

Choosing a Prime Minister: Executive–Legislative Relations in Israel in the 1990s

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The article discusses changes in executive–legislative relations in Israel during the early 1990s, in particular the introduction of the so-called direct election system for the prime minister. The reform was an effort to strengthen the executive and empower the prime minister, since it hoped to achieve a drastic reduction in the number of parties, hence facilitating the job of coalition making and maintenance. The reform, however, failed to achieve its goals and was recently replaced by an improved version of the previously existing system. After a brief discussion of Israel’s political system before direct elections, this article will provide an overview of executive–legislative relations as well as executive leadership in Israel under the direct election law.

Executive–legislative relations in Israel underwent important changes during the early 1990s, when Israel’s parliament, the Knesset, introduced a new system of direct election of the prime minister (PM).¹ The introduction of the new system (to take place contextually with the renewal of the Knesset) solicited much debate and interest in academic as well as public circles, as its avowed purpose was to simultaneously enhance effective government and strengthen the Knesset. The reform, however, failed to achieve its goals. In 2001 the Knesset repealed it and restored the pre-1992 parliamentary system while introducing a watered down version of the constructive vote of no confidence and retaining some provisions from the short-lived reform.

This article will provide an overview of executive–legislative relations as well as executive leadership in Israel under the direct election law. After a brief overview of executive–legislative relations from Israel’s establishment to the approval of the reform, this article will discuss the evolution of relations between parliament and government in Israel during the 1990s. The discussion will focus on the 1992 reform, on the prime minister’s ability to govern under the system of direct election. In addition, it will draw preliminary

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considerations about the chances for improved executive performance under the system that recently replaced direct election.

THE PRE-1992 SYSTEM AND THE EVOLUTION OF EXECUTIVE–LEGISLATIVE RELATIONS IN ISRAEL

From Israel's establishment in 1949 to the 1977 elections, Israel's party system was characterised by the dominance of Mapai, Israel's Labour party. Though never able to achieve an absolute majority – something that would have made Israel close to a Westminster model – Labour was never seriously challenged in its position of prominence. The lack of a credible and effective opposition allowed Labour to negotiate coalition agreements with junior partners, an arrangement that left foreign and defence policy matters to be managed by Labour much in the fashion of a single-party government. The ideological compatibility of Labour's junior partners in the coalition ensured also a relatively high degree of smooth decision-making in economic and social matters. The relatively stable and cohesive nature of coalitions went hand in hand with strong party discipline in the Knesset, which ensured executive dominance over parliament. In addition, the lack of a credible political alternative until the late 1960s meant that Labour enjoyed almost a free hand in policy formulation, since its relatively safe position of dominance effectively prevented any initiative by the opposition to introduce any significant check on the executive power. Hence, despite the multi-party format of the system and the polarised nature of society, Labour PMs enjoyed unprecedented executive dominance over parliament until 1977.

After Labour was resoundingly defeated in 1977 by the right-of-centre Likud party, the party system evolved and gradually displayed competitive bipolar dynamics where smaller parties increasingly assumed a critical pivotal position in the centre of the system. Nevertheless, the arrangements developed over three decades were all but altered and left a strong executive in place. The persistence of conflict in the Middle East and the resulting prominence of security concerns in Israel's policy-making allowed the executive to retain its firm control of power even as Israel's party system became more fractionalised and coalitions increasingly difficult to manage.

The evolution of the party system resulted from a long-term realignment of Israel's electorate. At the same time that Labour and Likud competed for leadership, their electoral support waned in favour of smaller parties ideologically positioned left and right of the two main parties respectively. Labour and Likud's fading electoral strength produced two electoral stalemates, in 1984 and 1988, with the two main parties at virtually equal strength and the smaller religious parties controlling the centre and therefore the key to coalition making and breaking. As a consequence, during the 1980s, six years of grand

coalitions characterised by an uneasy alliance of Labour and Likud virtually paralysed decision-making in critical policy areas, such as peace-making and conflict resolution. Eventually, increased party fragmentation, a reduction of electoral strength of the two main Israeli parties, and paralysis in the wake of existential political issues solicited institutional reforms that could produce more effective and accountable governance, while strengthening the legislative powers of control through additional checks and balances. This trend culminated in a political crisis in March 1990, and prompted the adoption of the new *Basic Law: The Government* (1992), which introduced direct election of a PM accountable to the Knesset.

