

Israel Studies: An Anthology National Government Institutions

by David Nachmias

(April 2009)

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Introduction

Israel is a representative parliamentary democracy with a multi-party system. Its national government institutions are made up of the [Knesset](#) (legislative branch), the government (executive branch) and the court system (the judiciary). The three branches of government operate according to the democratic tradition of "checks and balances" that was designed to ensure that each branch acts only within the confines of its authority and that no branch will obtain unlimited powers. The president serves as the head of the state. [Israel](#) has no formal written constitution but rather eleven basic laws that take precedence over other legislation and together make up a partial constitutional framework. Four basic laws concern Israel's three branches of government and the presidency.

The President

The President is the head of the state of Israel. This is largely a nominal position. On July 15, 2007 [Shimon Peres](#), the current president, was sworn into office. Presidents are elected by the Knesset for a seven year term and are not allowed to serve more than one term. The president serves in the highest government office but in fact is not a part of the three branches of government (Basic Law: The President of the State, 1964). The presidential institution was designed with the intent to ensure the independence and official status of presidents so that they can represent Israel's core national values and symbols and express opinions on public issues that come from a national consensus. Out of loyalty to and responsibility for this high office, the president may neither intervene politically nor express personal views on controversial issues that divide the Israeli public. The president's role is to stand up for the national system and symbolize the unity of the citizens.

The President:

- Signs every law, except those that pertain to presidential authority.
- Accredits the diplomatic representatives of the state, confirms foreign ambassadors and welcomes foreign diplomats and dignitaries.
- Signs international treaties approved by the Knesset.
- Appoints judges following the recommendation of the judicial appointments committee.
- Appoints several top civil servants upon recommendations of the prime minister.

- Has the authority to pardon criminals and commute sentences.

The president plays a central role in the formation of the government. This role is extremely significant, in particular after close elections. The president takes the general public interest as well as political considerations into account before making his decision. Presidents are required first to consult members of the Knesset and subsequently ask one [Knesset member](#) to attempt to form a coalition government. A governing coalition is needed when no one single party wins a majority of seats (i.e., at least 61) in the Knesset. The Knesset member appointed by the president is granted twenty-eight days, with a possible extension of fourteen additional days, in which to form a coalition and present it to the Knesset for a vote of confidence. If the attempt fails, the president appoints another prospective candidate after consulting once again with Knesset members. In such a case, the new appointee is required to form a governing coalition and win the Knesset vote of confidence within fourteen days (Basic Law: The Government, 2001).

Historically, in the first round of coalition formation and negotiations, the Knesset member customarily called by the president to form a coalition government has been the head of the largest party. In the 2009 elections, however, the Kadima party won 28 seats in the Knesset - one more seat than the 27 won by the Likud, but President Shimon Peres asked [Benjamin Netanyahu](#), the head of the Likud party, to form a coalition government because a larger number of Knesset members supported Netanyahu than [Tzipi Livni](#), head of the [Kadima party](#), in their meetings with the president. If the appointed Knesset member succeeds in forming a governing coalition and obtaining the Knesset's vote of confidence, he or she officially becomes the prime minister.

The Knesset

The Knesset, Israel's parliament, consists of 120 members. All Knesset members are members of various political parties. The Knesset is organized strictly along party lines. Appointments to the Knesset committees are made by the number of votes each party receives in any election and even the seating arrangements in the meetings are organized according to party. The term of any Knesset member is four years unless early elections are called for by the Knesset.

Elections to the Knesset

The Knesset is elected by "general, national, direct, equal, secret and proportional elections" (Basic Law: The Knesset, 1958). These terms can be defined as such:

- General: Universal suffrage, no discrimination among citizens or groups of citizens.
- National: Votes are counted and reported on a national basis, although administrative procedures are enacted for running elections and reporting outcomes on precinct, district, city and regional levels.
- Equal: Each voter has the same amount of influence as every other voter.
- Secret: It should be impossible to identify the vote of a particular voter.
- Proportional: Each party is represented in the Knesset according to its relative strength among the voters. That is to say, the more votes a party wins, the more seats it will have in the Knesset.

