

**The Text of the Proposed Constitution for the State of Israel**  
**The New York Times**  
**(10 December 1948)**

Text of Proposed Constitution for State of Israel to be Voted on After the January Elections

Preamble:

We the people of Israel, humbly giving thanks to Almighty God for having delivered us from the burden of exile and brought us back to our ancient land:

Recalling the tenacious endurance of the generations of the Exile and their heroic sacrifices for the survival of our People and the preservation of its spiritual heritage;

Gratefully remembering the faithful remnant who maintained the continuity of Jewish settlement in Palestine throughout the centuries, and the inspired efforts of the pioneers of the national revival;

Resolved to rebuild our commonwealth in accordance with the ideals of peace and righteousness of the Prophets of Israel, to welcome home every Jew who seeks entry, and to promote the security and well-being of all who dwell in our gates.

Have adopted the following Constitution:

I. General Provisions

Article I

The name of the State is Israel.

Article 2

The State of Israel is a sovereign, independent, and democratic republic.

Article 3

The State of Israel is designed to be the National Home of the Jewish People and shall admit every Jew who desires to settle within its territory subject to such regulative provisions as may from time to time be enacted by the Chamber of Deputies.

Article 4

- (1) All persons within the jurisdiction of the State of Israel shall be entitled in equal measure to the protection of the law. No discrimination of any kind shall be made by the State between the inhabitants of the State on the grounds of race, religion, language, or sex.
- (2) All citizens of the state shall enjoy equal civic and political rights. No citizen shall be at a disadvantage as a candidate for public office or employment or in the matter of promotion, on account of his race, religion, language or sex.
- (3) No land, buildings or other property may be expropriated except for public purposes. In all cases of expropriation full compensation, as prescribed by law, shall be paid.

Article 5

The official language of the State of Israel is Hebrew. Adequate facilities shall be given to Arabic-speaking citizens for the use of their language, either orally or in writing, in the legislature, before the courts and before the executive and administrative authorities.

#### Article 6

- (1) The following persons shall be citizens of Israel and shall enjoy the rights and privileges and be subject to the obligations of such citizenship:
  - (a) All Jews who were resident in the area of the State at the time of the enactment of this Constitution.
  - (b) All Jews over the age of 18 years resident in that part of Palestine which is not included in the State of Israel who, within one year, opt for citizenship of Israel. The exercise of this right of option shall include the wife and children under 18 years of age of the person so opting.
  - (c) All residents of Israel other than Jews who were citizens of Palestine at the time of the termination of the Mandate, provided that any such person being over the age of 18 may, within one year, elect not to accept the citizenship of Israel. The exercise of this right of option includes the wife and children under 18 years of age of the persons so opting.
- (2) The conditions governing the future acquisition and termination of citizenship in the State of Israel shall be determined by a Nationality Law.

#### Article 7

The flag of the State of Israel is a white banner with two horizontal blue stripes and the Shield of David in the centre.

#### Article 8

All natural resources within the jurisdiction of the State of Israel shall belong to the State subject to any rights therein vested in any person or body, and shall be controlled and administered by the Government of Israel in accordance with such regulations and provisions as shall from time to time be approved by legislation.

#### Article 9

The State shall enact legislation to ensure the proper conservation and economic utilization of the soil and water for the benefit of the people.

#### Article 10

The Antiquities in Israel, being a precious heritage of the past, shall be considered as a trust to be conserved by the State for future generations, and the State shall enact legislation to this end.

#### Article 11

The state of Israel shall seek to settle all international disputes of whatever nature or origin in which it may be involved by pacific means only. The generally recognized rules of international law shall form part of the municipal law of Israel.

## II. Fundamental Rights

#### Article 12

The State shall ensure the sanctity of human life and uphold the dignity of man. There shall be no penalty of death, nor shall anyone be subjected to torture, flogging or humiliating punishment. The application of moral pressure or physical violence in the course of police interrogations is prohibited; evidence obtained by such methods shall not be admissible in Court.

