

How does the Israeli Political System Work?

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Legal Background

- Democratic culture and Basic Norms that predate the State of Israel
- Basic Laws
- All Israeli Citizens aged 18 years and older can vote
- Citizens vote only for the *Knesset*, the Israeli House of Representatives

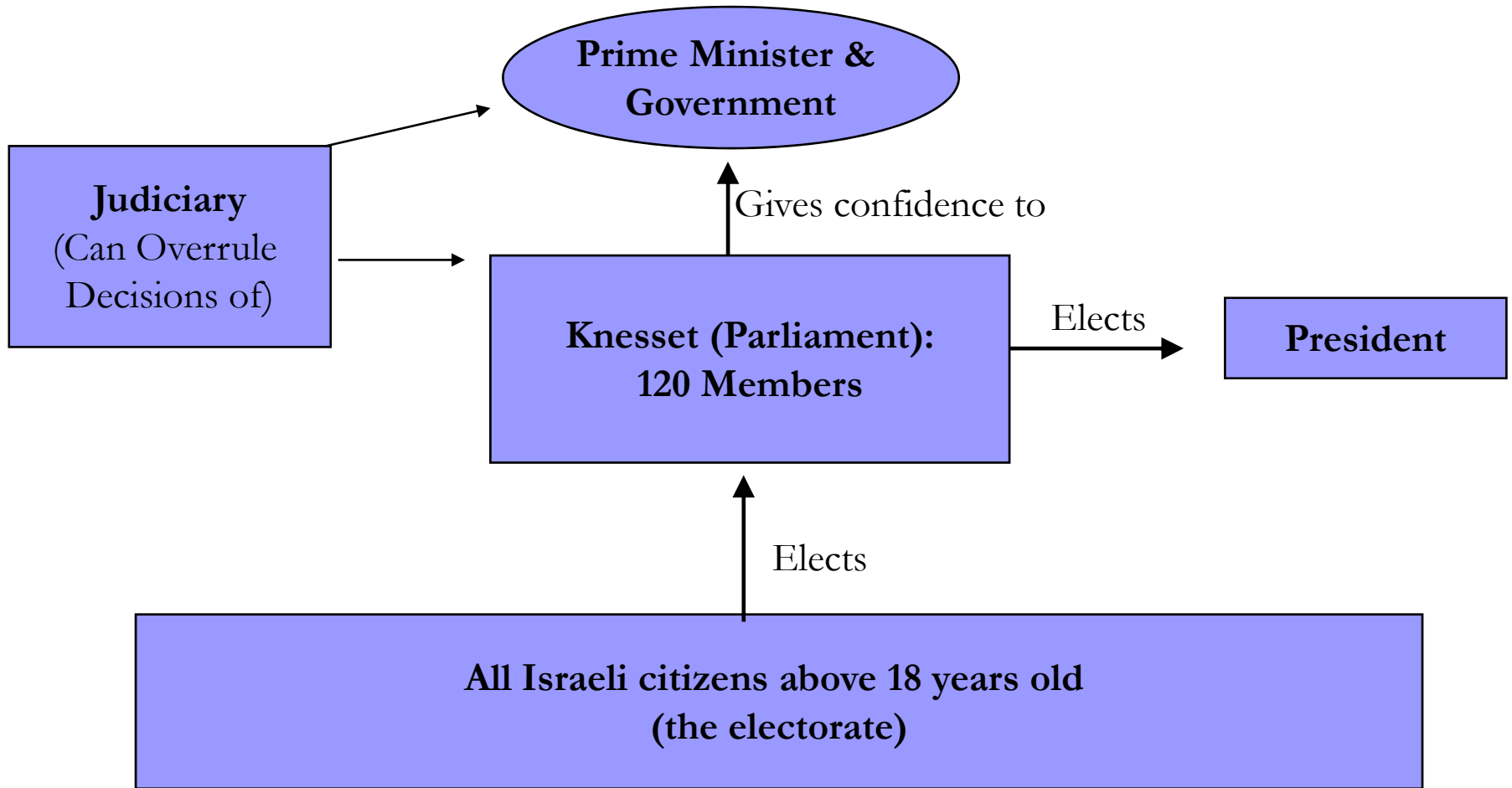


The First Zionist Congress, Basal, 1897,
Democratic decision making culture



The Israeli Parliament, the Knesset

The State Structures and Powers



Elections and Parties

- 120 MK, elected in a single district
- Only parties can participate
- Parties rank their list of candidates to the Knesset in various ways
- Public funding and fund raising
- 2% Election Threshold
- Proportional Representation



Party Lists to the Knesset are marked by letters



How are the Prime Minister and Government Introduced?