Every citizen age eighteen and older has the right to vote in elections to the Knesset unless a

court has lawfully eliminated that right. Israeli citizens who are at least twenty-one years old can run for election to the Knesset. The following office holders are ineligible to become candidates for the Knesset: The President of Israel, the chief rabbis, judges holding office, judges of religious courts holding office, the state comptroller and the chief of the general staff of [Israel Defense Forces](#) (Basic Law: The Knesset, 1958).

A party list is not allowed to participate in elections if it either negates the existence of the State of Israel as the state of the Jewish people or it negates the democratic makeup of the state. Moreover, a party cannot run for elections if it incites racism.

Israel has an electoral system based on nation-wide proportional representation and the number of seats that individual parties receive in the Knesset is based on the number of votes they received. The only limitation is a two percent qualifying threshold. A party must win at least two percent of the votes to enter the Knesset (in the 2009 elections, this percentage was 67,469 votes). Eligible voters vote for a party list and not for a particular person on the list. Whereas some parties hold primaries to directly elect and rank order of their candidates for the Knesset, other parties select their candidates by the party institutions. In the [Orthodox](#) religious parties the rabbis appoint the candidates.

To become a member of parliament, the Knesset member is required to declare allegiance to the State: "I pledge myself to bear allegiance to the State of Israel and faithfully to discharge my mandate in the Knesset" (Basic Law: The Knesset, 1958).

Knesset members play a variety of roles in addition to being legislators. Concerned with their own careers within the party as well as with the fate of their party, they maintain close relations with individuals and groups within their party, representatives of supportive interest groups, lobbyists and through the media, they attempt to communicate with the general public. Knesset members also attempt to advance through legislation the particular interests of groups and influential individuals that support their parties.

By law, Knesset members are provided immunity. This allows them freedom of speech and freedom of action while pursuing their activities and responsibilities. Parliamentary immunity that pertains to the actions in the Knesset is irrevocable. Another form of immunity relates to matters not directly connected to Knesset work. Knesset members are protected from criminal proceedings against them for acts committed before their election, although this immunity can be removed by the Knesset by recommendation of the house committee.

The Knesset at Work

[The Knesset](#) prescribes its own legislative proceedings and administrative procedures. It elects from its members a chairperson (Speaker of the Knesset), customarily from the largest political party, and vice-chairpersons (deputies). The Speaker is elected by the plenum as are her deputies. The Speaker conducts the business of the Knesset, represents it in national and international conferences and ceremonies and enforces the Knesset rules and regulations. The Speaker or one of his deputies presides over the proceedings of the plenum, conducts debates, puts resolutions to vote and determines the results of these votes. In the absence of the President, the Speaker acts in his place. The Speaker and deputy speakers together constitute the Knesset presidium that approves the tabling (i.e., stopping action on a pending proposal) of private Knesset members' bills and the urgency of motions for the agenda.

The Knesset holds debates and makes decisions irrespective of the number of members of Knesset present. It elects permanent committees from among its members and it may elect committees and subcommittees for specific concerns and tasks. The functions, authority and procedures of the committees are prescribed either by law or by the Knesset's rules. The

Knesset may also appoint commissions of inquiry to investigate issues of concern in the Knesset. Commissions of inquiry consist of representatives of the parties that form the governing coalition as well as members of opposition parties.

The main function of the Knesset as Israel's legislature is to pass laws. Legislation can be initiated by the government through government bills, by a single member or group of members of Knesset, or by a Knesset committee. A bill can propose a totally new piece of legislation or it may propose an amendment to, or the annulment of an existing law. Every reading of a bill is adopted or rejected by a vote of the Knesset members present in the plenum at the time (<http://www.knesset.gov.il>).

Government Bills:

A government bill is presented to the Speaker of the Knesset by a government minister and the Speaker places it on the Knesset table. During the deliberations, the minister presents the rationale of the proposed law. At the end of the debate on the first reading, the plenum can decide to reject the bill or to refer it to a Knesset committee for preparation for second reading. This committee can suggest amendments to the bill so long as they are related to the subject of the bill. With the approval of the Knesset house committee, the committee can merge bills, or separate it into two or more bills. Once the committee completes its work, it returns the bill to the plenum for a second and third reading. The chairperson of the committee opens the debate on a second reading. The voting on a second reading is conducted section by section. At this point the bill may be returned to the committee or it may be put without delay to a vote in third reading. The government is entitled to withdraw its bill before adoption in the third reading (Basic Law: The Knesset, 1958).