#### Article 13

- (1) The liberty of the person is inviolable. No one shall be detained except pursuant to an order or judgment of a Court of Law, or when apprehended in flagrante delicto, or for the purpose of bringing him before a Court on a charge of having committed a crime.
- (2) Preventive detention by executive order shall be unlawful except when authorized by specific legislation in time of war or national emergency and subject to continuous parliamentary control.
- (3) Any person arrested shall be informed in writing within twenty-four hours by what authority and on what grounds he is being detained, and shall be brought up for trial not later than two days from the date of his arrest. Upon complaint of being lodged by or on behalf of any person to the High Court or any Judge thereof, that any such person is being unlawfully detained, the High Court or the Judge to whom such complaint is made shall require the officer in whose custody such person is detained, to produce him without delay and certify in writing the grounds of his detention. If satisfied that the detention is not in accordance with the law, the Judge shall order the immediate release of the detainee.
- (4) No person under arrest shall be held incommunicado.
- (5) No person shall be deprived of his liberty on account of a debt or other contractual obligation except for fraud.
- (6) No one shall be tried save by due process of law. Extraordinary courts shall not be established. No person other than members of the Armed Forces of the State on active service, shall, at any time, be subjected to jurisdiction of military tribunals.
- (7) No one shall be convicted of any infringement of the law which did not constitute an offense when it was committed, nor shall any amendment of the law increasing the penalty for any offense or altering the rules of evidence to the detriment of the accused, have retroactive effect.
- (8) Anyone wrongfully arrested, convicted or punished shall have an enforceable claim for compensation against the State.

#### Article 14

The dwelling of every person is inviolable and shall not be entered or searched except in accordance with the law and in the manner therein prescribed. Private correspondence as well as telegraphic and telephonic communications shall not be intercepted. Any temporary suspension of these guarantees in time of war or national emergency shall require specific legislative authorization and shall be subject to parliamentary control.

#### Article 15

- (1) Freedom of conscience and the free exercise of all forms of worship, subject only to the maintenance of public order and morals, shall be insured to all.

- (2) Existing rights in respect of Holy Places and religious buildings or sites shall not be denied or impaired. The liberty of access, visit and transit to Holy Places shall be guaranteed, in conformity with existing rights, to all without distinction, subject to the requirements of national security, public order and decorum.
- (3) No taxation shall be levied in respect of any Holy Place, religious building or site which was exempt from taxation on the date of the establishment of the State. No change in the incidence of such taxation shall be made which would either discriminate between the owners or occupiers of Holy Places, religious buildings or sites, or would place such owners or occupiers in a position less favorable in relation to the general incidence of taxation than existed prior to the establishment of the State.
- (4) The Sabbath and the Jewish Holy Days shall be days of rest and spiritual elevation and shall be recognized as such in the laws of the country. The Holy Days of other religious denominations shall equally be recognized as legal days of rest for members of such denominations.

#### Article 16

Freedom of speech and the free expression of opinion in writing or in any other form, are guaranteed. This constitutional guarantee shall not extend to utterances or publications which are libelous, slanderous or obscene, or which are designed to stir up racial or religious hatred, or to incite to violence or crime, or which advocate the suppression of human rights, or of the democratic system of government, or which reveal secrets of national defense. The institution of a preventive censorship shall be unlawful save in time of war or national emergency and shall require specific legislative authorization and be subject to continuous parliamentary control and review.

#### Article 17

All citizens of the State of Israel shall have the right to assemble peaceably without arms and to form associations, subject to such regulative provisions as may be enacted from time to time by the Chamber of Deputies. Such enactments shall contain no discrimination on grounds of race, religion, language or political belief.

This constitutional guarantee shall not extend to assemblies or associations aiming at the suppression of human rights or of the democratic form of government.

#### Article 18

Any officer of the State of Israel who, contrary to the provisions of this Constitution, knowingly violates the rights and liberties of any person shall be liable to proceedings under the civil and criminal law.

#### Article 19

Every citizen of the State of Israel has the right, either individually or in association with others, to petition the President, the Government, the Chamber of Deputies, or any other public authority for the redress of grievances or for the enactment of legislation.

#### Article 20

No one may be extradited to any foreign country where he is liable to be deprived of such fundamental personal and political rights as are guaranteed by this Constitution. The

Government of Israel may in its absolute discretion refuse to deliver up any of its subjects to a foreign government for prosecution or punishment.

#### Article 21

The economic order of the State of Israel shall be based on the principles of social justice. Every citizen shall have an equitable share in the national income and a right to social security. The State shall encourage and aid every form of cooperative effort.

#### Article 22

Everyone has the right to work. The State of Israel shall endeavor to ensure to all its citizens without distinction a decent standard of living and a fair and equal opportunity of earning a livelihood. Legislation shall be enacted making provision for reasonable wages, working hours and conditions of work and for the provision of state insurance against the risks of accident, sickness, disablement, unemployment, old age and other causes of undeserved want. Special protective measures shall be enacted for the benefit of working mothers and children, and of widows and orphans.

#### Article 23

The right of workers to form trade union associations, to enter into collective bargaining contracts and to strike in defense of their economic rights and interests is guaranteed by the Constitution. Any provision embodied in a contract of employment which involves renunciation or diminution of these rights shall be null and void.