- When is a new Government formed?
 - After new elections
 - After the PM resigns or can no longer serve (e.g. death)
 - After a vote of no-confidence in the Government
 - After the Government resigns
- President invites the leader of the largest party in the Knesset to form a new Government
- Attempting to form a coalition of at least 61 Knesset members
- Coalition Agreement
- Knesset gives confidence in a new Government

**Government:
Prime Minister
from Party C**

Support

Support

**Party A
40 Seats
Opposition**

**Party B
6 Seats
Coalition**

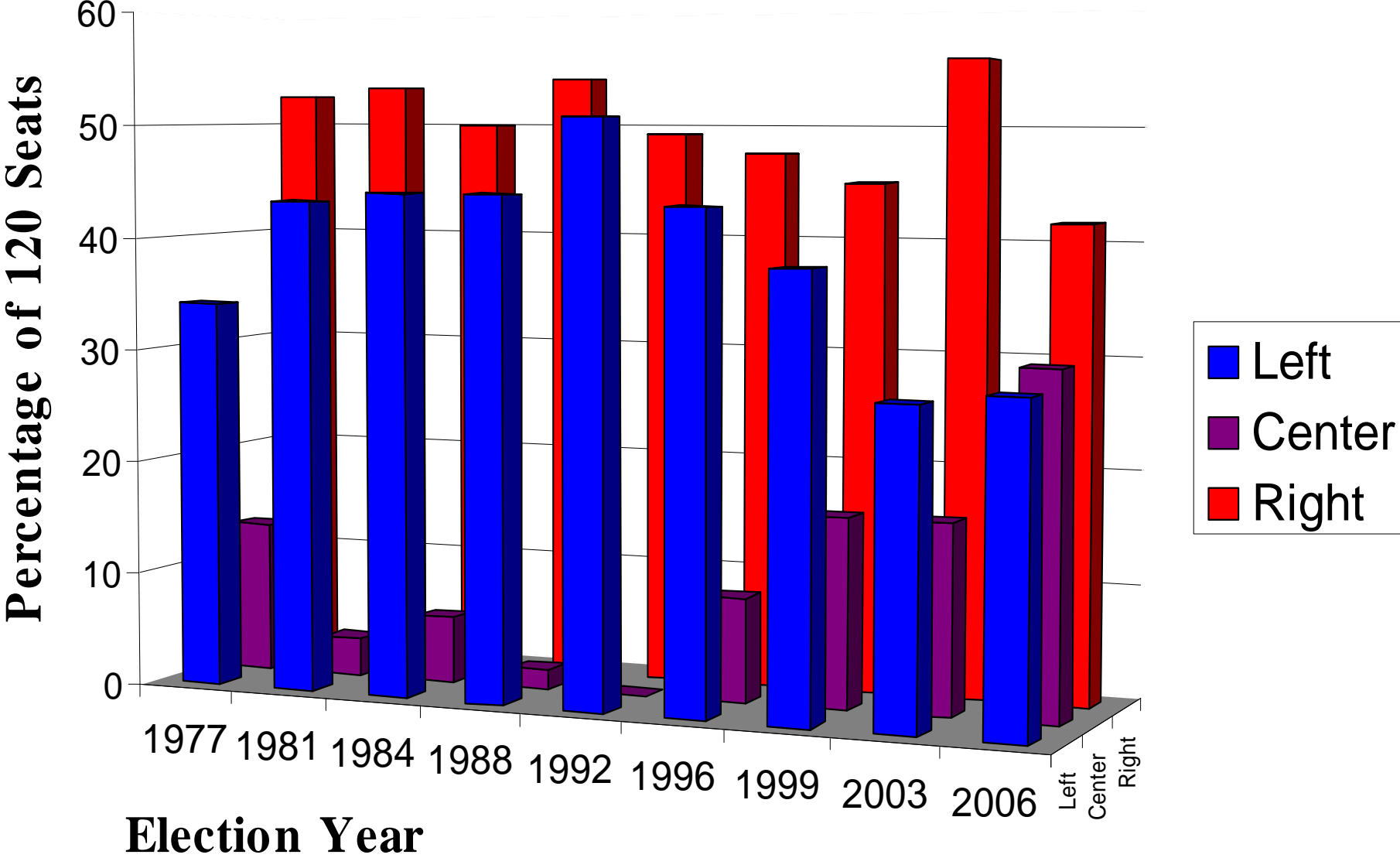
**Party C
30 Seats
Coalition**

**Party D
25 Seats