To many, electoral reform for the highly proportional system in use in Israel was the necessary condition to produce the needed change. It was common wisdom that political paralysis and executive weakness had been the product of party fragmentation and the gradual decline in strength of both Labour and Likud: electoral reform would reverse that trend. However, the considerable political weight of smaller parties, and the unwillingness of Labour and Likud to alienate them, doomed to failure all the proposals for electoral reform that were put forward in that period.² This scenario encouraged the search for alternative solutions. Direct election was presented as one such alternative cure to the illnesses of the system.³ It was suggested that the introduction of presidential elements in a parliamentary system would reduce the blackmail potential of smaller parties both by producing a coat-tail effect in favour of Labour and Likud, and by making the PM independent from parliamentary majorities in the daily running of government. The Knesset would be strengthened and checks and balances would be introduced to prevent a strong PM from becoming all-powerful. On the whole, direct election was meant to obtain what electoral reform was expected to achieve.⁴ Specifically, reformers hoped to attain the following results:

- Strengthening the PM's legitimacy by granting him a direct popular mandate.
- Making any change of government be determined by a popular vote.
- Reducing the size, number and overall influence of smaller parties on the process of government formation and in the allocation of national resources.
- Achieving the same results that a less proportional electoral system would have produced.⁵

The two electoral experiences of 1996 and 1999 and the prime ministerial by-election of 2001, together with the consequent handling of the coalition formation processes, all suggest that the institutional reform failed to achieve its main objectives. It might even be argued that the reform produced the opposite effects and it made the system more fragmented, less effective,

and more prone to become hostage to small, sectional interests.⁶ In particular, as many have remarked,⁷ the contextual vote for parliament and PM did not induce the hoped for coat-tail effect in favour of the two bigger parties. In fact, it enabled many voters to shy away from Labour and Likud and turn to smaller political groups. With two ballots, voters could and did choose Labour or Likud as they cast their choice for a PM, while at the parliamentary level they more often than not voted for candidates from other parties.

The voting system produced an overall weakening of the two major parties and an increase in the number and size of parliamentary parties. Given the need to form a coalition to govern, the reform penalised the very power it was meant to strengthen and seriously hampered the PM's ability to pursue effectively his policy agenda. By making the PM hostage to increasingly fractious and unworkable coalitions the reform turned the Knesset into an effective obstacle to government policy. Government policy was frequently challenged and defeated in parliament and private members' bills soared as a consequence of decreased coalition cohesiveness.⁸ Ultimately, faced with political paralysis and executive weakness in the midst of its worst security and diplomatic crisis in 20 years, in March 2001 the Knesset repealed the direct election law and introduced a modified version of the pre-1992 system.

THE ISRAELI NEW-OLD SYSTEM OF GOVERNMENT

The adoption of the new *Basic Law: The Government* (1992)⁹ was part of a wider attempt to introduce reform in Israel's political system at the beginning of the 1990s. The reform emerged as a response to a political paralysis, whose most visible consequence was a crisis of legitimacy for the political system. Politicians were accused of having seized popular sovereignty from its legitimate repository, the people. In fact, the real source of crisis was the inability of appointed PMs to form stable coalitions and to implement coherent policies on crucial issues, such as the Middle East diplomatic process. Reforms were meant to redress this situation, by restoring to the citizens the power to influence decisively. A reform where the public was able to choose a PM and his political platform, thereby sidestepping lengthy coalition negotiations, would weaken parties' blackmail potential in the coalition formation process, force politicians to be accountable, or else face the consequences of elections. Direct election tried to produce this result, and redefined the relation between executive and legislative branches by increasing the power of the electorate in the government formation process, by empowering the PM with popular legitimacy and by giving the Knesset effective instruments to check a possible authoritarian degeneration of the executive.

Despite the fact that under the 1992 reform both government and parliament drew their legitimacy from direct election, this element of separation,

which is typical of presidential systems,¹⁰ was subordinate to the persistence of parliamentary confidence. The government had to obtain an initial vote of confidence in order to take office, and it could be brought down by a parliamentary vote of no confidence. The government's survival was thus dependent on parliament and, most important, on political parties. This in turn required the formation of a coalition. The system was therefore parliamentary in its working, but atypical in that the imperative that the PM be *always* elected introduced an element of rigidity in the system, due to which deadlock could be overcome only through elections.

