

## EZRACHUT – HaETGAR, Chapter 6

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### Israeli Democracy: Characteristics and Difficulties

Although democracies around the world share basic principles, there are still many differences between them. For example, elections take place in every democracy, but the manner of elections differs from country to country. The separation of powers is also a basis of democracy, yet how it works in practice differs from state to state.

The Declaration of Independence mentions that the State of Israel would be based on democratic principles, like “the foundations of liberty, justice and peace.” The state would uphold “complete equality of state and civil rights for its citizens, without respect to religion, race, or gender,” and “freedom for one to choose his own religion, conscience, language, education and culture.” Although these are the ingredients of a liberal democratic constitution, the word “democracy” does not appear in the Declaration of Independence.

### The Characteristics of Israeli Democracy

- \* As in other states, Israel has regular and legal elections that are general, equal, secret, and free.
- \* A complicated political system with many political parties. (As opposed to systems that have much fewer major parties, like the United States.)
- \* Four major political turnovers in history, each involving a change of government: 1977, 1992, 1996, and 2001.
- \* The principle of limiting the power of government has played out in the formation of government coalitions, whereby differing political parties have compromised on important issues.
- \* The heterogenous society of the state also points to a limit on government power, by necessitating compromise.
- \* The government is also checked by the judiciary, which is independent of the government, mainly by striking down and limiting legislation that encroaches on individual liberties.
- \* Government is also limited by legislation that spells out various rights granted to the individual, e.g., the Basic Laws: Human Dignity and Liberty, and Freedom of Occupation, 1992, or The Protection of Privacy Law, 1981, or the Women’s Equal Rights Law, 1951.

- \* Mass communication and mass media became a professional system of criticism of the government, thereby being a tool of the public for limiting the power of government.

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#### The Problems of Israeli Democracy

- \* Israel and Britain are the only democratic states without written constitutions.
- \* No consensus on what an Israeli constitution should say; fear that a new constitution would upset the religion/state status quo.
- \* A constitution is designed to protect individuals' rights; lack thereof leaves individuals with little written protection.
- \* Since before the state's inception, there has been a constant state of emergency due to war or the threat thereof, and martial law has been employed.
- \* Martial law gives the government the right to infringe on individuals' liberties, for example, to impose administrative detention, or shut down a newspaper, or restrict freedom of movement, or to issue confinement orders.
- \* Although there has always been criticism of the state of martial law, it has not been lifted until this day.
- \* The state's preferential treatment of the Jewish religion and strained relations with the Arab minority have also presented problems.
- \* There is still no constitution or basic law that guarantees citizens' rights and protect the individual in all facets of his life.
- \* Democracy is not just the existence of democratic institutions and mechanisms of government; it is a way of life and culture, exhibited by public discourse and debate accompanied by tolerance for other opinions, compromise, and avoidance of violence.
- \* The 1980's and 90's saw a drastic rise in domestic unrest, civilian violence, and heated controversies, including government policy over the future of territories liberated in the Six-Day War, national security, and religious issues. There was also a growing tendency toward extremism and disagreement.
- \* The phenomenon of groups that do not play by the political rules, including the utilization of violence and challenging the very legitimacy of the government when its policies, or even the fundamental principles of Israeli democracy, do not appear correct to them.
- \* Reached a peak in 1995 with the assassination of Prime Minister Yitzhak Rabin at the hands of a right-wing extremist opposed to Rabin's peace-making policy.
- \* Yet Democracy survived, and the largest political parties were still able to compromise and cooperate.

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### The Origins of Israeli Democracy

- \* It would be reasonable to believe that a modern-day democratic society would be modeled after the democratic societies from which its founding population emerged.
- \* The State of Israel is a nation of immigrants. In the first four years since the state's founding, the population doubled due to tremendous immigration. Yet those immigrants, and many of those who preceded them, came mostly from countries that had no democratic history, like Russia, Poland, Morocco, Libya, Iraq, Romania, Hungary, Yemen and Iran. Israel has been a democracy from the start. **What has lead to that?**
- \* **Jewish communities throughout the diaspora had democratic foundations**, like having members of the community involved in public institutions and activities, Jewish communal autonomy under foreign rule, and Jewish communal representatives to the host country's national government/ruler. The community was not the domain of a single leader, rather, the community provided for the people: education, mutual assistance, a court system, and religion-oriented services, all payed for from taxes raised from the community.
- \* The far-flung Diaspora communities developed independently of each other, and reunification in the Land of Israel made an instantaneous pluralistic society.
- \* Early Zionist streams, like the Socialist Zionists, the Religious Zionists, and the Nationalist right were influenced by the liberal-democratic thought prevalent in western countries.
- \* From the outset, the general Zionist movements had democratic, but non-governmental, institutions, like the Zionist Congress, which featured elected representatives.
- \* During the period of the British Mandate, the Jewish Yishuv of Palestine enjoyed a measure of autonomy, and developed an embryonic democratic system of government. This system featured differing political parties, representative governing bodies, and public involvement in decision making.
- \* The Knesset and the government had their origins in mandatory-era institutions(Chapter 1). Although the people had no obligation to participate in the formation and running of these institutions, the majority participated of its own volition.
- \* Eventually, these institutions came to provide same needs that standard government institutions provide, and were coined as "the coming state." This also showed the enthusiasm of the people to volunteer and participate.
- \* The mandate was run by the British, who at least claimed to want to spread democratic principles throughout their empire, and had a strong influence on the leaders of the Yishuv and eventual state.

