

GOVERNMENT & POLITICS

In the State of Israel, as in other democratic states, the democratic rule is rooted in the following principles and institutions: basic laws that lay down the order of government and of the citizens' rights; the holding of elections to the house of representatives and to municipal councils every few years, following which, a central government and local authorities are set up, based on the principle of the rule of the majority, with the rights of the minority guaranteed by law; the principle of the separation between the legislative branch, the executive branch, and the judiciary, to which the institution of state control has been added; freedom of the press.

Electoral System

The elections in Israel are general, equal and secret. On the national level they are held at least once every four years, and on the municipal level at least once every five years. Israel has a system of proportional representation, and the whole state is considered a single constituency. Every party running for election presents a list of candidates, and the number of candidates entering the house of representatives is proportional to the percentage of support the list receives. Every citizen over the age of 18, whose name appears in the list of voters, may vote.

Basic Laws

Even though it was stated in the Proclamation of Independence-read by David Ben-Gurion at the ceremony in which the State of Israel was declared-that the Constituent Assembly, which turned into the First Knesset, would draft a constitution for Israel, this was not done due to differences of opinion with the religious parties. In place of a constitution, it was decided to legislate a series of basic laws, which in the future would together form the constitution. This task is now--46 years after the establishment of the State--close to completion, and there are several articles in the existing basic laws which can only be amended by an absolute majority (the support of more than 60 MKs) or a special majority (which is large than an absolute majority) of the Knesset members. The existing basic laws are:

- Basic Law: President of the State
- Basic Law: The Knesset
- Basic Law: The Government
- Basic Law: The Judiciary
- Basic Law: The Israel Defense Forces
- Basic Law: Jerusalem
- Basic Law: Israel Lands
- Basic Law: The State Comptroller
- Basic Law: The State Economy
- Basic Law: Human Dignity and Liberty
- Basic Law: Freedom of Occupation

Legislative Branch: The Knesset

The Knesset is the house of representatives of the State of Israel. The Basic Law on the Knesset, states that the seat of the Knesset is Jerusalem, and that upon election it will have 120 members. The law deals with the elections to the Knesset and with the essence of the service, the work and the immunity of the Knesset, its committees and its members. The law does not define the authority of the Knesset and details regarding the way its functions appear in its regulations.

A new Knesset starts to function after general elections are held, which determine its make-up. The President of the State opens the first session of a new Knesset and immediately passes its running onto the eldest Knesset member. At this meeting the Knesset members declare their allegiance, and the Speaker of the Knesset and his deputies are elected.

The Knesset fulfills its functions by means of two arms: the plenary in which all the Knesset members sit, and the Knesset committees. The plenary holds debates within the framework of legislation, government statements, motions for the agenda, motions of no-confidence and questions, and the deliberations usually end with a vote.

Before a bill reaches the plenary for debate, it must go through a fixed process of preparation. A bill may be presented by an individual Knesset member, a group of Knesset members, the Government as a whole or a single Minister.

When a Ministry initiates a bill, a memorandum on the proposed law is passed on first of all to the Ministry of Justice so that its legal aspects may be examined, to the Ministry of Finance for examination of its economic and budgetary aspects, and to the rest of the Government Ministries for their comments. If the memorandum is approved, the bill is passed on for formulation toward its being presented to the Knesset, and which this draft is approved by the Government, it is presented to the Knesset for first reading. Private members' bills, which do not require Government approval, are presented to the Knesset for preliminary reading, after which each law must pass three readings in the plenary.

In first reading the bill is presented to the plenary and a short debate takes place on its content. After that it is passed on to the appropriate Knesset committee for detailed discussion and redrafting, should this be necessary. After the committee has completed its work, the bill is returned to the plenary, and committee members who have reservations present them. At the end of the debate on the bill in second reading, a vote takes place on each article in it, and unless it is found necessary to return it again to the committee, the third reading takes place and a vote is taken on the bill as a whole.

A bill which has passed third reading is signed by the presiding Speaker, and is later published in the Official Gazette, with the signature of the President of the State, the Prime Minister, the Knesset Speaker and the Minister responsible for the law's implementation. Finally the State seal is placed on it by the Minister of Justice.

Knesset members are entitled to present to the Knesset Speaker motions for the agenda that deal with issues on the national agenda.

The content of a motion, which is approved by the Knesset Presidium, is passed on to the Minister responsible for the issue being raised, so that he can prepare a response. In the debate the proposer of the motion explains his motion, and after it is debated a decision is taken, on the basis of a vote in the plenary, whether to hold a more extensive debate on the issue in the plenary, to pass it on for debate in a committee which will then lay on the Knesset table its proposals, or to reject the motion. A motion for the agenda may also be raised as an

urgent motion, which comes up for immediate debate, should the Knesset Presidium be willing to accept the urgency of the matter raised.

A motion of no-confidence in the Government is also a sort of motion for the agenda. Such a motion can only be presented by parties which are not represented in the Government, and their intention, in addition to protesting against the Government policy, is to try and bring it down by means of a vote. So far, a Government has been brought down in Israel only once by a vote of no-confidence-on March 15, 1990.

Parliamentary questions are questions directed by a Knesset Member to the appropriate Minister, regarding an action which was taken, or should have been taken and was not. Questions are one of the means at the disposal of the Knesset members to criticize and supervise the activities of the Government. The Minister answers the question in writing or orally.

