Israel's Flawed Electoral System: Obstacle to Peace and Democracy

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About the Author

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Abstract

This Policy Brief examines the history of Israel's electoral system and its impact on the peace process. Israel's deeply flawed electoral system is an obstacle to reversing its ill-fated settlement and occupation policies and to making peace with the Palestinians. It contributes to chronic governmental instability, increased power of the religious right, and a lack of accountability for individual leaders. Despite these costs, previous efforts at reform have largely failed.

Israel's Flawed Electoral System: Obstacle to Peace and Democracy

Israeli politics is notable for its wide array of parties and unstable coalition governments. The main institutional cause of this chronic instability is the system of nationwide proportional representation, which gives disproportionate influence to minor parties. This instability limits the ability of Israeli governments to pursue coherent long-term strategies and leads to policies that address the concerns of minority groups at the expense of the national interest. Most critically, Israel's deeply flawed electoral system has been an obstacle to Israel's ability to reverse its ill-fated settlement and occupation policies and to make peace with the Palestinians. Electoral reforms that increase accountability and promote governmental cohesion would provide the basis for a more stable and effective system of governance, and help ensure the future of a liberal and democratic Jewish state.

ORIGINS

Pre-Israeli Zionist institutions, particularly the World Zionist Congress and the Assembly of Representatives (based in Mandatory Palestine), have heavily influenced the institutional arrangements and practices of modern Israeli governments. The traditions of proportional representation and coalition cabinets were largely imported from the Zionist Congresses of the early 20th century. Given the diverse backgrounds and nationalities of members of the Zionist Congress,[1] the fractiousness of Zionist politics was perhaps inevitable. In order to promote the principles of consensus and inclusiveness, a system of proportional representation was established in which the number of delegates from each country was determined by the membership of its national federation.[2] For similar reasons, the cabinet-like Executive Committee was led by a coalition of members from different countries and parties.[3]

This practice of highly proportional government was formally adopted when the Zionists formed an Assembly of Representatives under the British Mandate. The number of parties represented in the Assembly was remarkable. In the First Assembly, 20 parties represented a population of 67,000; in the Second Assembly, 26 party-lists won seats for a population of 122,000. Zionist politics were fractured in the Mandate era for many of the same reasons as today: a heterogeneous population, a multi-party tradition, and a very low threshold for representation.[4] Following Israeli's declaration of independence and victory in the 1948 war, the newly created Knesset adopted many of the same institutions.

CURRENT STRUCTURES AND PROCESSES

Israeli legislators (MKs) are elected through a state-wide system of voting, in which the entire country is treated as a single electoral district. Israelis cast a vote for a single "list" of candidates. A list may contain members of one or more parties. Smaller parties will frequently opt to run on a single combined list with one or more other parties in order to

1. According to Samuel Sager, in 1936 there were Zionist federations in 45 countries. Samuel Sager, "Pre-State Influences on Israel's Parliamentary System," in Gregory Mahler, ed., *Readings on the Israeli Political System: Structures and Processes* (Washington, DC: University Press of America, 1982).
2. Sager, "Pre-State Influences on Israel's Parliamentary System," p. 2.
3. Sager, "Pre-State Influences on Israel's Parliamentary System," p. 7.
4. Sager, "Pre-State Influences on Israel's Parliamentary System," p. 14.

improve their electoral chances. Following the elections, these groups may or may not remain aligned in the Knesset. Members are ranked on their party's list according to the outcomes of closed party primaries. A candidate with a higher ranking has a greater chance of being elected. Thus if the party wins only a single seat in the Knesset, only the first party member on the list will become an MK.

Parties win seats in the 120-member Knesset according to the number of votes their list receives. The only restriction on this highly representative system is that a list must receive votes in excess of a 2% threshold to be eligible to hold a seat.[5] For example, in the 2009 elections, the far-left *Hadash* party received 3.3% of the vote, which worked out to 4 seats in the Knesset for the top four members on the *Hadash* list.

Following elections, the Israeli president asks the party most likely to assemble a successful coalition to form a new government.[6] Because even the largest parties do not come close to winning a majority of the seats in the Knesset,[7] any party seeking to form a government must create a coalition with several smaller parties. These coalitions often lead to strange bedfellows. After the elections of 1999, Ehud Barak and his Labor Party formed a disparate coalition including *Meimad* (a left-wing religious party), *Gesher* (a breakaway from Likud), *Shas* (an ultra-orthodox religious party), *Meretz* (a left-leaning social democratic party), and others.