Committee Bills:

A bill presented by a committee is handled in the same way as a government bill. The difference lies in the fact that Knesset committee bills can focus only on the following subjects: Basic laws and laws relating to the Knesset, general elections, members of Knesset or the state comptroller.

Private Members Bills:

Bills presented by a member of the Knesset or a group of Knesset members are presented to the Speaker of the Knesset by the initiator(s). The Speaker has the authority to decide whether to approve the placing of the bill on the Knesset's agenda. A bill that is racist or rejects the existence of the State of Israel as the state of the Jewish people is outrightly rejected. An approved bill is placed on the Knesset table at least forty-five days before it is brought to the plenum for a preliminary reading. The plenum can remove it from its agenda or refer it to a committee for preparation for a first reading. Subsequently, the legislative process is similar to that of a government bill.

Most of the work of the Knesset is performed in the committees and in the plenum.

The Plenum

The work in the plenum is divided into legislation, debates on issues of national concern, oversight of the executive branch, the expression of confidence or no-confidence in the prime minister and the government, the appointment of several top office holders and ceremonial activities (www.knesset.gov.il). The agenda of the plenum may include bills, motions for the agenda, parliamentary questions and motions of no-confidence. A large part

of the Knesset work is performed in the plenum. The plenum does not require a quorum to hold sessions, and all the Knesset members are rarely present. The first session of every new Knesset is a festive event that is opened by the President.

Vote of Confidence

A key constitutional attribute of parliamentary democracies is that the political executive derives its power from the legislature and is politically responsible to it. A newly elected legislature is authorized to dismiss the incumbent executive and replace it with a new one. In this way voters indirectly choose their own government. Moreover, at any time the legislature may withdraw its support from the executive and replace it. A foremost duty of the Knesset is to express its approval of the government by a vote of confidence. In contrast, a vote of no-confidence is a motion put before the Knesset to embarrass or defeat the government. When a vote of no-confidence passes the Knesset it requires the resignation of the government or a request for the dissolution of the Knesset and the calling of general elections.

Motions of no-confidence are far more common in multi-party systems in which no single political party has a sufficient number of parliamentary seats to win a vote of confidence from the legislature. [Coalition governments](#) are thus formed. This situation can result in the establishment of many short-lived governments (Huber, 1996). The multi-party structure allows small parties to break a government without having the means to create a new government. This is a major cause of government instability.

To stabilize governance, the Knesset adopted the constructive vote of no-confidence in 2001 (Basic Law: Government, 2001). This parliamentary procedure allows a parliament to withdraw its confidence from a prime minister and government only if there is a majority of votes for a prospective successor that will be able to form a coalition (Powell, 2000). In other words, the failure of a motion of confidence does not automatically force either the resignation of the government or a new election. The government may continue as a minority government if the opposition does not have a successor by means of a constructive vote of no-confidence.

Knesset Committees

Knesset committees are formed along party lines. Following the elections, an Arrangement Committee headed by a member of the largest party in the Knesset is established to determine the composition of the committees (Basic Law: The Knesset, 1958). The size of the committees varies and most members of Knesset are assigned to at least two committees. Committee appointments last for the duration of the Knesset term in office.

The chairpersons of committees are formally elected at the first meeting of the committee and are based upon the nomination of the house committee. The House Committee has control over the day-to-day operations of the Knesset. The chairmanship of important committees, such as the House Committee, the Finance Committee and the Foreign Affairs and Defense Committee, are awarded to Knesset members of the governing coalition.

There are four types of Knesset committees that operate on an ongoing basis:

- **Permanent Knesset Committees:** The Knesset established twelve permanent committees: The Constitution, Law and Justice Committee; the Economic Affairs Committee; the Education, Culture, and Sports committee; the Finance Committee; the Foreign Affairs and Defense Committee; the House Committee; the Immigration and Absorption Committee; the Internal Affairs and Environment Committee; the Labor

and Welfare Committee; the Science and Technology Committee; the State Oversight Committee, and the Committee for the Advancement of the Status of Women.

