Legislation Regarding Direct Election of Israel's Prime Minister

The governance structure currently in effect, resulting from the passage of legislation establishing direct election of the prime minister, was formulated as a compromise between the advocates of a presidential system and those supporting a parliamentary system. The legislation therefore contains elements of both.

Background

In 1986, a group of professors drafted a constitution based on a "checks and balances" model of government and direct election of the prime minister. Their intention was to provide the prime minister, who would be directly elected by the entire electorate, with sufficiently broad authority to be able to forge a government free from external pressures. The prime minister would nonetheless be subject to Knesset and High Court review, a process to be bolstered by a constitution that would include a bill of rights. According to the original proposal, one-half of all Knesset members would also be directly elected.

In 1987, the *Movement Advocating a Constitution for Israel* publicised its own proposed constitution. This version, including the section on direct election of the prime minister, was criticised from a number of directions, particularly by political scientists and historians, although it won extensive support from the public, jurists, and the majority of Knesset members.

An additional group dealing with electoral change was the *Association for Direct Elections in Israel*, headed by Knesset members Meir Shitrit and David Magen and funded by business leaders. The *Association* began its

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public activities in 1987 as well.

The historical milestones in the effort to introduce direct election of the prime minister can be summarised as follows:

⇒ March 1986 — Legislation in the spirit of the constitution proposed by the *Movement Advocating a Constitution for Israel* is presented for Knesset approval; 21 MKs support the proposal.

⇒ 10 May 1988 — The Knesset's Legislative Affairs Committee decides to present a bill for changing the system of Knesset elections to a first roll-call vote without, however, recommending any specific proposal.

⇒ 14 June 1988 — The above bill is passed in the first roll-call vote; 69 MKs vote for the bill, 37 against.

⇒ 17 May 1989 — The Ya'acobi Committee (Labour-Likud) publicises its recommendations for electoral reform. These do not include direct election of the prime minister.

⇒ 19 March 1990 —Knesset members Liba'i, Rubinstein, Linn and Tzidon present their bill for direct election of the prime minister, which is passed in a preliminary vote.

⇒ 7 April 1990 — A mass demonstration in support of electoral reform, organised by the *Movement Advocating a Constitution for Israel,* is held in Tel-Aviv's Kikar Malchei Yisrael.

⇒ 28 May 1990 — The bill offered by MKs Liba'i, Rubinstein, Linn and Tzidon is passed in first roll-call vote; the vote is 62 MKs in favour, 33 opposing.

⇒ 18 March 1992 — Legislation for the direction election of the prime minister is passed, effective as of the elections to the 14th Knesset (1996). The Labour Party imposes party discipline during the voting. The Likud decides to oppose the legislation and also imposes party discipline. Binyamin Netanyahu, a Knesset member at the time, abrogates that discipline and, siding with Labour, votes for the proposed legislation.

Arguments in Favour of the New System

1. The prime minister is directly elected by the citizenry rather than by the party apparatus.

2. Political extortion by small parties is prevented due to the direct election of the prime minister.

3. The prime minister is free to appoint ministers suitable to their office, according to relevant and professional criteria.

4. Legislation for the direct election of the prime minister represents the first in a series of steps aimed at augmenting the checks and balances within Israel's governance structure as a means for safeguarding democracy.

5. The major parties are strengthened because "the public will want to support the prime minister".

Arguments Against the New System

1. Power is retained by the smaller parties, permitting political extortion. Prior to the elections, in can be exercised in exchange for support during the campaign, before the second round of voting (if necessary), during the construction of the coalition government, and prior to every important vote, such as votes of no confidence or budgetary proposals.

2. The appointment of ministers continues to be carried out solely according to coalition interests.

3. No effective checks or balances are established at the same time that the prime minister is granted potentially unlimited power.

4. The power of the major parties is eroded (this is the first time that the two parties together do not represent a majority in the Knesset, a situation potentially threatening to democracy) and the power of the small parties amplified.

5. During elections, the political debate is deflected from issues and policy positions to a concentration on the personalities and media skills of the candidates for prime minister.

6. Direct or regional election of Knesset members has yet to be initiated.

Direct Election of Knesset Members — Survey Results

Following are the results of a survey conducted especially for *Senat* on the subject of the direct election of Knesset members. The data was gathered on 26 October 1997 by means of a telephone survey conducted among a representative sample of the Hebrew-speaking adult population (aged 18+) residing in Jewish communities.

Question: By what method would you prefer that Knesset members be elected?

	Responses (Percentages)
In primaries, elected by all the registered members of the specific parties	63.8
Elected only by the members of the central committees of each party	15.1
Indifferent/No difference between the systems	12.9
No answer	8.2

N = 503

As indicated by the results presented in the table, the majority of respondents, about 64 percent, prefer the primary system, versus about 15 percent, who prefer that the candidates be selected by the parties' central committees. The balance of respondents, about 21 percent, indicate either disinterest or a lack of information about the issue.