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### The Parliamentary System in Israel

- \* In the Israeli system, the citizenry votes for the Knesset, a parliament of 120 representative members. The government is not chosen directly by the people, rather, it is given a vote of confidence from the Knesset, and likewise, the Knesset may eventually vote for no-confidence in the government. The government serves as long as the majority of the members of the Knesset support it, and the government answers to the Knesset.
- \* In the history of the state, there have been three major phases in the development of this system. The first phase was from 1948 until 1996. The second was from 1996 until 2001, when the prime minister was chosen directly by the citizenry in an election independent of the parliamentary elections. The third phase, the current one, began in 2001, when the original electoral system was modified and re-instituted.

### 1948-1996: The Original Parliamentary System

- \* The system as described above was in place. Voters would not select particular candidates; rather, everyone would cast his vote for one particular party and its list of candidates for the Knesset. After the results of the election were tallied, the president would request the leader of the party that he felt had the best chance of forming a governing coalition to form a government. After composing the government, the new Prime Minister would present the new government to the rest of the Knesset, who would vote for confidence in the new government.
- \* Until 1996, 13 Knessets and 26 governments were chosen this way, with David Ben Gurion being the first prime minister, and Yitzhak Rabin being the last.
- \* By the late 1980's, public criticism and pressure against this system reached a peak, and coupled with the reality of successive unstable governments, brought about a reformation. In 1992, the Knesset passed Basic Law: The Government, which provided for the direct election of the prime minister, in the hope that such a measure would make governing more efficient and government more stable.

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### Since 2001: The Return to the True Parliamentary System, and the Cancellation of Direct Elections for Prime Minister

- \* Nine years after the Knesset decided that the Prime Minister be elected in an independent election, the 15th Knesset voted to return the original, albeit refined, system.
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- \* A new constructive vote of no confidence could be passed with a simple majority of 61 MK's, but it must include a suggestion of a new Prime Minister, that is, the vote of no confidence may not topple the government, unless it can offer a viable alternative government.
- \* Supporters of this process point to its success in Germany, Belgium and Spain. Detractors of this process claim that it does not address the root of the problem of unstable and ineffective governments: the presence of numerous special interest groups that wield a disproportionate amount of power (factionalism), which, they claim, should be curbed by raising the minimum percentage of electoral support necessary for entry into the Knesset.
- \* Another innovation to the Israeli parliamentary system was the ability of the Prime Minister to dissolve the Knesset and call for new elections if he no longer enjoys the majority of Knesset support he needs to govern effectively. (This is similar to a privilege granted to prime ministers in other countries like England, New Zealand, Sweden, and Italy.) On the other hand, the Prime Minister lost the authority to switch ministers between various offices, which would now be done by decision of the entire government and with permission from the Knesset. The purpose of these changes was to establish a balance of power between the Prime Minister and the Knesset.
- \* Supporters of this initiative claim that it can halt the blackmail regularly practiced by the special-interest groups in the Knesset, which would stand to lose their places in the Knesset.
- \* The 2001 amendment to the Basic Law: The Knesset was passed by a majority of 72 members of the Knesset. The majority of MK's from the Labor, Likud, Meretz and Hadash parties voted for it, whereas the MK's representing Shas, Shinnui, Yisrael Ba'aliyah, Yisrael Beiteinu, and the National Religious Party voted against.
- \* The larger political parties hoped that this would also contribute to helping the formation of stable governments by weakening special interest groups, whereas the smaller political parties worried that they would lose political power.
- \* Israeli adoption of this parliamentary system is part of a greater global trend of democracies to prefer parliamentary systems over presidential systems, because they seem to produce more stable and able governments.