If government changes are to occur only through elections, it follows that an electoral system that ensures stable majorities is needed if the system is not to face all too frequent early elections. This was not Israel's case. Because the reform was widely viewed as an alternative to electoral change, no adequate modification was introduced in the voting system that might strengthen the PM and his ability to form – and maintain – stable and workable coalitions. Lack of electoral reform for parliament had adverse effects on the smooth functioning of executive–legislative relations and in general on the ability of elected PMs to implement coherent policy guidelines. The need to form coalitions became the main source of instability and potential political friction within the system, since the law failed to establish a link between government and parliament in the way voters' choices are formulated.¹¹ A dramatic increase in the practice of split ticket voting highlighted this shortcoming and crucially deprived the elected PM of the parliamentary support necessary to carry out his campaign promises. The evolution of executive–legislative relations under the 1992 reform was therefore characterised by confrontation between the two branches rather than confrontation between opposition and government, despite the fact that the system remained substantially a parliamentary one.

Basic Law: The Government (1992) required elections for the PM and the Knesset to take place at the same time. Accordingly, every four years (the length of the Knesset's mandate), voters were called upon to cast two ballots at the same time, one for the Knesset and one for the PM. Coincidence of elections for both powers was meant to encourage the hoped for coat-tails effect.

The electoral system in use for the parliamentary vote remained unchanged, and it is thus characterised by a high level of proportionality, a nationwide constituency, a low threshold (1.5 per cent since 1992) and a rigid list system. By contrast, the PM was elected according to the majority principle, although the system provided for a possible runoff between the two frontrunners in the event that more than two candidates were to take part in the first round. In practice, however, in all three elections only two candidates vied for the position.¹²

Innovation in the process of candidate selection coincided with the introduction of direct election and contributed to the weakening of party discipline,

something that had adverse effects on the cohesiveness of coalitions and the ability of governments to dominate the legislative agenda in parliament. In an effort to respond to demands for democratisation of the political system, during the 1990s several political parties introduced a more open candidate selection system, known as 'primaries'.¹³ Israeli primaries are not open, as they require membership in the party as a precondition to participate. However, they entail a higher degree of participation than older selection systems, where only the higher echelons of the party structure were involved. The Labour party adopted them in 1992. In 1999 and 2003 the party kept several seats reserved for coalition partners. This limitation was due to the need to keep 'safe seats' to accommodate coalition needs or minorities. The Likud used primaries only once, in 1996, and in 1999 the party reverted to the previous system, where the central committee of the party (a body with 2700 members) determined the order of the party list.

The importance of the mechanisms of candidates' selection, and of the electoral system for the Knesset becomes immediately apparent in light of the institutional mechanisms established by the 1992 reform. The reform linked the directly elected PM to parliament through the typical parliamentary feature of the vote of confidence (section 19.a). This made the voting system for parliamentary representation determinant upon the composition of the government coalition and the division of the spoils among its members, given that the provision whereby the government's legitimacy rested on parliamentary confidence made the PM dependent on a coalition in order to govern effectively. In other words, the parliamentary vote was still paramount in influencing the degree of success in government performance. The candidates' selection mechanism determined the composition of the parliamentary party and it was (and still is) a determinant of the division of spoils *within* the PM's party. In the event of primaries, control of the composition of the list is either entirely or partially removed (in those cases where safe seats are pre-assigned) from the party leadership, and this element can weaken the PM vis-à-vis other leading party figures.¹⁴

As Hazan convincingly argued, the combination of primaries and direct election significantly weakened party discipline.¹⁵ The need to attain high visibility in order to ensure strong backing within the party and therefore guarantee a safe seat in the party list encouraged members of the Knesset (MKs) to initiate a higher volume of private members' bills. Coalition fractiousness and frequent squabbles between PMs and their party significantly weakened the PM's ability to impose his political agenda both on his cabinet and on parliament. The fact that MKs owed their seat more to party members and less to party bosses decreased the contractual power of the PM vis-à-vis his parliamentary party and made it difficult to impose discipline when potential conflicts of interests arose between MKs and their constituency on the one hand, and the government's stated policies on the other.

Other elements contributed to a significant weakening of the PM vis-à-vis the Knesset. According to the 1992 reform the PM-elect had 45 days from the publication of the official election results to present a list of ministers and to outline the main policy guidelines of the new government (section 14.a). The law required that the Knesset give formal consent to both in order for the new government to take office (section 3.c). Failure to muster a vote of confidence would prevent the new government from taking office and lead to an early dissolution of the Knesset (section 19.b). In other words, lacking an initial majority to support the new government, new elections had to take place within 90 days.¹⁶

According to the law, there were three other possible scenarios in which the PM and the Knesset should face early elections:

- if the Knesset failed to approve the budget within three months from the beginning of the fiscal year (section 20);
- if the PM, with the approval of the president, called for early dissolution of the Knesset (section 22);
- if the Knesset passed a law for early dissolution (section 57).¹⁷

In the first two scenarios, early elections should also take place within 90 days. Not so much in the third case, where government and opposition could negotiate the most convenient date for early elections.¹⁸

Even when early elections were not called, the fact that early dissolution could occur as a result of an ordinary legislative process meant that over time the opposition used the option of early dissolution bills as a pressure mechanism to blackmail the executive. In principle, the only possible option to topple the government was to convince coalition parties to defect. However, while voting for a no confidence motion would cost ministers automatic dismissal from the government, there was no sanction against coalition members voting for early dissolution bills. This meant that coalition members could remain in government and vote against it (or threaten to do so) in order to force changes on crucial policy issues. While leaving the coalition required very strong incentives, supporting the dissolution bill in its preliminary stages, and threatening to vote along with the opposition, provided a powerful weapon to coalition members to apply pressure on the government and force policy changes. Tabling dissolution bills therefore became a regular practice under the direct election system.

Hence, under the 1992 Basic Law the Knesset was given two powerful tools to undermine the government. The legislature could follow two different procedures in order to remove a PM from office, thereby also bringing an early end to its own mandate.

The law created additional mechanisms for both executive and legislative powers to check one another and made exceptions to the idea that elections should take place contextually. In particular, the reform envisioned the possibility of prime ministerial by-elections in the middle of the legislature's term. There were eight exceptions which dealt with the election for PM *only*, whose new mandate then was to end when the next general elections were scheduled. Special elections were meant to take place:

- if the PM failed to present a government to the Knesset within 45 days from the publication of the election results (section 15.a);
- if the PM resigned (section 23.c);
- if the PM resigned his parliamentary seat (section 24);
- if the Knesset impeached the PM for crimes and misdemeanours (section 26);¹⁹
- if the Knesset passed a motion of political censure on the PM alone, which had to be tabled by at least one-third and approved by at least two-thirds of its members (section 27);
- if the PM either died or was permanently unable to fulfil his duties (section 28);
- if the PM was temporarily incapacitated for more than 100 days (section 30.d);
- if the government was made up of less than eight ministers and the PM could not, within 72 hours, re-establish the minimum *quorum* by appointing new ministers (section 34.b).²⁰

The provision for special elections deviated from the principle of simultaneous elections and introduced important new instruments of mutual checks and balances between the executive and legislative branches. However, the circumstances in which special elections for the PM only would take place were meant to be anomalies in the regular working of the system. The expectation that the new system would strengthen the PM's party and therefore his government meant that these measures should be used in exceptional circumstances, not to overcome political deadlock between Knesset and government. In fact, in the only instance when a by-election took place (in 2001), the event was triggered by the then Prime Minister Barak's decision to resign as a political ploy to impose his policy choices on a rebellious parliament.²¹ The draft proposal had envisaged that a vice-PM should be elected directly along with the PM, and with the power to replace him.²² Instead of a vice-PM, the final text of the law introduced the possibility of special elections. Clearly, in the event of illness or death, the exception offered a way out of the power vacuum, where the PM would be replaced by direct, popular election, but without the need to renew the political majority of the governing coalition.

Resignation was widely understood to be a consequence of ill health, whereas the possibility of impeachment or political censure indicated that the removal would be due to personal more than political reasons, and the measure was aimed at avoiding frequent early elections.

Despite the aforementioned exceptions, the law retained the cardinal principle of the *gouvernement de legislature*, which was elaborated in France at the end of the 1950s²³ in order to reduce the political instability so endemic in the French Fourth Republic.²⁴ The idea of the *gouvernement de legislature* is enshrined in the concept of *aut simul stabunt aut simul cadent*: the legislative and the executive powers either stand or fall *simultaneously*. This balance was thought to enhance stability in a political system riven with party fragmentation and ideological polarisation, *provided that the voting mechanism would encourage voters to choose parties committed to a specific candidate*.

As Duverger suggested in 1956, direct election of the head of the government in this framework was supposed to further enhance stability by making the PM or president directly accountable to the people and therefore more legitimate.²⁵ His legitimacy should be coupled with a strong and stable parliamentary majority that elections would produce. Clearly, the idea of direct election of the PM viewed the voting procedures for parliament and their interaction with the election for the PM as crucial in obtaining stable government. The logic of this argument was that it was not enough to give popular legitimacy to the PM in order to ensure strong executive leadership: what was needed was a working majority backing the popularly elected PM to guarantee more effective executive performance. This means that a reform introducing direct election of the PM in the framework of a parliamentary system still requiring a vote of confidence demands *also* electoral reform for parliamentary elections.