#### Article 24

Care for the health of the population is a primary duty of the State. Legislation shall be enacted providing for the establishment of a national health service, protection of motherhood and child life, the promotion of public and personal hygiene, and the grant of state aid towards the construction of hygiene workers' dwellings.

#### Article 25

- (1) The State shall provide adequate facilities for primary and secondary education to be given to Jews and Arabs in their own language and cultural traditions.
- (2) The right of each community to maintain its own schools for the education of its own members in its own language, while conforming to such educational requirements of a general nature as the State may impose, shall not be denied or impaired.
- (3) Foreign educational establishments shall be allowed to continue their activity on the basis of their existing rights.

### III. The Legislature

#### Article 26

The legislative power in the State of Israel shall be vested in the Chamber of Deputies.

#### Article 27

All citizens of the State who have reached the age of twenty-one and are not subject to any legal disability or incapacity under the electoral law shall be entitled to vote in the elections to the Chamber.

#### Article 28

All citizens of the State who have reached the age of twenty-five and are not subject to any legal disability or incapacity under the electoral law shall be eligible to the Chamber, Judges, civil servants members of the Armed Forces of the State of Israel serving with the colors, and persons who are also citizens of a foreign state shall not be eligible.

#### Article 29

The Chamber of Deputies shall be elected by equal, direct and universal suffrage and by secret ballot on the basis of proportional representation. The mode of election shall be determined by an electoral law. The country shall be divided into a number of electoral districts, each 10,000 of the population approximately to be represented by one deputy. The electoral districts shall be revised once in three years, having regard to intervening changes in the number and distribution of the population. Vacancies caused by the death, resignation, of disqualification of any deputy shall be filled in accordance with the provisions of the electoral law.

#### Article 30

Elections shall be held within two months from the expiration of the term or the dissolution of the preceding Chamber. They shall be held on the same date throughout the country.

#### Article 31

The Chamber shall meet within one month of its election. It shall hold two sessions every year, beginning in the first week of Cheshvan and Iyar, respectively. The sessions shall be convened by the Chairman on the day fixed by the Chamber upon its adjournment. At the request of one-third of the deputies, an extraordinary session shall be called.

#### Article 32

On taking their seats, deputies shall make the following solemn declaration: "I pledge myself to be faithful to the State of Israel and to uphold its Constitution and its laws."

#### Article 33

The Chamber shall be elected for a period of four years, but it may extend its term in case of war or emergency, but for not more than one additional term.

#### Article 34

The President of the Republic may dissolve the Chamber of Deputies prior to the expiration of its term if the Executive Council in office has resigned and no alternative Executive Council can be formed commanding the support of a stable majority in the Chamber.

#### Article 35

No legal action shall be taken against any deputy in respect of any statements made or votes taken in the Chamber or in respect of any opinions expressed by him outside the Chamber in his official capacity. No deputy may be required, even after having ceased to be a deputy, to give evidence in any court of law in regard to matters confided to him in that capacity. This provision shall not apply to any investigation conducted by a committee of enquiry appointed by the Chamber.

#### Article 36

No criminal proceedings may be taken against any deputy except with the consent of the Chamber. No deputy may be arrested except if apprehended in flagrante delicto. If any deputy is so arrested, the chairman shall be immediately informed and shall bring the matter to the notice of the Chamber. Unless the Chamber within a fortnight approves of the detention and authorizes the institution of legal proceedings against the deputy, he shall be released.

#### Article 37

Deputies shall receive a remuneration to be fixed by the Chamber.

#### Article 38

Official reports of proceedings in the Chamber and its Committees, as well as true reports of such proceedings wherever published, shall be privileged.

#### Article 39

The Chamber shall adopt Standing Orders for regulating its procedure, maintaining internal discipline and protecting its members from any molestation, interference or attempt at corruption. It shall elect a Chairman and Vice Chairman and fix their powers and remuneration.

#### Article 40

The proceedings of the Chamber shall be held in public. Upon a motion supported by two-thirds of the deputies present, the public may be excluded.

#### Article 41

Save as otherwise prescribed in this Constitution or in the Standing Orders, decisions shall be by a majority of those present. In case of any equality of votes the presiding officer shall exercise a casting vote.

#### Article 42

The initiative in introducing legislation shall rest with the Executive Council. Deputies may propose legislative measures, but such proposals shall be referred to a Select Committee of the Chamber. They shall be introduced by the Executive Council if recommended by the majority of the Select Committee and in the form recommended by that Committee.

