Reforming Israel's Political System

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Foreword

Gideon Rahat

In September 2009, Arye Carmon, President of The Israel Democracy Institute, offered me the chance to head a project that would examine the system of government in Israel and propose reforms and improvements. I accepted the challenge, and was provided with the necessary resources to carry out this task. A team of nine young and talented researchers were recruited for the project, three of whom were chosen to head a specific topic: political parties (Ofer Kenig); the electoral system and the Knesset (Chen Friedberg); and Israel's government (Shlomit Barnea). Working on each of these topics were two research assistants who were either doctoral students or outstanding master's students from the Hebrew University of Jerusalem. Prof. Matthew S. Shugart of the University of California, San Diego, a world-renowned expert in the study of electoral systems and government, joined our efforts for a period of two and a half months in 2010.

The research team was committed, first and foremost, to providing comprehensive, reliable information and analyzing it in a professional manner, while examining the inherent advantages and disadvantages of preserving or altering the components of Israel's present political system. Our motivating factor was the desire to bolster democracy in Israel. The hope was, and remains, that Israel's decision makers will appreciate the effort invested in the research and professional work of the team and will make use of its conclusions and recommendations to improve the institutional fabric of Israeli society. Their role is to decide, and our role is to provide them with the best possible information.

Translated by Karen Gold

Over the course of the project, each researcher worked both alone and with their topic group. Joint meetings of the group were held on a weekly basis. The research and its products—i.e., reports on various topics—were reviewed by the topic coordinators and myself, as head of the research team. These reports formed the basis for discussion at the Forum for Political Reform in Israel, headed by Justice Meir Shamgar, President Emeritus of Israel's Supreme Court. The forum was assembled from dozens of leading public figures, male and female, from the fields of law, academia, society, politics, and business. The fruits of the research are presented in this work, following a thorough process of review and debate.

We began the research with an assessment of the weak points in Israeli politics and government. From this stage, the team's efforts were devoted to examining the potential for various institutional reforms to rectify and improve the areas identified as problematic. Various components of the political system in Israel were analyzed in comparison with longstanding democracies (in Western Europe, North America, Australia, New Zealand, and Japan) and successful new democracies (for example, the Czech Republic and Poland). The goal was to learn from their experience which aspects of Israel's system of government should be preserved, and which should be changed (and in what way), bearing in mind the elements that characterize the Israeli polity. Our working assumption was that improving Israel's political institutions would create incentives for more desirable political behavior, thereby enhancing the functioning of the political system and its actors, attracting men and women of higher caliber to politics, and repairing the image of politics and politicians in the eyes of Israeli citizens. In the long term, such an improvement could contribute to an overall change in Israel's political culture and in the way that politics is perceived by the country's citizens.

Introduction

Gideon Rahat

The subject of this book is political reform in Israel. Our purpose is to examine, through intensive analysis of the Israeli case and comparison with other democracies, which aspects of Israel's government system—the electoral system, organization of the political parties, and structure and functioning of the government and the Knesset (parliament)—should be preserved, and which should be modified and improved.

Reform initiatives may be rejected in the majority of cases. Nonetheless, those who see the robustness of Israel's democratic political system as a prime concern must formulate a suitable reform program that is comprehensive and well-considered, and attempt to promote it whenever possible, creating the necessary conditions for it to succeed. The marketplace of ideas should not be a "free-for-all," subject to untested—and even dangerous—ideas and illusions.

The purpose of a serious research institute that pursues the common good is to formulate proposals suited to a given system and society; and when a window of opportunity appears, the right alternatives for change should be presented. Of course, it is also possible to draw up reforms and take steps to promote them via non governmental associations, lobbies, and other public groups that will generate opportunities and pressure to move forward. And therein lies the purpose of this work—to propose a creditable platform for changing certain aspects of Israel's political system while retaining others.

In Israel, reforms can be promoted primarily when a window of opportunity appears for a limited time. The primary obstacle to change in Israel is coalition politics, which enables any small party

to block reforms by threatening to bring down the government. This veto power has become virtually institutionalized, and in coalition agreements in recent years there is a clause that grants each faction in a coalition the right to veto amendments to the country's basic laws. The windows of opportunity (plural, because legislation is an ongoing, multi-step process) open up when the coalition factor is minimized. This takes place, firstly, in the run-up to elections, when not only is the government nearing the end of its term, with coalition concerns playing less of a role, but the coalition members are poised to compete for similar populations, and reforms help them set themselves apart from the rest of the field.