If one such interaction were to exist, negotiations between parties and prime ministerial candidates would take place *before* the elections, and voters would choose not only a PM, but also a ready-made coalition committed to supporting a candidate. A brief look at the Italian case will illustrate this point. Local elections for Italian city councils and mayors take place according to the principle of direct elections. While the principle of direct election is similar to the Israeli system in the period 1996–2003, the mechanism adopted in Italian local elections is different and provides a good indication of the importance vested by a possible link in the preference expressed for the executive and the legislature.

The mayor (as was the PM in Israel) is directly elected along with city councils, whose seat distribution is determined on the basis of a PR system (as is the Knesset). The difference lies in the way the ballot is structured and the way allocation of seats in the councils is determined. In Italy, voters must vote for lists that support the candidate of their choice. Split ticket voting is impossible, and any attempt to do so would make the ballot

void. The consequence is that mayors are elected alongside a coalition, which must be formed before the elections. Mayors are thus granted a majority through a premium in the distribution of seats, which still respects the principle of proportionality. The different outcome is clear if one looks at Sicily, where, unlike the rest of Italy, the law for direct election provides for a double ballot, as in Israel's case. In the 1993 elections, many Sicilian municipalities had a mayor elected by the citizens but lacking a majority in the city council. As an analysis of the vote highlighted, the double ballot was responsible for this outcome. Two ballots based on two different electoral principles (majoritarian and proportional) involve different rules and different voting strategies. Moreover, the two arenas of electoral competition do not necessarily influence each other.²⁶

This is what happened in Israel as well. Failure to develop a mechanism that required voters to choose not only leaders but also majorities exacted a heavy toll on the system's stability and on the overall ability of the PM to provide effective leadership. Separate ballots for PM and Knesset discouraged commitments to a specific candidate on behalf of the parties before the elections, and encouraged party fragmentation, with an accentuated shift of votes towards parties with more ideological or sectarian interests. Far from fostering a centripetal tendency, the 1992 reform triggered the opposite. While candidates tried to position themselves in the centre, voters moved to the periphery of the political spectrum. Both left- and right-leaning PMs had to reckon with the ideological periphery of the system and were held hostage to it on crucial policy issues. Their attempt to move towards the centre invariably caused defections and ultimately the early downfall of the government.²⁷

The potential for fragmentation was identified early on by several authors who debated direct election in Italy. Though direct election was not adopted for national elections, it was introduced at the local level. Thus, the criticism voiced against a double ballot is relevant both to the outcome of Italian electoral reform at the local level and to the Israeli discussion of its direct election system. In the Italian case, the bulk of the criticism focused on the fact that a system of direct election can achieve the results of more stable government if it grants the prime minister-elect a majority in parliament. Therefore, introduction of direct election must be accompanied by electoral reform for the parliament; it cannot be an alternative to it. Failure to recognise this potential outcome of direct election means that '[D]ecisional stalemate and institutional confrontations will become the logical, unavoidable consequence'.²⁸ In a system of direct election, where the confidence link between parliament and PM is still in place, the interaction between the vote for the executive and the vote for the legislature is crucial. The Italian experience at the local level shows precisely this: a voting mechanism that imposes coherence of choice to the voter gives a working majority to the elected head of the

executive. Lack of coordination between the two votes, as was the case in Israel, leads to the opposite result.

It should be noted that Israel's original draft reform had done away with parliamentary confidence, opting instead for a stricter separation of powers, and moving away from a parliamentary model. The government did not need an initial vote of confidence to take office. The Knesset still had the power to pass a no confidence motion, but it could do so only if it could muster a majority of 70 members (out of 120). These provisions, eliminated in the final version of the reform, would have given the PM more discretion in the formation of the government (which would truly be the PM's cabinet) and allowed him to govern without majority backing in parliament. Lack of parliamentary confidence would have made direct election a true alternative to electoral reform, because it would have severed the link between parliament and the executive, and hence made the need for a coherent voting strategy less paramount. The requirement of a vote of confidence, reinstated in the final legislation at the eleventh hour, defeated the whole purpose of the reform.²⁹