- **Special Knesset Committees:** These committees operate in a similar manner to the permanent committees, but they have a limited term of office. At present there are three such committees: The Committee on Drug Abuse, the Committee on the Rights of Children, and the Committee for Alien Employees.
- **Parliamentary Inquiry Committees:** These committees are appointed by the Knesset plenum to act on specific issues of national importance.
- **The Ethics Committee:** The committee's jurisdiction is over Knesset members who violated the Knesset's ethics rules or were involved in illegal activities outside of the Knesset.

Two more Knesset committees convene only when needed:

- **The Interpretations Committee:** This committee is asked to convene in order to rule over appeals against the interpretation presented by the Knesset Speaker during a meeting of the plenum to the Knesset rules of procedures or precedents. The committee is made up of the Speaker and eight Knesset members chosen by the house committee.
- **Public Committees:** These committees are established to examine concerns that are connected to the Knesset's work. Members of public committees may be experts in particular fields, public leaders or current or retired Knesset members. An example of such a committee is the Public Committee for the Draft of Ethical Guidelines for Knesset members.

The Executive Branch: The Government and Prime Minister

The Government

The government (memshala or cabinet) is "the executive authority of the State" (Basic Law: The Government, 2001). It is the top official executive policymaking institution and the center of political power. The government consists of the prime minister and government ministers who head the various government ministries. Ministers are responsible to the prime minister for the field of jurisdiction to which they have been appointed. Ministers without portfolio may also be included by the [prime minister](#) in the government. The number of ministers varies depending on the outcome of the coalition building process. The size of the cabinet has ranged in the past from twelve to twenty-six ministers. In 2009 the jurisdiction of ministers included national defense, foreign affairs, finance, industry and trade, transportation, agriculture, education, communications, immigrant absorption, environmental protection, health, housing and construction, interior, internal security, justice, national infrastructure, science, culture and sport, religious affairs, welfare and social services and tourism. Although cabinet ministers are not required by law to be members of the Knesset this tends to be the practice. A deputy prime minister and deputy cabinet ministers will be appointed from among the members of Knesset usually as the end result of coalition bargaining.

Since the establishment of the State of Israel all of the governments have been coalition governments. These coalitions of political parties in the Knesset have together attained the required support of sixty-one or more Knesset members. The process of coalition formation depends on political expediency as well as on ideological compatibilities and agreements on public policies (Arian, Nachmias and Amir, 2002, chap, 5). Within the government, ministerial positions are allocated among coalition partners in proportion to their size in the Knesset. In general, the more Knesset members a party brings to the coalition, the greater the number of ministers and the more preferred the ministerial portfolios that it is awarded. In

situations in which relatively big parties depend on the support of small parties to form and maintain the coalition government, the small parties get more ministerial positions than called for according to their relative electoral size.

The government takes office following a vote of confidence by the Knesset, to which it is responsible for its decisions and policies. Individual members of the government must publicly support all of the decisions made by the government, even if members object to certain decisions or privately voice disagreement with them. Such collective responsibility includes voting in support of bills and motions initiated by the government in the Knesset.

To obtain the Knesset's vote of confidence, the prime minister-elect submits a list of designated ministers along with a statement of the basic principles and the intended general objectives of the government. The government is dissolved if it resigns in unison, if the Knesset passes a motion of constructive vote of no-confidence or if the prime minister resigns or dies (Basic Law: The Government, 2001). The resignation of individual ministers does not necessitate the dissolution of the government.

As a rule, the government meets at least once a week on Sunday morning as well as whenever extraordinary circumstances warrant. Deliberations are confidential, especially when the body meets as a session of the ministerial committee for security affairs. The government sets up its own rules of procedures. The issues brought up in weekly meetings are usually those that statutorily require a government decision, such as proposed legislation and appointments of top public officials. Other issues that require decisions by the full forum concern the national budget, judiciary policies and major events that are of public concern.