Coalition**

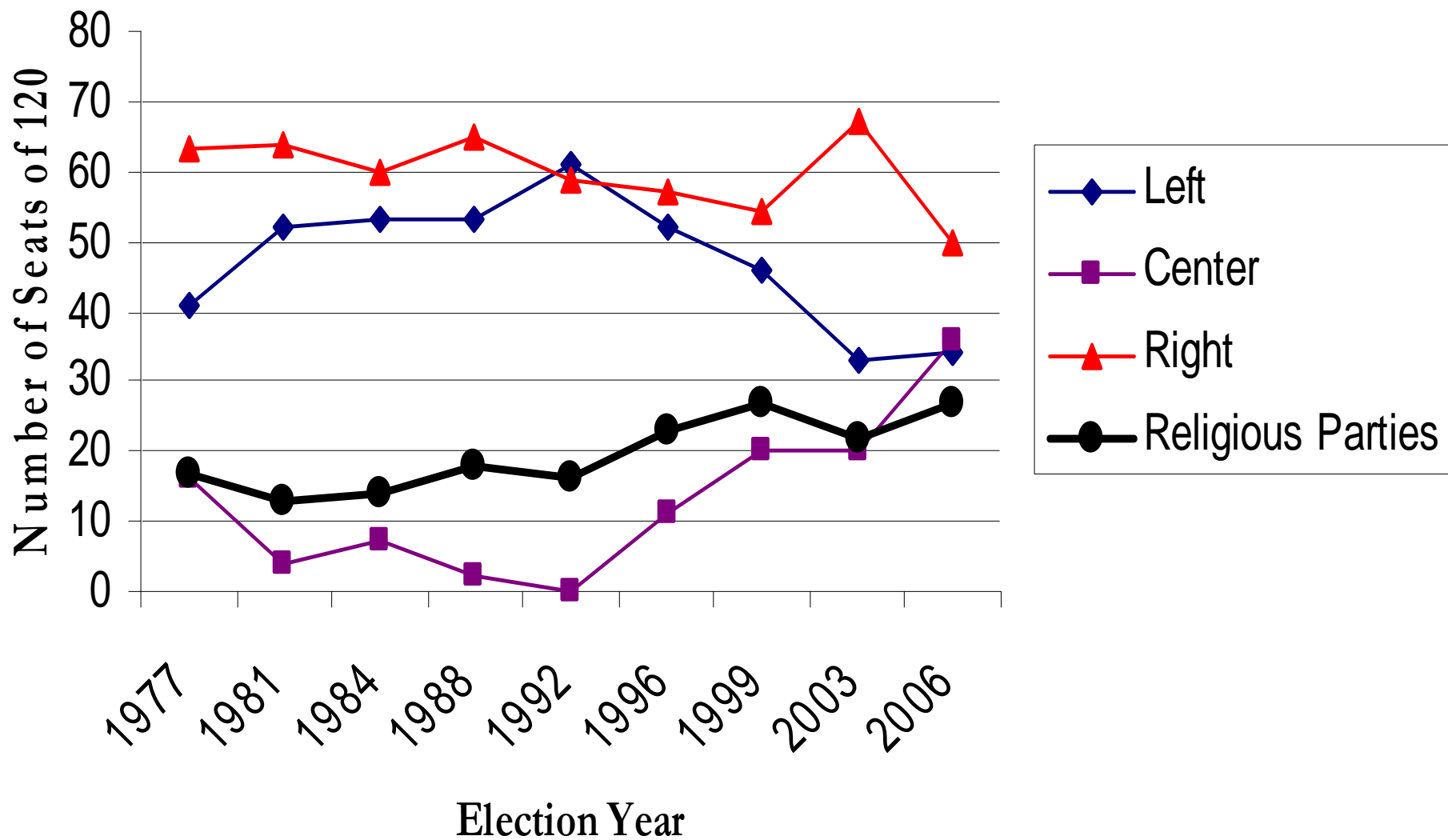
**Party E
19 Seats
Opposition**

Coalition of 61 Knesset Members

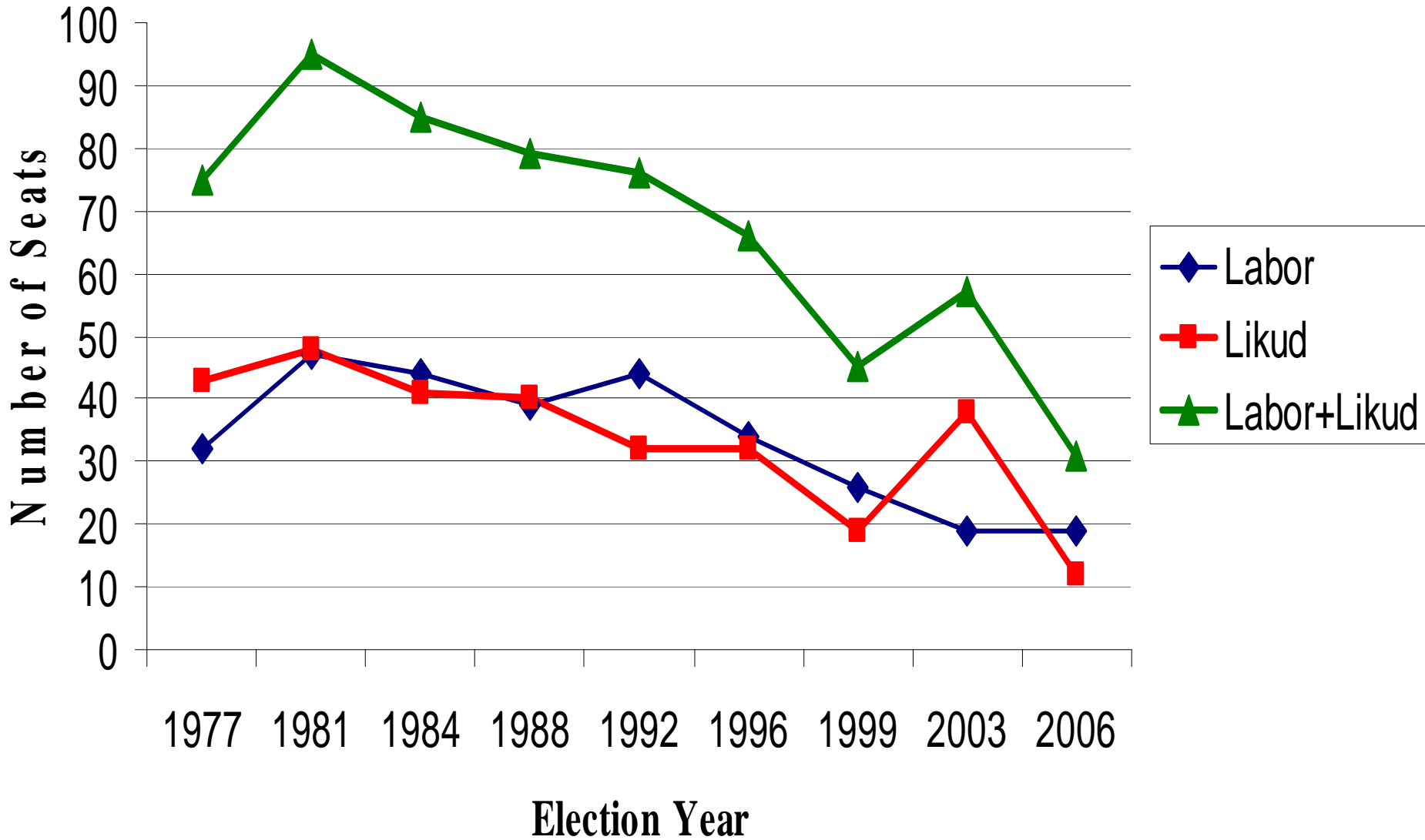
Distribution of Knesset Seats by Percentage



Distributions of Knesset Seats, 1977-2006



Labor and Likud Seats in Knesset, 1977-2006



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1. Legal Background

Democratic culture and Basic Norms that predate the State of Israel: Like in other democracies, Israeli democracy is based on a democratic culture that predates the establishment of the state. Israel democratic culture can be dated at least as far back to the First Zionist Congress of 1897 which included the representatives of those Jews who were interested in fulfilling the Jewish right for national self-determination. Decisions in the Zionist Congress were based on democratic majority. Similarly, the Jewish political system in the Land of Israel prior to the establishment of the state was organized based on proportional representation of the different Jewish groups and on democratic decision making processes. This democratic culture is part of the 'Basic Norms' or 'unwritten rules of game' that have sustained Israeli democracy even before special laws that dealt with the political system were enacted.

