



A CUFI PRIMER: The Israeli Government



The System

Israel is governed by a parliamentary democracy system. Israel has three branches: executive, legislative and judicial. While the country does not have a written constitution, its Declaration of Independence and Basic Laws serve in that function, thereby guaranteeing that Israel will flourish as a free and democratic nation.



Independence and Basic Laws

The Israeli Declaration of independence states that a formal constitution would be formulated and adopted no later than October 1st, 1948. But given the fact that Israel was under attack from its Arab neighbors as soon as the country declared independence, this deadline proved unrealistic. General elections were held on January 25th, 1949, in order to elect the Constituent Assembly, which would in turn approve the new state's constitution.



After convening in 1949, several discussions were held about the constitution, but no agreement was reached. The new Constituent Assembly was unable to draft a constitution primarily due to the inability of different groups in Israeli society to agree on key issues. Therefore, after four meetings, the Constituent Assembly adopted the Transition Law in February 1949, by which the Assembly became Israel's first parliament.

In place of a written constitution it was decided to legislate a series of basic laws, with the intention that these would, together, form a constitution in the future. But 70 years since Israel's reestablishment, the drafting of a constitution has eluded the State.

In the current basic laws there are several articles that can only be amended by an absolute majority (the support of more than 60 MKs) or a special majority (which is larger than an absolute majority) of the Knesset members. Israel's Basic Laws enshrine traditional democratic norms such as equal civil and human rights to all citizens.

Basic Law	Description	Year Passed
<i>The Knesset</i>	Lays out legislative functions of the parliament of the state.	1958; updated in 1987
<i>Israel Lands</i>	Ensures state lands remain national property.	1960
<i>The President of the State</i>	Deals with status, election, qualifications, powers, and procedures of work of the President of the State.	1964
<i>The Government</i>	(Replaced by the 1992 law and then restored, with amendments, by the 2001 law.)	1968
<i>The State Economy</i>	Regulates payments made by and to the state. Authority to mint currency.	1975
<i>The Military</i>	Upholds constitutional and legal basis for the operation of the Israel Defense Forces. Subordinates military forces to the government.	1976
<i>Jerusalem Law</i>	Establishes the status of Jerusalem as the capital of Israel; secures the integrity and unity of Jerusalem; deals with holy places; secures rights of members of all religions; grants special preference with regards to development.	1980
<i>The Judiciary</i>	Deals with authority, institutions, principle of independence, openness, appointment, qualifications, and powers of the judiciary.	1984
<i>The State Comptroller</i>	Deals with the powers, tasks, and duties of supervisor of government bodies, ministries, institutions, authorities, agencies, persons, and bodies operating on behalf of the state.	1988
<i>Human Dignity and Liberty</i>	Declares basic human rights in Israel are based on the recognition of the value of man, the sanctity of his life and the fact that he is free.	1992
<i>Freedom of Occupation</i>	Guarantees every Israel national or resident's "right to engage in any occupation, profession or trade." Any violation of this right shall be "by a law befitting the values of the State of Israel, enacted for a proper purpose, and to an extent no greater than is required."	1994
<i>The Government</i>	Overturns its own 1992 edition, and restores the 1968 system with some amendments.	2001
<i>Referendum</i>	Establishes that if the Israeli government adopts a decision or signs an agreement stipulating that the laws, jurisdiction, and administrative authority of the State of Israel will no longer apply to a certain geographical area, such agreement or decision must either be adopted via a treaty approved by 80 MKs, or by an absolute majority vote in a referendum.	2014
<i>Nation-State</i>	Defines Israel as the nation state of the Jewish people.	2018

The Legislative Branch

The Knesset

Israel's legislative body or parliament is known as The Knesset. Comprised of 120 elected officials, it serves as Israel's unicameral body of elected representatives. The name "Knesset" and the fixed membership of 120 comes from the Jewish representative council the Knesset Hagadolah (Great Assembly) called in Jerusalem by Ezra and Nehemiah in the 5th century BC.



A new Knesset starts to function after general elections are held which determines its composition. In the first session, Knesset members are sworn in, and the Knesset speaker and deputy speakers are elected. The Knesset usually serves for four years, but may dissolve itself or be dissolved by the prime minister at any time during this term. Until a new Knesset is formally constituted following elections, full authority remains with the outgoing government.

The Knesset operates in plenary sessions and through 15 standing committees. In plenary sessions, general debates are conducted on legislation submitted by the government or by individual Knesset members, as well as on government policy and activity. Debates are conducted in Hebrew, but members may speak Arabic, as both are official state languages. Simultaneous translation is available.