The government conducts much of its work through standing committees that deal, among other issues, with economic affairs, legislation, international affairs, national security and home affairs. The committees meet once a week and may set up special ad hoc committees of inquiry to examine issues effecting coalition maintenance or other urgent matters. The prime minister may assign a cabinet member to one or more committees, and he or she may participate in any meeting of a committee. Committee decisions become binding unless challenged in plenary cabinet sessions. The coordination among the various ministries is carried out by the standing cabinet committees and the office of the prime minister; usually by the government secretariat that is located in that office. Headed by the secretary to the government (or cabinet secretary), the secretariat prepares the agenda for meetings of the cabinet and cabinet committees, maintains their records, coordinates the work of ministries and informs the public of government decisions and policies. The secretariat also serves as the liaison between the government, the president and the Knesset and dispenses formal cabinet press releases (www.pmo.gov.il).

The Prime Minister

The [prime minister](#) has to be a Knesset member and is the central political actor in Israel. Prime ministers are the most visible, most powerful and most important political figures and they have played pivotal roles throughout Israel's history. The public, the media and other politicians expect the prime minister to take on a leadership role. The government's agenda is set by the prime minister and he controls the pace of events. Policy-making is also in the hands of the prime minister and although the Knesset can attempt to influence the substance of specific policies through coalition politics, it seldom initiates public policies. The prime minister is head of the executive branch and the government and as such, has a great amount of influence over the ministers, the coalition partners in government and Knesset members. Prime ministers are also the heads of their parties, a formal elective position that enhances their political power and legitimacy.

The prime minister is authorized to appoint and dismiss cabinet ministers, to set the jurisdictional responsibilities of government ministries, to establish or dissolve ministries and to reorganize their functions and structures (Basic Law: The Government, 2001). He or she is also authorized to appoint, with the government's approval, unelected top public officials such as the governor of the Bank of Israel, the attorney-general and the director of the [Mossad](#), Israel's intelligence agency.

Office of the Prime Minister

The Office of the Prime Minister consists of administrative and professional units that assist the prime minister in his official and day-to-day work. In addition to the government secretariat, the office includes the Prime Minister's Bureau, headed by the director-general. The director-general manages all of the activities in the government office. Within this framework, the director-general directs his staff and the various departments and sections, including the economic division, the division for coordination and oversight and the prime minister advisers in the fields of planning and development, settlement and social issues. He leads national projects on the agenda of the government and the prime minister, coordinates the state budget while emphasizing the prime minister's agenda and initiates economic reforms and privatization projects (www.pmo.gov.il/pmo).

Other administrative and policy units in the Office of the Prime Minister:

- **The National Economic Council (NEC):** The NEC is charged with the responsibility to assist in the processes of decision-making by preparing timely economic reports, forecasts and recommendations and aiding in major budgetary decisions.
- **The State Archives:** The major responsibility of the national archives is to gather the archival records of all the state institutions, keep them for posterity and make them available to the public.
- **Government Names Committee:** This committee decides on the names that are to be given to communities, new settlements, industrial areas and historical sites.
- **Government Press Office:** The office channels communications between the government and the press corps.
- **Government Advertising Bureau:** The bureau serves as an advertising agency for government offices, public programs and national projects, as well as for legal corporations, government companies and other public bodies.
- **State and Internal Audit Department:** The major responsibilities of the department are monitoring the corrections of problems pointed out by the state comptroller, performing civil service quality audits and promoting methods of information security in government ministries and government companies and organizations.
- **Legal Department of the Prime Minister's Office:** The legal personnel in this department provide information and counsel to the Prime Minister's Office.
- **Authority for the Advancement of the Status of Women:** This authority formulates and advocates public policies to promote the equality of women and to prevent violence against women.

·**Central Bureau of Statistic (CBS):** The CBS is an authority in the Prime Minister's Office. Its major function is to collect statistical information on the Israeli population and analyze demographic trends as well as economic, social, commercial and industrial trends and other areas related to the physical conditions of the country.

·**Department for Coordination and Monitoring:** This new department is responsible for coordinating the staff work in the Prime Minister's Office and monitoring the implementation of programs and decisions made by the prime minister and the government.

Three more bodies are affiliated with the Prime Minister's Office:

·**The Institute for Intelligence and Special Operations, the [Mossad](#):** Collects information, analyzes intelligence and performs special covert operations beyond Israel's borders.