There are two ways in which an election can be held before the Knesset's full four-year term expires. A simple majority of the Knesset can vote for early elections, or the prime minister can ask the president to call for elections, although this can be blocked by the Knesset.[8] If a party in the governing coalition chooses to withdraw, a new coalition must be formed. If this proves impossible, new elections are held.

IMPLICATIONS AND CONSEQUENCES

The opportunity for many parties to participate in the Knesset offers wide representation to many segments of Israel's politically and religiously diverse society.[9] Yet, because the coalition-forming party is forced to align with many smaller parties that are ideologically or religiously extreme, political power is skewed towards these minority factions who skillfully use their position to make or break coalitions and impose their agendas. This was clearly displayed in the Knesset elections of 2009. The largest vote-getter, *Kadima*, won only 22.5% of the vote — the lowest percentage for a winning party in history. However, because *Likud*, which won only 21.6% of the vote, demonstrated it was better able to form a viable coalition, *Kadima* was not asked to form a government. Instead, *Likud* assembled a coalition with the Labor Party and a handful of smaller right-wing and Orthodox parties (*Yisrael Beitenu*, The Jewish Home, and *Shas*). As a consequence, while the three smaller right-wing parties received 10 ministerial positions (along with significant veto power over policy), *Kadima* was left out of power.

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Another major problem with the Israeli system is that it discourages accountability. As historian Bernard Lewis notes, "a significant disadvantage of the present system is that there is no direct relationship between the elected members and the electors … the member is only responsible to the party leadership or, worse still, to the party bureaucracy."[10] This

5. Until the 13th Knesset the threshold was only 1%, after which it was raised to 1.5% through 2004.
6. While the largest party is almost always chosen to form the government, there have been several notable exceptions; for instance, after the 2009 elections discussed below.
7. Barring the 1969 alliance between Labor and *Mapam* (creating the Alignment Party), a single parliamentary group has never held a majority of seats. Alignment lost its majority in elections later that year.
8. "The Electoral System in Israel," *Knesset* website, http://www.knesset.gov.il/description/eng/eng_mimshal_beh.htm.
9. Arab Israelis are woefully underrepresented — three MKs represent approximately 20% of the population.
10. Bernard Lewis, "Israel's Election System Is No Good," *The Wall Street Journal*, April 1, 2009, http://online.wsj.com/article/NA_WSJ_PUB:SB123854102203575623.html.

conclusion is supported by the findings of the 2005 "Report of the President of Israel's Commission for Examination of the Structure of Governance in Israel,"[11] which notes, "There is no clear linkage between an elected person's performance and their chances of being reelected."[12] This disconnect between performance and political success is widely recognized by ordinary Israelis; according to research by the Israel Democracy Institute, "only 18% of the Israeli public feel they can influence government policy to a large or to a certain extent … [and] about 50% of the public feel they have no ability to influence."[13] Furthermore, 36% of Israelis believe "It makes no difference who you vote for. It does not change the situation."[14]

Only a single Knesset has lasted its entire four-year term; in just over 60 years, 32 governments have been in power.

The most important implication of Israel's dysfunctional electoral system, though, is the instability of governing coalitions. Fragile coalitions of disparate parties lack the unity and durability needed to conduct coherent policy planning and sound governance. Only a single Knesset has lasted its entire four-year term; in just over 60 years, 32 governments have been in power.[15] Since 2001 there have been four prime ministers, four ministers of defense, and six finance ministers. The President's Commission Report explains, "Instability makes it impossible to devise a consistent policy and often causes governments to favor short-term political considerations over medium and long term national priorities."[16] From a policy standpoint, the negative consequences of the need to form coalitions with multiple ideologically-diverse parties are clear. If these minority coalition parties, whose policies are often opposed by the majority of Israelis, do not believe that their parochial interests are being sufficiently met, they can use their power to bring down governments.

The impact of Israel's flawed political system on Israeli-Palestinian peace-making has been disastrous. By enabling the inclusion of minority right-wing religious and nationalist parties in the cabinet, the Israeli system empowers segments of the population that are least willing to make territorial compromises for peace. Consequently, necessary steps towards a long-term resolution — including reversing Israel's settlement policy and compromising over Jerusalem — are less likely to be made. Prime Minister Binyamin Netanyahu has specifically cited the instability of his coalition as a reason why the settlement moratorium, imposed on November 25, 2009, was not extended beyond its September 2010 expiration date.[17] Even a leader that is less ideologically right-wing than Netanyahu has major short-term political incentives not to take risks for peace. As noted above, even if the majority of the Israeli public is willing to trade land for peace, the current system does not provide effective mechanisms for holding those politicians who fail to fulfill their mandate accountable.