#### Article 43

All revenues of the State, from whatever source arising shall form one Consolidated Revenue Fund and shall be appropriated by the Chamber of Deputies for the purposes of the State in the manner and subject to the charges and liabilities imposed by this Constitution.

#### Article 44

The Chamber shall consider the estimates of income and expenditure for the current financial year submitted to it by the Executive Council, and shall enact the Finance Act prior to the end of the financial year. No resolution for the appropriation of funds or for the increase of any grant or charge may be moved except by a member of the Executive Council.

#### Article 45

After a Bill had been passed by the Chamber, two copies of it shall be transmitted by the Chairman to the President of the Republic for his signature. One copy shall be deposited in the Record Office of the Chamber and the other shall be transmitted to the Registrar of the High Court to be enrolled for record in his office. It shall come into force upon its publication in the Official Gazette.

#### Article 46

The recruiting and maintenance of the Armed Forces shall be subject to the control of the Chamber of Deputies.

#### Article 47

Treaties and other agreements with foreign countries shall not be binding on the State unless approved by the Chamber of Deputies. By such approval these treaties and agreements shall become part of the municipal law of Israel. All such treaties and agreements shall be published in the Official Gazette.

### IV. The Executive Power

#### Article 48

The executive power in the State of Israel shall be vested in the President of the Republic and in the Executive Council,

#### (1) The President of Republic

#### Article 49

Any citizen of Israel, who is eligible to the Chamber of Deputies and has reached the age of 35, may be elected to the office of President.

#### Article 50

The President of the Republic shall be elected by the Chamber of Deputies by secret ballot. If, in two successive ballots, no candidate receives an absolute majority of votes, the candidate for whom, in the third ballot, a relative majority of votes is cast, shall be deemed to have been elected.

#### Article 51

The term of office of the President shall be five years. He may be re-elected on the expiry of his term or at any subsequent election, but only for one additional term of office.

#### Article 52

The election of the President shall take place not later than one month prior to the expiration of the term of the President in office. If the latter dies, resigns, is removed from office or becomes permanently incapacitated, such incapacity being established by a decision of the Supreme Court, the election of a new President shall take place within one month therefrom.

#### Article 53



If the office of the President becomes vacant as a result of the death, resignation, removal, or permanent incapacity of the holder, the Chairman of the Chamber of Deputies shall exercise the functions of the President until the election of a new President.

#### Article 54

The President, upon entering his office, shall make the following declaration in the presence of members of the Executive Council, the Chamber of Deputies and the Judges of the Supreme Court and the High Court: "I solemnly promise that I will maintain the Constitution and the laws of Israel, that I will dedicate myself to the service and welfare of the People of Israel and that I will act justly and rightly to all citizens of Israel."

#### Article 55

Every official act of the President shall be countersigned by the Prime Minister or a member of the Executive Council who shall thereby assume responsibility for it.

#### Article 56

The President shall, after consultation with the leaders of the parliamentary parties, appoint the Prime Minister and upon his advice, the other members of the Executive Council. The President shall appoint the ambassadors and ministers of the State of Israel. The President shall appoint the Commander in Chief of the Armed Forces of Israel and issue commissions to the officers of these Forces.

#### Article 57

The President shall receive the diplomatic envoys accredited to the State of Israel and shall issue exequaturs to foreign consuls.

#### Article 58

The President shall promulgate the laws enacted by the Chamber within ten days from the date of such enactment. If the law was enacted as an urgent measure it shall be promulgated within three days.

#### Article 59

The President shall exercise prerogative of mercy.

#### Article 60

The President shall, upon the advice of the Executive Council and with the assent of the Chamber of Deputies, conclude treaties with foreign states.

#### Article 61

The President shall be removed from office on impeachment by two-thirds of the Chamber of Deputies and on conviction by the Supreme Court of high treason, bribery or culpable violation of the Constitution.

### (2) The Executive Council

#### Article 62

The Executive Council shall consist of the Prime Minister, the heads of the Departments of State and such Ministers without Portfolio as may from time to time be appointed. The total number of Ministers shall not exceed fifteen. All ministers shall be members of the Chamber of Deputies and shall be appointed in the manner prescribed in Article 56.

#### Article 63

The Prime Minister shall preside over the meetings of the Executive Council. He shall be responsible for the coordination of activities of the Executive Council and for the execution by the Departments of State of the policies adopted by the Executive Council. He shall keep the President of the Republic informed on all major questions of domestic and foreign policy.

#### Article 64

The Executive Council shall be collectively responsible to the Chamber of Deputies. It shall resign if it ceases to retain in the support of a majority in the Chamber of Duties, but shall continue in office until its successors have been appointed. The resignation of the Prime Minister shall entail that of the Executive Council as a whole. Individual ministers may resign from office by placing their resignation in the hands of the Prime Minister for submission to the President of the Republic.