Political and party fragmentation, the strength of smaller parties, immobility and paralysis in the decision-making process are all dangerous developments in any democratic environment, due to the legitimation crisis that might ensue. The 1992 reform was meant to fight these developments; in fact, these features were eventually enhanced by the new institutional arrangements. The 1992 reform only apparently provided increased stability to the executive, due to the constant threat of early elections in the event of a coalition crisis. The centrifugal tendency of the voting pattern determined by the new system weakened the executive's ability to pursue coherent policies on controversial issues, due to the fragmented nature of any coalition that emerged from the electoral process. The combination of institutional arrangements and party fragmentation crucially strengthened the Knesset as a hindrance to government policies. The consequence, at a time of fateful national decisions and national crisis, was the realisation among political parties across the spectrum that the reform had failed to improve governance and that new arrangements were needed. On the day PM Sharon presented his government to the Knesset, Israel's parliament proceeded to abolish the direct election system and adopt a modified version of the pre-1992 system, which came into being after the elections of 28 January 2003.

CONCLUSION: THE DEMISE OF DIRECT ELECTIONS AND A NEW CHAPTER IN EXECUTIVE–LEGISLATIVE RELATIONS

The new law introduced in March 2001 came into effect with the elections held on 28 January 2003. It is therefore still too early to assess the new dynamics of executive–legislative relations in Israel following the demise

of the direct election system. It is possible, however, to surmise possible developments by briefly addressing some of the important changes introduced by the new *Basic Law: The Government* (2001), for they were meant to redress the perceived shortcomings of the direct election system.

The most visible change was the reintroduction of the single ballot and the restoration of the parliamentary procedure of appointment of the PM. According to the new system, the PM is to be appointed by the president, after consultation with all political parties.

The second important change is the introduction of the constructive vote of no confidence to strengthen the executive vis-à-vis the Knesset. According to the new system, the Knesset can oust the government by a no confidence motion that must include the name of an MK who enjoys the support of at least 61 members (out of 120) to form a new government. If the motion is successful, the ousted PM must resign and the president must appoint the MK nominated by the no confidence motion to form a new government.

There are also a number of provisions that were retained from the previous Basic Law. Thus, the PM maintains the power to dissolve the Knesset and call for early elections, conditional upon the president's consent. The Knesset can override this decision if there is an alternative majority supporting an alternative candidate to the post of chief executive. Finally, the Knesset is considered dissolved and early elections must be called in the event of failure to approve the annual budget three months after the beginning of the fiscal year.

Together, these provisions constitute an important stabilising mechanism. The return of a single ballot conceivably prevented voters from splitting their ticket. The return of a modicum of strategic voting seemingly reversed the negative trend of party fragmentation. The ruling party (Likud) gained most significantly from this innovation. The consequence of the overall strengthening of the PM's party and a reduction of fragmentation in the Knesset provided the numbers for a narrower coalition. In addition, constructive no confidence makes it virtually impossible for an ideologically divided opposition to topple a government that has conceivably occupied the centre of the political system.

On 28 January 2003 the Likud won 38 seats, twice as many as at the previous election. A small party subsequently joined Likud, bringing the plurality party to 40 seats, or a third of the Knesset. The strength of the PM's party allowed for the relatively speedy negotiation of a coalition that includes four parties (instead of seven or eight in the previous three governments). Moreover, the innovation of constructive no confidence makes it possible for the current government to stay in power even in the event of defections: though the divisive nature of the issues at stake did not change and the ideological distance between coalition members is still significant, the possible defection of the right flank of the government in the near future would

produce a minority coalition. Far from ousting the current PM, the more radical right would find it hard to muster a majority of left-wing parties to topple the current government.

The new system has reversed some of the negative trends in executive–legislative relations that plagued Israel’s government in the 1990s. Though it is too early to say whether the outcomes of Israel’s 2003 elections represent a veritable reversal, the return of the one-ballot system and the introduction of a constructive no confidence mechanism seem welcome developments in the field of executive–legislative relations as they go some way to restore executive prominence and effective governance within the framework of a parliamentary system. The decision to retain some of the checks and balances created by the 1992 reform, whose main aim was to empower the Knesset to check the executive, are also welcome guarantees. It remains to be seen if the new system will guarantee long-term stability and ensure the kind of effective executive leadership the country needs to face future challenges and fateful decisions that lie ahead.

