

Israel's 13 Basic Laws (February 12, 1958 – March 12, 2014)

<http://main.knesset.gov.il/Activity/Legislation/Pages/BasicLaws.aspx>

According to the 1947 Partition Plan for Palestine, an Arab and Jewish state were to be created out of the area of the Palestine Mandate. The Partition Plan also stipulated that each state was to have a written constitution. Palestinian Arabs and Arab states rejected the partition plan, and therefore no Arab state was created, and no constitution written. As for the Jewish state, in December 1948, not yet at the end of its Independence War, Israel published its draft constitution. However, the Israeli parliament, or Knesset, never adopted it into law. On June 13, 1950 Israeli leaders decided that the constitution would be legislated “chapter by chapter.” Thus in lieu of a constitution, over the life of the state, Israel’s parliament passed a series of Basic Laws that have become the country’s essential constitutional foundations.

Ken Stein, April 2015

February 12, 1958: First Basic Law of Israel, the Knesset

Since the Constituent Assembly and the First Knesset were unable to put a constitution together, the Knesset started to legislate basic laws on various subjects. The First Basic Law of Israel was passed by the Third Knesset on February 12, 1958. It did not define the powers of the Knesset, but stated that its seat is in Jerusalem and should include 120 members. The law deals with the electoral system, the right to vote and be elected, date of elections, the service of Knesset members, the parliamentary immunity of the Knesset members and the Knesset buildings as well as the work of the Knesset and its committees. There is an additional clause that states the Knesset will be elected through direct and proportionate-general elections, which can be only be revised with the vote of 61 Members of the Knesset (MKs). Should it be decided to change this basic law under emergency circumstances, it states that it can only be done with the vote of 80 MKs. The law likewise stipulates that the Knesset may not extend its tenure, unless it has the vote of 2/3 or more.

July 25, 1960: Second Basic Law of Israel, Israeli Lands

Since the Constituent Assembly and the First Knesset were unable to put a constitution together, the Knesset came to legislate basic laws on various subjects. The Second Basic Law of Israel was passed by the Fourth Knesset on July 25, 1960. The basis of the law is the special relationship between the People of Israel and the Land of Israel and its redemption. The law ensures that the state owned lands, which constitute about 90% of the lands in Israel, should remain national property. The law prohibits the transfer of ownership over lands owned by the state, the Development Authority or the Jewish National Fund, either by sale or by any other means, with the exception of types of land or transactions, which have been specified in the law.

June 16, 1964: Third Basic Law of Israel, the President of the State

Since the Constituent Assembly and the First Knesset were unable to put a constitution together, the Knesset legislated basic laws on various subjects. The Third Basic Law of Israel was passed by the Fifth Knesset on June 16, 1964. The law was basically a re- enactment of previous instructions, which were scattered in other laws. It deals with the status of the President of the

State, his election (by the Knesset), his qualifications and powers, the procedures of his work, and the length of his term, which is seven years.

July 21, 1975: Fourth Basic Law of Israel, the State Economy

Since the Constituent Assembly and the First Knesset were unable to put a constitution together, the Knesset legislated basic laws on various subjects. The Fourth Basic Law of Israel was passed by the Eighth Knesset on July 21, 1975. The law lays down the framework for budget laws, rules for taxation, compulsory loans, payments, fees and other aspects of the economy. Regulations were likewise stipulated for state assets, the state budget, and the printing of money.

March 31, 1976: Fifth Basic Law of Israel, the Military

Since the Constituent Assembly and the First Knesset were unable to put a constitution together, the Knesset legislated basic laws on various subjects. The Fifth Basic Law of Israel was passed by the Eighth Knesset on March 31, 1976. Until this Basic Law was passed, the constitutional and legal basis for the operation of the Israel Defense Forces was to be found in the IDF Ordinance of 1948. The Basic Law reiterated the subordination of the military forces to the government and the status of the Chief of Staff. The law stated that the IDF is the army of the state, additionally dealing with the compulsory nature of military service and enlistment, as well as the instructions of the army and its orders, with the defense minister in charge of the military. It reads, "outside the Israel Defense Forces no armed force is to be set up or maintained, except in accordance with the law." The law incorporates recommendations made by the Agranat commission, which investigated the circumstances surrounding the October 1973 war.

July 30, 1980: Sixth Basic Law of Israel, Jerusalem the Capital of Israel

Since the Constituent Assembly and the First Knesset were unable to put a constitution together, the Knesset legislated basic laws on various subjects. The Sixth Basic Law of Israel was passed by the Ninth Knesset on July 30, 1980. The intention of the law is to establish the status of Jerusalem as the capital of Israel, to secure its integrity and unity and concentrate all the instructions, which were scattered in various laws, regarding the location of national institutions. The law deals with the holy places, secures the rights of the members of all religions, and declares that Jerusalem will be granted special preferences with regards to its development.