·**Atomic Energy Commission:** The commission is chaired by the prime minister and advises the government on all matters related to nuclear research and development.

·**National Security Council (NSC):** The NSC is the prime minister and the government's staff forum for advising on issues of national security. It derives its authority from the law and operates on the basis of the prime minister's guidelines. The head of the NSC is directly subordinate to the prime minister.

·**Counter-Terrorism Bureau:** This bureau was founded following a wave of terror attacks in 1996. Since then, it has dealt with a multitude of issues, some in accordance with directives issued by the prime minister, some initiated by the bureau itself and some initiated by security bodies, government ministries and foreign intelligence and counter-terrorism organizations. In most of its activities, the bureau functions as an inter-organizational coordinator, improving the responses of civilian and security organizations in the war against terror.

The Judiciary

The judiciary acts as the watchdog over the rule of law and individual rights, similar to judicial institutions in other liberal democracies. Unlike other democratic judicial systems, because of the absence of a formal written constitution or bill of rights as well as the wide powers of the Knesset, the Israeli judiciary is placed in a very central position.

The Israeli courts have played significant roles in resolving controversial public issues. The [court system](#) has ruled on many vital matters, including the relationship between religion and the state, the formalization of a written constitution and the specification of its prospective roles, the status of women and minorities, and the rule of law in the occupied territories. Civil courts have taken the lead in promoting a liberal democratic political culture based upon the rule of law whereas other courts, in particular the religious one, have emphasized group identity, tradition and solidarity at the expense of a unifying democratic political culture (Barak, 1998).

The success of the judicial system, with the [Supreme Court](#) at its apex, in the defense of civil rights is, to a great extent, a result of the independence granted to judges. Judges enjoy both substantive and personal independence. Substantive independence is set out in the Basic Law:

The Judiciary (1984): "[A] person in whom judicial power is vested shall, in judicial matters, be subject to no authority but that of the law." The general language of this section applies to any person vested with judicial authority and not only to judges within the regular law courts. In addition to substantive independence, judges have wide personal independence that originates with the procedures for their appointment and continues throughout their tenure in office.

The Organization of the Court System

The court system is divided into two main structures:

1. Courts of General Jurisdiction, also known as civil or regular courts
2. Tribunals and other authorities with judicial authority

Courts of General Jurisdiction

Magistrates' Courts: These are the basic first level trial courts of the Israeli system. Their jurisdiction is over criminal offenses in which the accused is charged with an offense that carries with it a potential punishment of up to seven years imprisonment. In civil matters, these courts have jurisdiction in disputes of up to \$300,000. These courts also have jurisdiction over the use and the ownership of property and act as traffic courts, municipal courts, family courts and small claims courts.

District Courts: District courts comprise the middle level courts of the judiciary. They have jurisdiction in any matter that is not within the sole jurisdiction of another court. District courts also hear cases dealing with companies and partnership, arbitration, prisoners' petitions and appeals on tax matters. These courts also preside over appeals of judgments made in the magistrates' courts.

The Supreme Court: The Supreme Court has jurisdiction to judge in criminal and civil appeals from verdicts of the district courts. The Supreme Court has special jurisdiction to hear appeals in matters of Knesset elections, rulings of the civil service commission, disciplinary rulings of the Israel Bar Association, administrative detentions and prisoners' petitions appealed from the district court (Basic Law: The Judiciary, 1984). The Knesset decides upon the number of justices residing in the court. By convention, the most senior justice is the president of the court (chief justice) and the next senior judge is the deputy-president. The president of the court is the head of the entire judicial system.

Judges in the Supreme Court are chosen by a judicial selection committee composed of nine members: The minister of justice (chair), an additional government minister, the president of the Supreme Court, two other justices of the Supreme Court, two members of Knesset and two representatives of the Israel Bar Association. All three branches of government – executive, legislative and judiciary – as well as the legal profession are represented on the committee. The majority of the members of the committee are professional lawyers. A candidate may be proposed by the chairperson, the president of the Supreme Court or any three members of the committee. A majority vote of the members of the committee is required in order to appoint a candidate.