NOTES

1. A. Brichta, ‘The New Premier–Parliamentary System in Israel’, *The Annals of the American Academy of Political and Social Science*, 558 (1998), pp.180–92; A. Diskin and H. Diskin, ‘The Politics of Electoral Reform’, *International Political Science Review*, 16/1 (1995), pp.31–45; R.Y. Hazan, ‘Executive–Legislative Relations in an Era of Accelerated Reform: Reshaping Government in Israel’, *Legislative Studies Quarterly*, XXII/3 (1997), pp.329–50; E. Ottolenghi, ‘Immobility, Stability and Ineffectiveness: Assessing the Impact of Direct Election of the Israeli Prime Minister’, *The Journal of Legislative Studies*, 5/1 (1999), pp.38–53; E. Ottolenghi, ‘Why Direct Election Failed’, *The Journal of Democracy*, 12/4 (2001), pp.109–22; G. Rahat, ‘The Politics of Reform in Israel: How the Mixed System Came to Be’, in M.S. Shugart and M.P. Wattenberg (eds.), *Mixed-Member Electoral Systems The Best of Both Worlds?* (Oxford: Oxford University Press, 2000), pp.123–51.
2. Diskin and Diskin, ‘The Politics of Electoral Reform’, p.32.
3. B. Susser, ‘“Parliadential” Politics: A Proposed Constitution for Israel’, *Parliamentary Affairs*, 42/1 (1989), pp.112–22.
4. D. Libai, U. Lynn, A. Rubinstein and Y. Tsiddon, *Changing the System of Government in Israel: Direct Election of the Prime Minister* (Jerusalem: Jerusalem Centre for Public Affairs, 1990).
5. Ottolenghi, ‘Immobility, Stability and Ineffectiveness’, p.38.
6. But see, for a favourable view of the new system, B. Susser, ‘The Direct Election of the PM: A Balance Sheet’, in D.J. Elazar and S. Sandler (eds.), *Israel at the Polls 1996* (London: Frank Cass, 1998), pp.237–57.
7. *Inter alia* A. Diskin, ‘The New Political System of Israel’, *Government and Opposition*, 34/4 (1999), pp.498–515; Hazan, ‘Executive–Legislative Relations in an Era of Accelerated Reform: Reshaping Government in Israel’; E. Ottolenghi, ‘Direct Election of the Prime Minister: The Israeli Case’, *Quaderni Costituzionali*, 14/1 (1994), pp.95–108; Ottolenghi, ‘Immobility, Stability and Ineffectiveness’; S. Pasquetti, ‘La Nuova Forma di Governo Israeliana’, *Il Politico*, LXIII/2 (1998), pp.311–32.
8. Hazan, ‘Executive–Legislative Relations in an Era of Accelerated Reform: Reshaping Government in Israel’.

9. Four members of the Knesset belonging to different parties introduced the original text of the law in the form of private members' bills on 28 May 1990. David Libai (Labour) and Amnon Rubinstein (Shinui) belonged to the opposition; Uriel Lynn (Likud) and Yoash Tsiddon (Tsomet) were members of the ruling coalition. After two years of parliamentary debate, the draft bill was approved, albeit with significant differences from the original proposal, especially with regard to the relation between the executive and legislative powers. Following these changes, some basic features of a parliamentary system were retained. In some cases they were even strengthened, contrary to the original intentions of the four members of the Knesset. For a comparison between the original and the final draft, see Ottolenghi, 'Direct Election of the Prime Minister: The Israeli Case'; R. Hazan, 'Presidential Parliamentarism: Direct Popular Election of the PM, Israel's New Electoral and Political System', *Electoral Studies*, 15/1 (1996), pp.21–37.
10. The vote of confidence is the most obvious feature of a parliamentary system. Along with it the 1992 reform has also strengthened other parliamentary features, by framing practices in the new legislation. According to *Basic Law: The Government* (1992), the PM and at least half the ministers must also be members of parliament, and, as if to further emphasise the parliamentary nature of the system, the PM's resignation of his Knesset seat is equated to resignation from office.
11. It should be remarked that, contrary to the general features of the electoral system (constituency size and proportionality), whose amendment requires a majority of all Knesset members, the ballot requires a simple majority to be changed. Normally, the electoral system falls under section 4 of *Basic Law: The Knesset*, which is entrenched. However, section 4 makes no reference to the ballot, whose nature is regulated by the 1969 *Knesset Election Law*, which has been amended with regard to direct election of the PM by the 1992 *Basic Law: The Government*, section 62. Although the 1992 reform is also entrenched, the entrenchment clause (art. 56) makes an exception for sections 57 to 63, which can be amended with a simple majority. This means that the ballot could be modified without the need to muster an absolute majority.
12. In 1996 Netanyahu, the Likud candidate and winner, managed to convince two right-wing contestants (David Levy and Rafael Eitan) to withdraw their candidacy early in the race, in exchange for cabinet posts and secure seats for their party members in a joint right-wing list. In 1999, less than 48 hours before the opening of the polling stations, three out of the five candidates (Azmi Bishara, Itzhak Mordechai and Benny Begin) pulled out of the race, thus reducing the chances for a runoff and helping Ehud Barak defeat the incumbent.
13. G. Rahat and N. Sher-Hadar, 'The Party Primaries and their Political Consequences', in A. Arian and M. Shamir (eds.), *The Elections in Israel 1996* (Albany, NY: SUNY Press, 1999), pp.241–68.
14. This was the case with former PM Benyamin Netanyahu, who had to include among his party's ministerial appointments figures such as Ariel Sharon (minister of infrastructures and later foreign minister) and Dan Meridor (finance minister until June 1997), with whom Netanyahu was at odds.
15. Hazan, 'Executive–Legislative Relations in an Era of Accelerated Reform: Reshaping Government in Israel'.
16. The law originally required 60 days for new elections, but was amended immediately prior to the May 1999 elections to increase the time span between early dissolution and elections to 90 days.
17. In which case, a majority of Knesset members had to vote in favour of a dissolution bill calling for early elections.
18. This provision was used for early elections in 1998. Lacking an express time limit in case of self-dissolution, the Knesset could set the date for new elections as it wished. In late December 1998 the date was set for 17 May 1999. The dissolution bill was passed on 4 January thus allowing for more than four months of electoral campaigning. In 2002 Prime Minister Ariel Sharon decided, after failing to rebuild his majority, to dissolve the Knesset according to section 22 of the Basic Law. The decision forced early elections within 90 days. In the first case, the Knesset could impose a long campaign, which suited political parties for fund-raising purposes but was ill suited to the needs of the government. In the