Basic Laws: Instead of a single formal constitution, Israel has a system of Basic Laws that constitute its informal and de-facto constitution. Basic Laws cover issues such as the House of Representatives (the Knesset), the Government, the Judiciary, the President, Human Rights, and more. However, some of these laws have the status of a regular law and they can be changed in a simple majority. Yet, as their name suggest, they are regarded as basic chapters in a future constitution and some of them require a special majority to be changed.

All Israeli citizens aged 18 years or older can vote. Israeli citizens vote for one central institutional sovereign-body, the Knesset, which is Israel's House of Representatives (or Parliament). The Knesset legal term is of four years, unless early elections are called for by a majority of Knesset members, as indeed happened several times in Israeli history.

2. The State Structures and Powers

The Knesset is Israel's only house of representative. It consists of 120 Members of Knesset (MK). Once elected, the Knesset holds the main source of sovereignty. The main constitutional power of the Knesset is to give confidence in the Prime Minister and the Government. The Knesset maintains the power to remove its confidence from the government at any given time by a vote of at least 61 members of Knesset. Moreover, all bills must be approved by the Knesset in order to become laws. The Knesset has committees that specialize in different areas. These committees oversee the process of legislation, can modify laws, and can recommend new laws.

The **Israeli President** is elected by the Knesset. The President's function is mostly symbolic. The President is elected for a single term of 7 years. He can only be removed from office by a special majority of Knesset members. The President represents Israel in international events, greets heads of state on their visit to Israel, accepts the nominations of diplomats, and can pardon or commute jail sentences based on the recommendations of the appropriate legal authorities. The President also nominates a member of Knesset to form a new government (see more below).

The Judiciary is also an important and vital organ of the state. The Israeli courts hold high professional standards. The Israeli Supreme Court is an especially important institutional body. It is the main judicial body that may suspend or even overrule decisions or laws enacted by the Government or the Knesset. Though it holds such powers, the courts rarely use them to strike down laws or government orders. The Supreme Court upholds the democratic rules of game and defends the rule of law in Israel more generally. The Supreme Court, for example, has overruled partisan decisions that were aimed to prevent certain Arab Israeli parties from participating in the Knesset elections.

The **Prime Minister and Government of Israel** are not elected directly by the people. Their authority stems from the confidence of the Knesset. That is, the Prime Minister and the Government serve only as long as they have the confidence of the Knesset. Despite being constitutionally dependent upon the Knesset, the Government normally does enjoy the confidence of the Knesset due to an agreement between several parties (see below). And, as long as the Government enjoys the Knesset's confidence it can actually determine which laws and policies will be adopted, which proposed bills by Knesset members will be refused, it determines the state budget, and the strategic goals for the army and the state ministries.

3. Elections and Parties

120 MK, elected in a single district: The general elections to the Knesset are held in only one electoral district, in a single day, and all 120 members of Knesset are elected on that day. The privacy, secrecy, and equality of citizens' votes are enshrined by law.

Only parties can participate: The elections are between Party Lists which are basically lists of candidates ranked from 1 up to 120 (the maximum number of Knesset members or seats that a party can win is 120). Parties must register with the State Party Registrar and submit a list of candidates. The ranking on this list determines the order in which the candidates may become Knesset members, depending on how many votes the Party receives in the elections themselves. Individuals cannot participate in elections independent of a party list. However, every citizen 21 years of older has the right to establish a party and run as its leader (number 1) to the Knesset (individuals between 18 and 21 have the right to vote but cannot become Knesset members).

Parties rank their list of candidates to the Knesset in various ways: The ranking of a party's list of candidates to the Knesset varies. The ranking of some party lists is determined by open primaries among all party members. Other parties only hold open primaries to the post of party leader. Some parties have ordering committees, while the lists of other parties (especially the ultra-religious parties) are determined by religious and spiritual leaders.

Public funding and fund raising: Existing parties in the outgoing Knesset receive state funding for their election campaign based on the number of Knesset members they have in the outgoing Knesset. New parties do not receive state funding but they may get reimbursed for their campaign expenses after elections, in proportion to the number of seats they won. There are limitations on the amount of private fund-raising that a party or candidate is allowed. This law is in order to avoid later conflict of interests and to prevent private influence on decision makers.

2% Election Threshold: Israel has an Election Threshold. An election threshold is a percentage of the total number of the valid votes which a party must pass in order to be eligible for inclusion in the process of Knesset seat distribution. Election thresholds are common in parliamentary system such that of Israel and their function is to discourage small parties and strengthen larger political parties in order to increase the stability of the political system. Israel's election threshold is very low and currently stands on 2% alone (it was previously 1% and 1.5%). To a large extent, the low election threshold enables and even encourages a high number of parties that participate in the elections process, as well as a relatively high number of parties that actually get elected to the Knesset in comparison to similar parliamentary systems.