To be appointed a judge on the magistrates' court, a candidate must have been inscribed or entitled to be inscribed on the roll of members of the Israel Bar Association and have at least three years of professional legal experience either as an attorney, serving a legal role in the

public sector or teaching law. Appointees to the district court must have at least four years experience as a magistrates' court judge or at least six years professional legal experience. Judges of the Supreme Court must have served at least five years on the district court or have at least ten years of professional experience. Judges are selected based upon their professional legal qualifications (Barak, 1998). Since there are no juries in Israel, the judge is the lone decision-maker in the judicial process.

The Supreme Court generally sits in panels consisting of three justices. The president of the court or his deputy is authorized to expand the size of the panel to any uneven number of justices. In addition, each panel has the authority to expand its own size. The court can also decide to initiate an additional hearing in which a panel of five or more justices will re-hear a case that was decided upon by a smaller panel of justices.

High Court of Justice: [The Supreme Court](#) also convenes as the high court of justice. This significant role is unique to the Israeli system because as the high court of justice, the Supreme Court acts as a court of first and last instance. The high court of justice exercises judicial review over the other branches of government and has powers "in matters in which it considers it necessary to grant relief in the interests of justice and which are not within the jurisdiction of any other court or tribunal" (Basic Law: The Judiciary, 1984). As a high court of justice, the Supreme Court hears over one thousand petitions each year. These cases are often noteworthy because they challenge previous court decisions or concern the decisions and actions of top government officials.

The Supreme Court, sitting as the high court of justice, is empowered to order the release of persons wrongly detained or imprisoned; to charge national and local authorities with statutorily discharging public duties, to act in said discharge and, if elected or appointed unlawfully, to refrain from acting. The high court of justice has the authority to order religious courts to hear a certain matter in their competence or to refrain from hearing it (Basic Law: The Judiciary, 1984). Through its jurisdiction as a high court of justice, the Supreme Court has upheld the rule of law and strengthened human rights.

Tribunals

The Israeli legal system recognizes various types of tribunals; most important of which are the military courts, the labor courts and the religious courts.

Military Tribunals: The military courts were established by the Military Justice Law (1955). They are able to try soldiers for military and civilian offenses. Since the law defines the term "soldier" to include those in the regular forces of the army – either in compulsory or career service – as well as those in the reserve forces while on active service, the amount and range of Israeli subject to the jurisdiction of the military tribunals is wide.

Labor Tribunals: The Knesset established the labor courts in 1969 after recognizing that the labor law requires its own specialized judicial system in order to facilitate the consolidation of the subject matter and to interpret existing and future labor laws. The labor tribunals system consists of both regional and national courts.

Religious Courts: Whereas military and labor courts are not unique to the Israeli legal system, the religious courts are. The Israeli legal system is distinct among liberal democratic legal systems for its use of various personal status laws in the area of family law applied by religious courts. This phenomenon has historical and political roots stemming from the Ottoman rule, and was retained by the British authorities during the Mandatory era. The basic source for the application of the personal status law and the jurisdiction of the various religious courts is found in the Palestine Order in Council (1922): "Jurisdiction in matters of

personal status shall be exercised [...] by the courts of the religious communities.” The order recognized eleven religious communities: Jewish, Muslim and nine Christian denominations. The Israeli government added the Presbyterian Evangelical Church and the Ba'hai to this list. The Knesset also enacted a law that enabled jurisdiction in the Druze religious courts (www.mfa.gov.il).

Administrative Tribunals

The older and more common kind of administrative tribunal was designed to operate as an appeal tribunal with respect to decisions of administrative agencies that determine social benefits, tax liability or compensation from injury. The tribunal hears appeals on compensation for injuries resulting from military service as well as appeals concerning property tax liability. More recently, the Knesset established tribunals that have a much broader set of quasi-judicial functions. Thus, the Standard Form Contracts Tribunal considers actions brought about regarding unfair terms in standard-form contracts and the Restrictive Trade Practices Tribunal plays an important role in ruling on the entire range of uncompetitive practices.

Israel's national government institutions have evolved in response to national and international changes. The various amendments to the basic laws and to the practices of governance reflect political adjustments to the changing realities. These institutional changes occurred because of the fundamental commitment of citizens and elected officials to democratic procedures and essential democratic values.

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