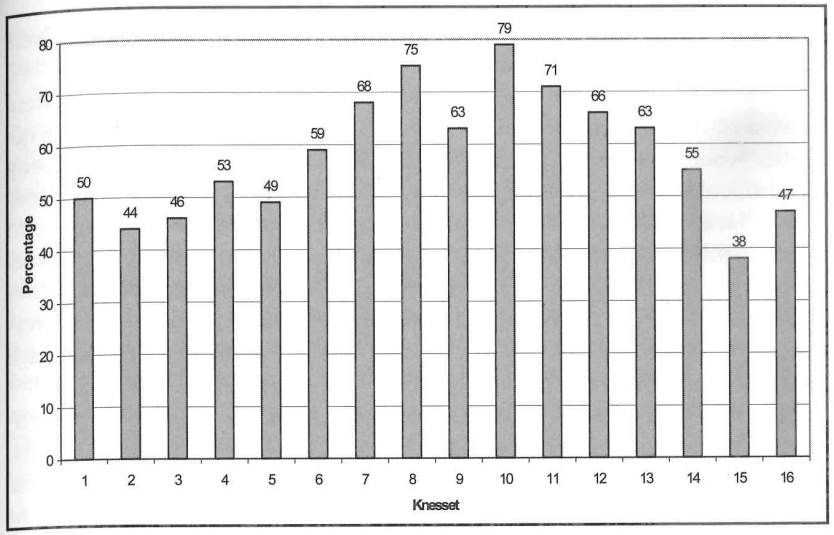


Figure 7.2 Proportion of Seats Held by Labor and Likud

Sources: Central Bureau of Statistics, *Statistical Abstract of Israel, 2003*, Table 10.3, "Knesset Members by Main List," at http://194.90.153.197/reader, accessed October 2003; Ministry of Foreign Affairs web page, "The Knesset," > "Final Results of Elections to the Sixteenth Knesset," at www.mfa.gov.il/mfa/go.asp?MFAHOn130, accessed October 2003.

in the hands of a few party leaders, and that the current system leads to unstable government and weak coalitions because it encourages too many political parties to compete.[49] The Israeli electoral system, according to one scholar, "has been criticized on three main grounds: that in encouraging multipartism and coalition rule it impedes truly responsible government; that it facilitates undemocratic choice of candidates; and that it separates between electors and representatives."[50] A number of these points deserve additional comment here.

It is apparent that the electoral system as it is presently constituted encourages many different political parties to operate in the Israeli political world. We have seen how some proposed—but unadopted—electoral changes would drastically alter the way that both the electoral and the party system would operate. The point to remember, however, is that the electoral system did not originally create the many political parties that exist currently in Israel. They themselves created an electoral system that has perpetuated their existence. As one author puts it, "Israel's choice of an electoral system . . . rested on solid precedents from the prestate period."[51] Nor should we forget

that there is also a positive side to multipartism: it more accurately reflects the characteristics of the population.

We would no doubt see a quieter and calmer electoral system if Israel were divided into equal representative districts. In that case, most likely two large parties would capture virtually all of the Knesset seats, leading to majority government. However, one of the very special—perhaps unpleasant, but special—characteristics of Israeli elections over the years has been the degree to which identifiable electoral minorities are able to succeed in attaining Knesset representation. There can be no question that this has forced coalition governments and given many smaller—usually religious—parties undue leverage in government policy. Still, for many this is the saving grace of the Israeli electoral framework.

This situation does, of course, have implications for responsible government and the ability of elected representatives to deliver on their promises. As we have noted earlier, no party has ever received an absolute electoral majority, thus necessitating the formation (and instability) of coalitions. As well, small electoral groups have a disproportionate influence on government policy. Where a small group becomes necessary for the creation of a coalition, that party has an undeserved influence, which has been offered as an explanation for the continuation—and indeed expansion—of legislation supporting Orthodox Jewish public policy.

This issue is not likely to go away in future years in political debates in Israel. The proportional representation system, with electoral lists composed by national party organizations, clearly limits the ability of interested individuals to enter the political arena with any likelihood of winning at all unless they operate within the framework of an established political party. Some of the political parties have opened up their list construction procedures and now stipulate that national conventions must approve positions on the party list.[52] But in many cases the closed-door or smoke-filled-room scenario is still apt. In the words of Sager, "Herut and the Liberals have in recent elections both entrusted the choice of head of the list and the entire task of naming the candidates and arranging their order to their Central Committees numbering, respectively, 1,000 and 240 members."[53] One thousand party members in a convention setting is not exactly a smoke-filled room, but it is also not an entirely open process.