Proportional Representation: Proportional representation lies at the heart of Israel's political system. All the Parties that cross the election threshold are represented in the Knesset in proportion to the number of votes they received. The process is as follows. All eligible votes in a given elections are distributed by 120 (the number of seats in the Knesset). The outcome of this division is the number of votes required for a single seat in the Knesset. For example, if 1.2 million citizens voted in a given election, then 1.2 million divided by 120 seats means that 12,000 votes are needed in order to win a seat in the Knesset. The larger the share of votes in elections the more seats a party receives. So, if a party received enough votes for 12 Knesset seats this means that the first 12 people on its list to the Knesset will become Knesset members. If one of those members decides to resign from the Knesset or cannot continue his or her term in office for some reason, the next person on the relevant party list will become a Knesset member.

4. How are the Prime Minister and Government Introduced?

When is a new Government formed? A new Government in Israel is formed after A. every new elections; B. the PM resigns or can no longer serve in his positions (e.g. death); C. the Knesset voted no-confidence in the Government; D. the Government resigns.

President invites the leader of the largest party in the Knesset to form a new Government. In case of one of those four conditions, the President will invite the representatives of all the parties that are represented in the Knesset. The President will consult them about their preferred candidate for the purpose of forming a government. In no longer than a week, the President must assign the role of forming a government on one of the Knesset members who so agrees. Normally, the President's first candidate for this role will be the leader of largest faction, namely the leader of the biggest party in the Knesset. Theoretically, the President's can choose a Knesset member who is not the leader of the biggest party. This, however, rarely happened in Israeli History, and it never happened after new elections. The normal practice is that the leader of the party which received the plurality of votes is also the person who is chosen for the role of forming a new government. If successful, he or she will become, by law, the next Prime Minister.

The Knesset member who is chosen to form a new government receives 28 days to achieve this task, though he or she can ask for an additional 14 days time period. Should that Knesset member fail, the President may assign the role to a different Knesset member. Alternatively, new elections may be called if the President notified the Knesset chairman that according to his or her opinion no Knesset member will be able to form and gain confidence in a new government. However, if at this point 61 Knesset members can recommend any

Knesset member, who so agrees, to form a new government, then the President must assign the role to that person in two days.

Forming a Coalition of at least 61 Knesset members: A new Government is introduced only when it receives a vote of confidence from a majority of Knesset members. Namely, no matter whom the Knesset member wishes to appoint to his or her Government, in order to receive the confidence of the Knesset this member must ensure that at least 61 Knesset members (the smallest majority of Knesset members) will support the proposed Government. However, since never in Israel history did a single party win 61 seats, all Governments have relied on a coalition between the party that won the plurality of seats and other parties in the Knesset. Therefore, the Knesset member who attempts to form a new Government is first and foremost concerned with forming a coalition with one or more parties that will give confidence in the establishment of a new Government and will continue to support it and protect it from votes of no-confidence thereafter. The Knesset member will not attempt to present a new government unless he already formed a coalition. In order to form a coalition, this appointed Knesset member negotiates with representatives from other parties and attempts to reach a coalition agreement.

A ***Coalition Agreement*** is an agreement between two parties or more which stipulates and defines issues such as the number of ministry portfolios that each party will receive in the Government, ideological guidelines of the Government, and mechanisms to resolve conflicts that may arise between the parties which take part in the coalition. The agreement is meant to ensure that the government will receive the support of enough Knesset members who are affiliated with their respective parties. In this way, the Government ensures that it enjoys the ongoing confidence of the Knesset and hence it can fulfill its functions. In return, the members of the parties that support the Government receive some share of power, direct or indirect, in the form of Government positions, important or prestigious Knesset committee positions, state funds for the purposes that they deem important, and the implementations of at least some of their policies by the Government.

Knesset gives confidence in a new Government. After the Knesset member who was assigned by the President to form a new government succeeds in reaching a coalition agreement, he or she will present the proposed government to the Knesset. The basic policy lines of the Government will be presented, as well as the composition of its members and their portfolios. The Government is officially introduced once the Knesset votes confidence in the new government. The Knesset member who formed the new government becomes the new Prime Minister. The Prime Minister and the Government Ministers swear allegiance to the, state and its laws, and to abide by the Knesset decisions.