Another opportunity for change is during coalition crises, when the rift cannot be immediately repaired. Thus, for example, the bill to change the electoral system passed its first reading in the 11th Knesset against the backdrop of the "Who is a Jew?" crisis, while the direct elections bill passed its preliminary and first readings during the coalition crisis of March–May 1990, set off by a maneuver that came to be known as the "stinky trick."

While windows of opportunity are a necessary precondition for advancing reforms, they are not a sufficient one. The likelihood of getting a reform passed depends, first and foremost, on the agents of change—the manner in which they present the reform to politicians and the public (in terms of the best interests of the politicians and the parties, and those of the public), and their success in channeling criticism of the status quo into support for the change they are proposing.

The "reform package" offered in this book, unlike some earlier initiatives, is presented not as a massive, sweeping change to one law but as a series of greater and lesser changes to several basic laws and regulations. Over and above this, the recommendations are grounded on the assumption that even if only some of them are passed, this will not jeopardize or undermine institutional arrangements.

Structure of the Book

The book is made up of five sections, the first four of which deal with Israel's electoral system, political parties, the executive branch (i.e., the cabinet, or government as it is common to call it in Israel), and Knesset. Each section opens with a chapter assessing the current state of affairs. Succeeding chapters address a range of issues relating to a specific aspect of the political system, concluding with a series of recommendations. The fifth section consists of a Hebrew translation of Matthew S. Shugart's recommendations for improving the electoral system and government system of Israel.

The first section addresses Israel's electoral system, starting with an assessment of the proportional, closed-list system that operates within a single nationwide electoral district. It goes on to consider the possibility of raising the electoral threshold along with ideas for more comprehensive changes to the country's electoral system. Among these is the introduction of a personal element to the electoral system, as is practiced in most democracies, namely, allowing citizens to indicate on election day which of their party's candidates they prefer. Another idea that was studied is the adoption of multi-member constituencies. The findings on this topic suggest that the proportional election system should be maintained but that certain improvements and changes should be implemented, among them raising the electoral threshold, introducing a personal element into the electoral system, and replacing the single nationwide district with multi-member constituencies.

The second section, on the subject of political parties, examines the situation in Israel and finds that the decline of the major parties there is swift and dramatic when compared with other democracies. We explore ideas for regulating the parties, in particular party membership and intra-party democracy. Also considered are possibilities for cooperation between parties in pre-election alignments and alliances, and for enhancing party cohesiveness and discipline in the Knesset. From this section, we derived a number of recommendations that amount to a "package deal" between the

aggregative parties and the state: more intra-party democracy and government regulation in exchange for state funding and support.

The focus of the third section is the government (that is, the cabinet), beginning with an assessment of past governments in Israel and an analysis of patterns of parliamentary, presidential, and mixed regimes. This is followed by an examination of the size, stability, and durability of governments in Israel and around the world, and the ways in which they are assembled, maintained, and dissolved. This section offers a platform for discussing two major aspects of governments in Israel: stability and governability. In this section, we propose several small but significant modifications. Our primary conclusion is perhaps the most important one: the answer to the problems of the government and governance should not be sought in the seemingly most obvious place—i.e., amendments related directly to the cabinet and the prime minister—but in institutions that have a reciprocal relationship with the government. It is the changes proposed in the other sections of the book with regard to the electoral system, the parties, and the Knesset that can be expected to lead to an improvement in government performance. In other words, the government has almost all the institutional tools necessary to succeed. The problems lie in other aspects of the political system.

The fourth section deals with the Knesset, opening with an assessment of the problems and shortcomings that impair the functioning of Israel's parliament as a legislative and oversight body. Later on in this section, we explore the issue of the size of the Knesset from a comparative perspective. The final two chapters deal with the dissolution of parliaments, focusing on the Knesset in comparison with the legislatures of other countries. This section contains a series of recommendations intended to improve the workings of the Knesset and channel its efforts in two key directions: one, enhancing the legislative process by emphasizing quality and substance over quantity and by reducing purely declarative legislation; and two, bolstering the Knesset's oversight of the executive branch, in the parliament's role as representative of the public.

In the fifth section, Matthew Shugart, a world-renowned expert, presents his ideas for improving the electoral and government systems in Israel, based on a comparative analysis between countries and on his familiarity with the Israeli political system. The similarity between his recommendations and those that appear in the first four sections of this work is not only a result of cross-pollination of ideas. It indicates that comparative political scientists tend to offer similar answers regarding the nature and direction of desired reforms.