Although the process may not be entirely open, however, it is not entirely closed. The major parties make a concerted effort to recruit candidates from a variety of social, economic, ethnic, geographic, and occupational backgrounds.[54] In doing so they force themselves to be relatively open. This process may have additional benefits, in that it may do a better job of representing some of these groups than an open market approach would. One study has found that women fare better being recruited to positions on the party list than they would in a district-based electoral system.[55]

The Israeli representation system is not one in which open primary elections would be appropriate. Although it is possible for single individuals to offer themselves as one-man lists, this is not an established practice in Israeli politics. An actor who wants to have a realistic chance of election to the Knesset must operate from a high position on an established political party's electoral list. This does, in fact, make the system less democratic in terms of a choice of candidates, especially because individual voters must vote for lists, not individuals, and a voter who strongly wants candidate number fifty-three on the Labor list must wait for the first fifty-two Laborites to be elected before his or her vote counts for the preferred candidate. This is precisely the reason for the Ya'acobi proposal for a number of smaller electoral districts. Thus, there is no doubt that the electoral system does have a significant impact upon politics in the Israeli political system.

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NOTES

1. Maurice Duverger, *Political Parties* (New York: John Wiley, 1963), p. 239.
2. Fundamental Law: The Knesset, Section 4.
3. For a fuller explanation, see Asher Zidon, *The Knesset* (New York: Herzl Press, 1967), pp. 23–29.
4. David Butler, Howard Penniman, and Austin Ranney, eds., *Democracy at the Polls* (Washington: American Enterprise Institute, 1981), p. 24.
5. For an expanded explanation of this process, see Yehoshua Freudenheim, *Government in Israel* (Dobbs Ferry, N.Y.: Oceana Publications, 1967), p. 126.
6. Asher Arian, *Politics in Israel: The Second Generation* (Chatham, N.J.: Chatham House, 1985), p. 123.
7. Samuel Sager, *The Parliamentary System of Israel* (Syracuse, N.Y.: Syracuse University Press, 1985), 67. See his section on "Financing of Elections," pp. 67–72.
8. Sager, *The Parliamentary System of Israel,* p. 69.
9. Leon Boim, "The Financing of Elections," in Howard Penniman, ed., *Israel at the Polls, 1977* (Washington, D.C.: American Enterprise Institute, 1979).
10. See Akiba A. Cohen and Gadi Wolfsfeld, "Overcoming Adversity and Diversity: The Utility of Television Political Advertising in Israel," in Lynda Lee Kaid and Christina Holtz-Bacha, eds., *Political Advertising in Western Democracies: Parties and Candidates on Television* (Thousand Oaks, Calif.: Sage Publications, 1995); Dafna Lemish and Chava Tidhar, "Still Marginal: Women in Israel's 1996 Television Election Campaign," *Sex Roles* 41:5/6 (1999): 389–412; Dan Caspi, "American-Style Electioneering in Israel: Americanization Versus Modernization," in David L. Swanson and Paolo Mancini, eds., *Politics, Media, and Modern Democracy: An International Study of Innovations in Electoral Campaigning and Their Consequences* (Westport, Conn.: Praeger, 1996); Sam Lehman-Wilzig, "The Media Campaign: The Negative Effects of Positive Campaigning," in Daniel Elazar and Shmuel Sandler, eds., *Israel at the Polls, 1996* (Portland, Ore.: Frank Cass, 1998); Erwin Frenkel, *The Press and Politics in Israel: Jerusalem Post from 1932 to the Present* (Westport, Conn.: Greenwood Press, 1994); or the article by Judith Elizur, "The Role of the Media in the 1981 Knesset Elections," in Howard R. Penniman and Daniel Elazar, eds., *Israel at the Polls, 1981* (Bloomington: Indiana University Press, 1986), pp. 186–212.
11. Editorial comments cited here come from "The Election Campaign on Television," edited by Gary Wolf, part of the series of news releases *Israeli Press Highlights* (New York: Institute of Human Relations, American Jewish Committee, October 10, 1988), pp. 1–2.
12. An article by Joel Brinkley titled "Israeli TV Political Ads Lowering the Low Road," *New York Times* (October 8, 1988): 18, developed this theme, pointing out that the ads do help to raise issues, but that they also use character defamation, propaganda, misrepresentation, deceptive photography, and alteration of pictures and quotations, and, generally, "a loose version of facts."
13. Government of Israel, Ministry of Foreign Affairs, "Facts about Israel," > "The State," > "Elections," at www.mfa.gov.il/mfa/go.asp?MFAH00kd0, accessed October 2003.
14. Zidon, *The Knesset,* pp. 23–24; Sager, *The Parliamentary System of Israel,* p. 46.
15. Arian, *Politics in Israel,* p. 121; Sager, *The Parliamentary System of Israel,* p. 46.
16. See Gideon Rahat and Neta Sher-Hadar, "The Party Primaries and Their Political Consequences," in Alan Arian and Michal Shamir, eds., *The Elections in Israel, 1996* (Albany: State University of New York Press, 1999).
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18. Moshe Czudnowski, "Legislative Recruitment under Proportional Representation in Israel: A Model and a Case Study," *Midwest Journal of Political Science* 14 (1970): 216–248.
19. One specific event like this was covered in the *Jerusalem Post* (September 10, 1973): 1.
20. *Jerusalem Post,* overseas edition (November 12, 1975): 3.
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22. Steven Hoffman, "Candidate Selection in Israel's Parliament: The Realities of Change," *Middle East Journal* 34 (1980): 285–301.
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24. Gregory Mahler, *The Knesset: Parliament in the Israeli Political System* (Rutherford, N.J.: Fairleigh Dickinson University Press, 1981), pp. 46–47.
25. See the article "Labour Women Are Left 'Disappointed'," *Jerusalem Post* (June 1, 1988): 14, for a discussion of the effect of this process in the recent election campaign.
26. Myron Aronoff has written a fascinating analysis of reforms in the Labor Party. See