February 28, 1984: Seventh Basic Law of Israel, the Judiciary

Since the Constituent Assembly and the First Knesset were unable to put a constitution together, the Knesset legislated basic laws on various subjects. The Seventh Basic Law of Israel was passed by the Tenth Knesset on February 28, 1984. The law dealt with the Israeli judicial system, including judicial authority, its institutions, the principle of independence on matters of judgment, the openness of judicial proceedings, the appointment of judges, their qualifications and tenure of office, the powers of the Supreme Court, the right of appeal, further hearing, retrial and the principle of settled law. The law does not deal with the authority of the courts to examine the legality of laws, which will be dealt with in the Basic Law: Legislation, when it is enacted. The law includes an instruction regarding its permanence and protection from changes by means of emergency regulations.

February 15, 1988: Eighth Basic Law of Israel, the State Comptroller

Since the Constituent Assembly and the First Knesset were unable to put a constitution together, the Knesset legislated basic laws on various subjects. The Eighth Basic Law of Israel was passed by the Twelfth Knesset on February 15, 1988. Most of the law is a re-enactment of previous instructions, which were scattered in other laws. The law deals with the powers, tasks and duties of the State Comptroller in his/her supervision of government bodies and as ombudsman, the manner in which s/he is elected (by the Knesset) and the budget of the comptroller's office. The law states that the State Comptroller is responsible solely to the Knesset.

March 3, 1992: Ninth Basic Law of Israel, Freedom of Occupation

Since the Constituent Assembly and the First Knesset were unable to put a constitution together, the Knesset legislated basic laws on various subjects. The Ninth Basic Law of Israel was then revised by the Thirteenth Knesset on March 9, 1994. The law lays down the right of "every citizen or inhabitant to engage in any occupation, profession or trade" unless "a law which corresponds with the values of the State of Israel, and which was designed for a worthy end" determines otherwise. The law includes an instruction regarding its permanence and protection from changes by means of emergency regulations. Only a majority of the Knesset members can amend the law.

March 17, 1992: Tenth Basic Law of Israel, Human Dignity and Liberty

Since the Constituent Assembly and the First Knesset were unable to put a constitution together, the Knesset legislated basic laws on various subjects. The Tenth Basic Law of Israel was passed by the Twelfth Knesset on March 17, 1992. It states that human rights are based on recognition of the value of man, the sanctity of life and the fact that he is free. Its aim is "to defend Human Dignity and Liberty, in order to establish the values of the State of Israel as a Jewish and democratic state." It defines human freedom in Israel as being the right to leave and enter the country, to privacy, intimacy, and refrainment from searches of private property, body, possessions, speech, writings, and notes. Violations of the dignity or freedom of man is permitted only in accordance with the law. The law includes an instruction regarding its permanence and protection from changes by means of emergency regulations.

March 7, 2001: Eleventh Basic Law, Government (Incorporated in the basic law of Government of August 3, 1968)

Since the Constituent Assembly and the First Knesset were unable to put a constitution together, the Knesset legislated basic laws on various subjects. The sixth Knesset first ratified this law on August 3, 1968. On March 18, 1992, the twelfth Knesset changed this basic law for the purpose of changing the election of the prime minister to direct election from the fourteenth Knesset onward. The law, in its latest version, was ratified on March 7, 2011 by the fifteenth Knesset, and became active on the date of the elections to the sixteenth Knesset, canceling the direct elections of the prime minister. Before it was ratified, a few ordinances were taken out of this law, and transferred to an ordinary law under the name, "Government Law 2001," which was ratified in tandem with the basic law. In its current version, the law states that the government sits in Jerusalem, and rules by the power granted to it by the Knesset, and is likewise responsible to the Knesset. In addition, the law defines the manner in which the government is formed, its duties and authorities. This can only be changed by a majority vote in the Knesset.

April 7, 2009: Twelfth Basic Law: State Budget (2009-2014)

Since the Constituent Assembly and the First Knesset were unable to put a constitution together, the Knesset legislated basic laws on various subjects. The Twelfth Basic Law of Israel was passed by the Eighteenth Knesset on April 7, 2009. This law was enacted in 2009 as a temporary ordinance for the years 2009 and 2010 and was later extended to the years 2011 and 2012 and then to 2013 and 2014 as special ordinances. The law stipulates that in these years the state budget will be appropriated bi-annually. The status of this law will ultimately be decided after the Knesset is re-formed following the elections in March 2015.

March 12, 2014: Thirteenth Basic Law of Israel, Referendum

Since the Constituent Assembly and the First Knesset were unable to put a constitution together, the Knesset legislated basic laws on various subjects. The Thirteenth Basic Law of Israel was passed by the Nineteenth Knesset on March 12, 2014. This law requires that if a treaty is proposed for Israel to give up lands, specifically the Golan Heights and east Jerusalem. More than 80 MKs must support the treaty, which is ratified without a referendum. If 61 or more MKs support the treaty, it can be ratified without a referendum and if fewer than 61 MKs back the treaty, it will be rejected without the nation voting on it. Notably, the lands included in the treaty do not mention the West Bank. As a precedent, on September 29, 1978, the Knesset voted to approve the Camp David Accords, which include the removal of Sinai settlements that was completed in April 1982.