Despite these difficulties, some analysts believe that Netanyahu's current governing coalition may be more stable than it appears. First, they argue that minority coalition parties have a vested interest in remaining in government. There is certainly some truth to this. Smaller, single-issue Orthodox parties like *Shas*, for example, are primarily concerned with issues such as *yeshiva* funding. Walking away from the government would entail a high risk of losing their "share of the pie." For a rightist party like *Yisrael Beitenu*, it is unlikely that they would be included in a more centrist governing coalition if the current government fell. Furthermore, if right-wing coalition partners tried to play spoiler, they could push *Likud* towards forming a coalition with *Kadima* that could enable Netanyahu to preserve his prime ministership.[18]

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11. This report was ordered by President Katzav in 2005; "Report of the President of Israel's Commission for Examination of the Structure of Governance in Israel," *Citizens Empowerment Center in Israel,* http://www.ceci.org.il/eng/docs/Report.pdf.
12. "Report of the President of Israel's Commission for Examination of the Structure of Governance in Israel," p. 13.
13. Asher Arian, Michael Philippov, and Anna Knafelman, "The 2009 Israeli Democracy Index," *The Israel Democracy Institute*, http://www.idi.org.il/sites/english/PublicationsCatalog/Documents/Democracy_Index%2009.pdf, p. 55.
14. Asher Arian, Nir Atmor, and Yael Hadar, "The 2006 Israeli Democracy Index," *The Israel Democracy Institute*, http://www.idi.org.il/sites/english/PublicationsCatalog/Documents/Democracy_Index2006.pdf, p. 63.
15. "Report of the President of Israel's Commission for Examination of the Structure of Governance in Israel," p. 13.
16. "Report of the President of Israel's Commission for Examination of the Structure of Governance in Israel," p. 13.
17. Barack Ravid and Avi Issacharoff, "Netanyahu: Extending Settlement Freeze Will Cause Government to Collapse," *Ha'aretz*, July 29, 2010, http://www.haaretz.com/print-edition/news/netanyahu-extending-settlement-freeze-will-cause-government-to-collapse-1.304671.
18. Lara Friedman, "Settlements in Focus: Top 6 Bogus Arguments for Opposing Extension of the Settlement Moratorium (or for Adding Loopholes)," *Americans for Peace Now*, http://peacenow.org/entries/bogus_arguments_for_opposing_extension_of_freeze.

PROSPECTS FOR ELECTORAL REFORM

Proposals for reform of the electoral system date back to the late Prime Minister David Ben-Gurion and the foundation of Israel, but most have gained little traction. The primary goal of electoral reform has been to reduce the number of parties in order to more easily form and maintain a government.

Major election reform was achieved in 1992, when direct elections for prime minister were introduced. This experiment, reversed in 2001, demonstrated that reform was possible, but it is also a cautionary tale of the pitfalls of misguided changes. The law was intended to strengthen the role of the prime minister and the coalition-forming party, as well as weaken smaller parties that wielded a disproportionate share of power (due to the need to court these parties to form a government). The reform movement was largely a grassroots effort, and was led by prominent academics and Knesset members who sought to end the stalemate in Israeli politics.[19]

However, contrary to the legislation's intent, the decline of the larger parties accelerated under the new law. The reformed system allowed voters to split their ballot between a vote for a prime minister from a large party and a Knesset vote for a small party; by eliminating the incentive for strategic voting (e.g. voting for a larger party that has a greater chance of forming a coalition so that its leader becomes PM), this reform actually increased the likelihood that some Israelis would vote their "true" preferences for smaller right-wing parties.[20] Thus, although Benyamin Netanyahu won the premiership in 1996, both his party (*Likud*) and the main opposition party (Labor) lost seats.[21]