Elections

Knesset elections are held through national proportional representation. Rather than having elected officials representing districts or states, the entire country constitutes a single electoral constituency, and every citizen of the State is eligible to vote from age 18.

On Election Day, voters cast a ballot for a political party to represent them in the Knesset, and political parties that reach a minimum threshold of votes are then represented, through a predetermined list of individuals, proportionally in the Knesset.

Election Day is a national holiday, and free transportation is available to voters who happen to be outside their polling district on that day. Polling stations are provided for military personnel, hospital patients, and prisoners, as well as for merchant seamen and Israelis on official assignment abroad. And traditional voting rights protections, such as the secret ballot, have been in existence since the country's founding.

Due to the proportional nature of the electoral system (as opposed to winner-takes-all system found in the United States), there are many political parties which run for and are elected to the Knesset, reflecting a wide range of outlooks and beliefs.



Executive Branch

The President

The President him or herself is elected by a preceding Knesset to serve a seven-year term. Though largely a ceremonial position, the Presidency has certain vital duties. In the context of elections, it is the President, who, after consulting with the leaders of all parties elected to the Knesset, decides which party has the best chance of forming a ruling Government. This is generally the party with the largest presence in the parliament.



Some of the President's additional functions include signing laws (even though the President does not have veto power), opening the first meeting of a new Knesset session, receiving the credentials of new ambassadors of foreign states, approving the appointment of civil and religious judges as well as the State Comptroller and the Governor of the Bank of Israel, and pardoning prisoners or commuting their sentences.

The Government

Generally, the party that wins the most seats in the Knesset is given the opportunity to form a Government, with the leader of that party serving as Israel's Prime Minister and other members of the ruling coalition serving as Government ministers. Because no one party has ever reached 61 seats on its own, every Israeli Government has been based on a coalition of several parties. Barring the circumstances mentioned below, the Government serves a four-year term. If the leader of the party given the opportunity to form a government cannot build a coalition, either new elections are held or the President offers the opportunity to a different party.



Cabinet ministers form the executive branch of the Israeli Government. The executive authority of the state is charged with administering internal and foreign affairs, including security matters. Its policy-making powers are very wide, and it is authorized to take action on any issue that is not legally incumbent upon another authority. The Prime Minister of Israel selects cabinet ministers.



The new Prime Minister is required to provide a list of ministers for Knesset approval, together with an outline of proposed Government guidelines. All ministers must be Israeli citizens and residents of Israel.

Once they are approved, the ministers are responsible to the Prime Minister for the fulfillment of their duties and accountable to the Knesset for their actions. Most ministers are assigned a portfolio and will head up a ministry; ministers who function without portfolio may be called upon to assume responsibility for special projects. Ministers, with

the approval of the Prime Minister and the Government, may appoint a deputy minister in their ministry.

Like the Knesset, the Government usually serves for four years, but the resignation, incapacitation or death of the Prime Minister, or a vote of no confidence by the Knesset, may shorten a government's term.

Judicial Branch

The independence of the judiciary is legally guaranteed in Israel. Judges are appointed by the President of Israel upon the recommendation from a nominations committee made up of Supreme Court judges, members of the bar, and public figures. Appointments are permanent, with mandatory retirement at age 70.



The Israeli court system breaks into a number of categories:

Special Courts (1 judge)

Traffic, labor, juvenile, military and municipal courts, with clearly defined jurisdiction; administrative tribunals.

Religious Courts (1 or 3 judges)

Jurisdiction in matters of personal status (marriage, divorce, maintenance, guardianship, adoption) vested in judicial institutions of the respective religious communities: Jewish rabbinical courts, Muslim sharia courts, Druze religious courts and ecclesiastical courts of the ten recognized Christian communities in Israel. Despite the respect for religious institutions, religious courts cannot hand down orders that would violate Israel's laws.

Magistrates Court (1 judge)

Civil and minor criminal offenses; jurisdiction in civil and criminal cases.

District Court (1 or 3 judges)

Appellate jurisdiction over magistrates courts; original jurisdiction in more important civil and criminal cases.

Supreme Court (1, 3, 5 or a larger, uneven number of judges)

Ultimate appellate jurisdiction nationwide; right to address issues when necessary to intervene for the sake of justice; authority to release persons deemed illegally detained or imprisoned; hears petitions against any government body or agent and is the court of first and last instance.



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.

Conclusion

Though different in many ways from the United States, the central principles of democracy serve as the foundation of the Israeli government. Liberty, core freedoms, civil and human rights, an independent judiciary, checks-and-balances, and direct election of parliament all undergird the Israeli system of governance. Israel is a Jewish and democratic state that ensures all citizens are treated equally and have an opportunity to have their voice heard by their elected officials.