The Knesset plenary decides on most issues on its agenda by means of a vote, and resolutions are adopted by a majority. A majority usually means the majority of those present at the meeting. There are, however, resolutions which require an absolute majority, and others which require a special majority.

The function of the committees, in addition to dealing with bills, is to supervise the work of the Government Ministries and to hold debates on issues within the realms for which they are responsible, and which are of public interest. By means of the committees, the Knesset maintains direct contact with the Government Ministries, and receives information from Ministers or their representatives.

Executive Branch: The Government

Until after the elections to the 13th Knesset, it was the President who assigned the task of forming a new Government to the head of the list with the best chances of succeeding, who was also usually the head of the largest party in the Knesset. The Government required the approval of the Knesset, so that it needed to represent a coalition supported by a majority of the Knesset members, even if not all of its supporters were actual members in it.

According to the amendment to the Basic Law: The Government, which was adopted toward the end of the 12th Knesset, as of the elections to the 14th Knesset, simultaneous elections will take place for the Knesset and a directly elected Prime Minister. As in the past, the new Prime Minister will have to present the Ministers in his Government to the Knesset, as well as the distribution of portfolios amongst them, and obtain its confidence. At the time of presenting his Government, the new Prime Minister will announce its basic guidelines, which will constitute the new Government's work plan. After the Knesset will express its confidence in the new Government, the Prime Minister and his Ministers will declare their allegiance before the Knesset. During its service, all the members of the Government will be collectively responsible for the activities of all the Ministers, and for the Government as a whole.

Most of the Ministers are responsible for one or more Government Ministries, but can also serve as a Minister without Portfolio. Ministers do not have to be Knesset members, while Deputy Ministers-and there can be more than one Deputy Minister in each Ministry-must be members. The addition of new Ministers to the Government in the course of its term of office, or a change in the distribution of functions among them, requires the Knesset's approval.

It is the Government which determines its own working arrangements and the manner in which it adopts decisions. It usually meets for one weekly meeting on Sundays, though in urgent cases additional meetings



may be called. The Government may also act by means of standing or occasional Ministerial Committees, some of whose decisions require the approval of the Government as a whole.

A Government which has resigned or has been brought down by a vote of no-confidence, continues to serve until a new Government is formed, and is then called a transitional Government.

The number of Ministries maintained by the Government varies from time to time according to the needs and to coalition constraints.

Judicial Branch: The Court System

The courts deal with cases of persons charged with a breach of the law. Charges are brought up by citizens against other citizens, by the state against citizens, and even by citizens against the state.

The sessions of the courts of law are usually public, unless it is decided to hold closed hearings under special circumstances. When more than one judge is presiding, and the judges do not agree on a verdict, the opinion of the majority is decisive. Israel does not have trials by jury.

The cases brought to the courts are of two types: criminal cases and civil cases. A criminal case is one involving a transgression of the social order, and its intention is to punish the offender, if his guilt has been proven. In a civil case the plaintiff is a private person or association and the defendant is a private person or association. The subject of the trial is the demand that a contract signed between the parties be fulfilled, a debt is returned or compensation is paid for damages caused. In a civil trial there is no punishment, but a duty to pay financial or other compensation.

There are three instances in the regular courts: magistrate courts, which have the authority to try light and intermediate offences, or civil cases in which the sum claimed is no higher than a million shekels (approximately U.S. \$300,000); district courts, which try serious offenses, and civil cases in which the sum claimed is more than a million shekels (approximately U.S. \$300,000); and the Supreme Court, which sits in Jerusalem. The number of judges serving on the Supreme Court is determined by the Knesset. The judges elect a permanent President of the Supreme Court and a deputy from amongst themselves.

The Supreme Court is involved in two realms: The first is to hear appeals for verdicts given by district courts. In this capacity it is called the Supreme Court of Appeals. The verdict of the Supreme Court of Appeals is final. The second is to hear appeals by persons who feel that they have been wronged by one of the State authorities or statutory bodies. In this capacity the court is called the High Court of Justice. The High Court of Justice functions by means of orders.

In addition to the ordinary courts there are special courts, which are authorized to deal with specific matters only. The most important amongst these are the military courts, the labor courts, and the religious courts. There are religious courts of the four main religious denominations: Jewish, Muslim, Christian and Druze. Each religious court can only try cases applying to members of its own religious community who are citizens of the State or permanent residents. Since matters of personal status in Israel are usually decided on the basis of religious laws, the religious courts deal with them.

The Presidency

The President of the State is elected by the Knesset in a secret vote, and primarily fulfills ceremonial functions as head of State.

Candidates for the presidency are customarily proposed by the large parties, and are usually well-known public figures. The President is appointed for a period of five years, which can be extended by a further five years.

The functions of the President are defined in the Basic Law: The President of the State. In addition, the President assumes public functions and activities in accordance with the customs which have crystallized on the issue, and with his personal inclinations. Amongst the President's formal functions are signing laws (even though he has no control over their content) opening the first meeting of the first session of a new Knesset, receiving the credentials of new ambassadors of foreign states, approving the appointment of civil and religious judges, the State Comptroller and the Governor of the Bank of Israel, pardoning prisoners or commuting their sentences, etc. In the past it was also the President who decided who to approach after general elections with the task of trying to form a new Government, but this function will cease to exist as of the elections to the 14th Knesset, when the Prime Minister will be directly elected.