his "Better Late Than Never: Democratization in the Labor Party," in Gregory Mahler, ed., *Israel Since Begin* (Albany: State University of New York Press, 1990).

27. Alfred Katz, *Government and Politics in Contemporary Israel, 1948–Present* (Washington, D.C.: University Press of America), p. 56.

28. Sager, *The Parliamentary System of Israel,* p. 63.

29. Katz, *Government and Politics,* p. 58.

30. This is based upon more extended discussion in Arian, *Politics in Israel,* pp. 130–131. See also Gad Yaacobi, *The Government of Israel* (New York: Praeger, 1982), p. 307.

31. Avraham Brichta, "1977 Elections and the Future of Electoral Reform in Israel," in Penniman, ed., *Israel at the Polls, 1977.*

32. See Reuven Hazan, "The Electoral Consequences of Political Reform: In Search of the Center of the Israeli Party System," in Arian and Shamir, eds., *The Elections in Israel, 1996*; Ethan Bueno de Mesquita, "Strategic and Nonpolicy Voting: A Coalitional Analysis of Israeli Electoral Reform," *Comparative Politics* 33:1 (2000): 63–80; or Gideon Doron and Michael Harris, *Public Policy and Electoral Reform* (Lanham, Md.: Lexington Books, 2000).

33. There was substantial coverage of the bill during its brief legislative life by the media. See *Jerusalem Post* (June 8, 1988): 2.

34. This is discussed in "The Coalition Talks Drag On," in Wolf, ed., *Israeli Press Highlights,* pp. 1–3.

35. Dov Goldstein in *Ma'ariv* (December 22, 1988), quoted in "The New Israeli Government," in Wolf, ed., *Israeli Press Highlights,* p. 1.

36. See Avraham Brichta, "The New Premier-Parliamentary System in Israel," *Annals of the American Academy of Political and Social Science* 555 (1998): 180–192; Henri Stellman, "Electing a Prime Minister and a Parliament: The Israeli Election, 1996," *Parliamentary Affairs* 49 (1996): 648–660. See also Reuven Hazan, "Constituency Interests without Constituencies: The Geographical Impact of Candidate Selection on Party Organization and Legislative Behavior in the 14th Israeli Knesset, 1996–1999," *Political Geography* 18:7 (1999): 791–811.