- second case, PM Sharon was able to use section 22 to set elections on a date that favoured his re-election and his party's chances of maximising on his popularity.
19. The procedure must start with the opening of a criminal procedure by the attorney general against the PM. In the event that the Jerusalem District Court convicts the PM, the House Committee has 30 days to recommend, by a majority of its members, to remove the PM. The motion is then brought to the plenum of the Knesset, and must be supported by an absolute majority in order to pass muster.
 20. In the original law, ministers could not be more than 18 and no less than eight. The new government has introduced to the Knesset a proposal to cancel the maximum number required, in order to accommodate the obligations contracted in the lengthy coalition's negotiations among seven coalition partners. The amendment, passed in August 1999, thus allowed for the expansion of the cabinet to 23 ministers.
 21. E. Ottolenghi, 'Explaining Systemic Failure: The Direct Elections System and Israel's Special Elections of February 2001', *Israel Affairs*, 8/3 (2002), pp.134–56.
 22. In the original proposal the vice-PM would take over in case of death, illness, resignation or impeachment.
 23. This proposal was suggested as an alternative to the current French system of government.
 24. F. Clementi, 'L'elezione diretta del Primo ministro: l'origine francese, il caso israeliano, il dibattito in Italia', *Quaderni Costituzionali*, 20/3 (2000), pp.579–605.
 25. For a discussion of Duverger's proposal see M. Duverger, *La République des Citoyens* (Paris: 1982). See also Pasquetti, 'La Nuova Forma di Governo Israeliana'. The French proposal was introduced in Italy by Serio Galeotti, and periodically considered until the recent Italian debate on institutional reforms, see S. Galeotti, *Alla ricerca della governabilità* (Milano: Giuffrè, 1983). Italian and French supporters of the model proposed by Duverger all concur that institutional mechanisms must be in place to induce the voter to choose a political majority ready to support the PM. The Italian legislator adopted this model (called neo-parliamentary by Duverger) in the 1993 electoral reform for municipal councils (81/1993).
 26. O. Lanza and R. Motta, 'Catania: un vincitore senza maggioranza', *Il Mulino*, XLII/349 (1993), p.758.
 27. Both PM Benjamin Netanyahu and PM Ehud Barak lost their majority over policy differences on the peace process and saw their more ideologically pure junior partners topple them. PM Sharon called for early elections after Labour left his government in October 2002 and he was unable to convince more right-wing parties to join his coalition, due to his supposedly centrist outlook on matters of war and peace.
 28. G. Pasquino, 'Per Governare l'Italia', *Il Mulino*, XLII/350 (Sept.–Oct. 1993), p.978.
 29. E. Ottolenghi, 'Why Direct Election Failed in Israel', *The Journal of Democracy*, 12/4 (Oct. 2001), pp.109–22.