#### Article 65

No minister may be a member of the Board of Directors of any Joint Stock or Limited Liability Company carrying on business for profit.

#### Article 66

The organization of the Department of State, the designation of ministers and their remuneration shall be regulated by law.

#### Article 67

The organization of and admission to the Civil Service shall be regulated by law. After the enactment of this Constitution, all appointments to the Civil Service shall be by examination to be conducted by a Civil Service Commission. In exceptional cases the Civil Service Commission may authorize the appointment of senior officers without examination.

#### Article 68

The Executive Council and any of its members shall have power to make orders and regulations within the framework of existing laws. Such orders and regulations shall be tabled in the Chamber of Deputies and shall become inoperative if a motion to that effect is adopted by the Chamber within two weeks therefrom.

### (3) Comptroller and Auditor General

#### Article 69

There shall be a Comptroller and Auditor General to control, on behalf of the State, all payments and to audit all accounts of monies administered by or under the authority of the Chamber of Deputies. He shall not be a member of the Chamber of Deputies nor hold any other office or position of emolument. The manner of his appointment and the length of conditions of his tenure of office shall be fixed by law.

## V. The Judicial Power

### Article 70

The judicial power shall be vested in and exercised by the Courts of Law established under this Constitution. They shall comprise:

- (a) Magistrates' Courts;
- (b) District Courts
- (c) A High Court with original and appellate jurisdiction in civil and criminal matters, and with exclusive original jurisdiction in all questions relating to the validity of any law having regard to the terms of the Constitution;
- (d) A court of final appeal to be called the Supreme Court;
- (e) Religious courts of the Jewish, Moslem and Christian communities exercising jurisdiction in matters of personal status and of religious foundations and endowments.

### Article 71

The organization and jurisdiction of the courts, the remuneration, pensions and age of the retirement of the judges, and all matters of procedure shall be regulated by law.

### Article 72

All judges, other than the members of the Religious Courts, shall be appointed by the President of the Republic on the advice of the Minister of Justice who, in tendering such advice, shall be guided by the recommendations of a Selection Board consisting of a member of the Supreme Court, a High Court judge, two senior officers of the Department of Justice, three deputies chosen by the Chamber and three representatives of the Bar Association. The Selection Board shall be reconstituted annually. The judges of the Religious Courts shall be appointed by the President of the Republic acting on the advice of the Minister for Religious Affairs who, in tendering such advice, shall be guided by the recommendations of the Supreme Religious Council of the community concerned.

### Article 73

No judge of the Civil Courts shall be removed from office except for stated misbehavior or incapacity upon a resolution supported by two-thirds of the members of the Chamber of Deputies. No judge of the Religious Courts shall be removed from office except for stated misbehavior or incapacity upon a motion of the Supreme Religious Council of the community concerned and upon a resolution supported by two-thirds of the members of the Chamber of Deputies. The removal shall be effected by an order of the President of the Republic.

### Article 74

Where any action of personal status involves persons of different religious communities, the President of the Supreme Court shall decide which court shall exercise jurisdiction. In deciding such issue, he shall invite the assistance or assessors from the Religious Courts of the communities concerned. Whenever the question arises as to whether or not a case is one of personal status within the exclusive jurisdiction of a religious court, the matter shall be referred to a special tribunal, the constitution of which shall be prescribed by law.

VI. Amendment of the Constitution

Article 75

The Chamber of Deputies shall have power to amend the Constitution, but every such amendment shall require the assent of two-thirds of the total membership of the Chamber and shall not come into force unless passed by that majority in two successive sessions of the Chamber, and unless not less than six months have elapsed between the two successive enactments.

VII. Constitution and Legislation

Article 76

No law shall be enacted which is in any respect repugnant to any of the provisions of this Constitution. If the Courts pronounce any law or any provision thereof to be repugnant to the Constitution, such law or provision shall, to the extent of such repugnancy, be thenceforth absolutely void and inoperative.

VIII. The Law

Article 77

The laws in force in the State of Israel at the time of the enactment of this Constitution shall continue in force to the extent to which they are not inconsistent with the terms of this Constitution until the same or any of them shall have been repealed or amended by the Chamber of Deputies or under its authority. Future legislation in Israel shall be guided by the basic principles of Jewish Law. Wherever the existing law does not provide adequate guidance, the Courts-of-Law shall have recourse to these basic principles.

IX. Promulgation

Article 78

This Constitution shall come into force on the day of its publication in the Official Gazette.