37. See Emanuele Ottolenghi, "Why Direct Election Failed in Israel," *Journal of Democracy* 12:4 (2001): 109–122.

38. See, among many other sources, the following for references to the last few elections: Asher Arian, *The Elections in Israel—1969* (Jerusalem: Jerusalem Academic Press, 1972); Asher Arian, *The Elections in Israel—1973* (Jerusalem: Jerusalem Academic Press, 1975); Asher Arian, *The Elections in Israel, 1977* (Jerusalem: Jerusalem Academic Press, 1980); Asher Arian, *The Elections in Israel—1981* (Tel Aviv: Ramon Publishing Co., 1983); Alan Arian and Michal Shamir, *The Elections in Israel, 1988* (Boulder, Colo.: Westview Press, 1990); Arian and Shamir, eds., *The Elections in Israel, 1996*; Asher Arian and Michal Shamir, *The Elections in Israel, 1999* (Albany: State University of New York Press, 2002); Penniman and Elazar, eds., *Israel at the Polls, 1981*; Daniel Elazar and Shmuel Sandler, *Israel's Odd Couple: The 1984 Knesset Elections and the National Unity Government* (Detroit, Mich.: Wayne State University Press, 1990); Elazar and Sandler, eds., *Who's the Boss in Israel: Israel at the Polls, 1988–89* (Detroit, Mich.: Wayne State University Press, 1992), Daniel Elazar and Shmuel Sandler, *Israel at the Polls, 1992* (Lanham, Md.: Rowman & Littlefield, 1995); Daniel Elazar and Shmuel Sandler, *Israel at the Polls, 1996*; and Daniel Elazar and M. Benjamin Mollov, *Israel at the Polls: 1999* (Portland, Ore.: Frank Cass, 2001).

39. See the Government of Israel, Central Bureau of Statistics, table 10.1, "Eligible Voters and Voters in the Elections to the Knesset, 1949–2003," *Statistical Abstract of Israel, 2003,* no. 54, Section 10: Government and Local Authorities, at http://194.90.153.197/reader/shnatonenew.htm, accessed October 2003, and the Government of Israel, Ministry of Foreign Affairs Web page, "The Knesset," > "Elections in Israel January 2003," at www.mfa.gov.il/mfa/go.asp?MFAH0n130, accessed October 2003.

40. Arian, *Politics in Israel,* p. 133.

41. Arian, *Politics in Israel,* p. 134.

42. Arian, *Politics in Israel,* p. 136.

43. Arian, *Politics in Israel,* pp. 139–144.

44. Arian, *Politics in Israel,* p. 140.

45. Arian, *Politics in Israel,* p. 142.

46. Among the many journal articles dealing with specific electoral outcomes in the last three decades—a number of general books on Israeli elections have already been referred to—the following might be included: Alan Arian, "Were the 1973 Elections in Israel Critical?" *Comparative Politics* 8 (1975): 152–165; Alan Arian and Shevah Weiss, "Split Ticket Voting in Israel," *Western Political Quarterly* 22 (1969): 375–389; Yael Azmon, "The 1981 Elections and the Changing Fortunes of the Israeli Labour Party," *Government and Opposition* 16:4 (1981): 432–446; Marver Bernstein, "Israel's Ninth General Election," *International Studies* 17 (1978): 27–50; Don Peretz, "The War Election and Israel's Eighth Knesset," *Middle East Journal* 28 (1974): 111–125; Don Peretz, "Israel's 1969 Election Issues—The Visible and the Invisible," *Middle East Journal* 24:1 (1970): 31–71; Don Peretz and Sammy Smooha, "Israel's Tenth Knesset Elections: Ethnic Upsurgence and Decline of Ideology," *Middle East Journal* 35 (1981): 506–526.

47. Mahler, *The Knesset,* p. 214. Following the 1977 election loss to Menachem Begin, Shimon Peres indicated that the Alignment's electoral defeat was attributable to "a number of domestic and international trends," but also cited the "failure of demoralized party activists to push hard for victory," adding that "corruption hurt us the most." See the *Jerusalem Post,* international edition (May 24, 1977): 6.

48. Yechiel Kadashai, secretary and first assistant to Likud Party leader Menachem Begin. Information was gathered in an interview held on April 3, 1975, in the Knesset in Jerusalem. See Mahler, *The Knesset,* p. 41.

49. Avraham Brichta, "1977 Elections and the Future of Electoral Reform in Israel," in Penniman, ed., *Israel at the Polls, 1977,* pp. 45–46.

50. Sager, *The Parliamentary System of Israel,* p. 48.

51. C. Paul Bradley, *Parliamentary Elections in Israel* (Grantham, N.H.: Tompson and Rutter, 1985), p. 20.

52. See Steven Hoffman, "Candidate Selection," 285–301; and Aronoff, "Better Late Than Never."

53. Sager, *The Parliamentary System of Israel,* p. 51.

54. Moshe Czudnowski, "Legislative Recruitment," pp. 216–248; and Moshe Czudnowski, "Sociocultural Variables," pp. 561–587.

55. Shevah Weiss, "Women in the Knesset: 1949–1969," *Parliamentary Affairs* 28:1 (1969/1970): pp. 31–50.