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The President's Commission Report presents several options for reform. First, it proposes raising the threshold for winning a seat from 2.0% to 2.5%. Other public figures have also supported raising the electoral threshold, with some suggesting a 5% minimum.[22] The goal would be to reduce the number of small, single-issue parties and to increase the share of seats held by the major parties. More votes for the major parties would decrease the number of coalition partners necessary to form a government, thus allowing for a clearer ruling mandate and more stable governments. The PCR also recommends electing half of the Knesset through regional elections in order to "increase the accountability of elected officials to their constituents" and further support the creation of larger political alliances.[23] If regional voting were fully adopted, it could further limit the influence of splinter groups through a regional winner-take-all system.[24] More radical reform proposals — such as dramatically modifying the party system so that citizens could vote for individual legislators or instituting a mixed parliamentary-presidential system (in order to strengthen the executive) — should not be totally discounted. However, these proposals would require a massive marshalling of political will and public support that would be very difficult to achieve.

Electoral reform could have major implications for the peace process. As noted earlier, a more cohesive, long-lived, and stable Israeli government would be better able to put long-term strategic interests ahead of short-term coalition considerations. This tradeoff affects Israeli policy today; although Israeli politicians widely accept the existence of a pending demographic challenge to Israel's Jewish and democratic character, political paralysis continues to block serious steps towards a viable two-state solution. Polling data on Israeli Jewish opinion regarding settlements and a two-state settle-

19. "Israel: Electoral Reform in Israel," *ACE Electoral Knowledge Network*, http://aceproject.org/ace-en/topics/es/esy/esy_il.
20. Norman Schofield, Itai Sened, and David Nixon, "Nash Equilibrium in Multiparty Competition with 'Stochastic' Voters," *Annals of Operations Research*, Vol. 84 (1998), p. 24.
21. Dina Kraft, "Wanted in Israel: Electoral Reform," *Jewish Telegraph Agency*, February 17, 2009, http://jta.org/news/article/2009/02/17/1003051/wanted-in-israel-electoral-reform.
22. Izak Parviz Nazarian, "Op-Ed: Israel Must Address Flawed Electoral System," *Jewish Telegraph Agency*, February 26, 2009.
23. "Report of the President of Israel's Commission for Examination of the Structure of Governance in Israel," p. 18.
24. It should be noted that this scenario would not occur under the PCR's recommended system for regional voting.

ment is volatile and highly responsive to the political situation. However, most polls have demonstrated that a majority of Israelis are disillusioned with the settlement project and willing to make significant territorial compromises for peace.[25] Raising the electoral threshold could help to narrow the gap between majority public sentiment and government policy. Furthermore, a more accountable electoral system that improves the linkage between governmental performance and electoral success for individual politicians could also help to spur the peace process forward.

Ultimately, what is needed is a system that increases accountability and stability, even at the cost of a decrease in representation for single issue and minority viewpoints. The current electoral system empowers small parties that represent the poles of the Israeli political spectrum and undermines Israel's moderate, pragmatic majority. This hamstrings coherent and effective policies that are broadly supported by the Israeli center. Obviously, electoral reform alone will neither end the deep ideological and religious divisions in Israeli society nor roll back the decades of mistrust between Israelis and their Arab neighbors. Electoral reform will not bring peace so long as many of Israel's political leaders remain unwilling to make the necessary territorial concessions. But, if the current round of peace talks fails, electoral and governmental reform might play an important — although not independently sufficient — role in creating an Israeli government that is more willing and able to engage in meaningful negotiations.

Nevertheless, there are few short-term prospects for even modest reforms. The many groups with an interest in the *status quo* give the current system a high institutional inertia. The same minority parties that oppose a genuine two-state peace would seek to undermine reform attempts designed to weaken their influence. It seems likely, therefore, that a radical shift in Israeli politics towards a powerful pro-peace majority is necessary to overcome the parties that support policies of settlement and occupation. While this change could result from some kind of domestic shock to the Israeli political system or from the emergence of a visionary Israeli statesman, it could also be hastened by bold American leadership. A resolute and persuasive US administration could increase pressure for Israeli electoral reform if a majority of Israelis were convinced of the necessity and possibility of a genuine two-state solution, and if the existing electoral structure within Israel was perceived as a major roadblock to that goal. The synergy created between decisive U.S. leadership and a final status peace agreement would increase the likelihood of electoral reform and, ultimately, Israeli-Palestinian peace.

25. Yehuda Ben Meir and Dafna Shaked, "The People Speak: Israeli Public Opinion on National Security 2005-2007," *Institute for National Security Studies* No. 90 (May 2007), p. 10; see also various "Israeli-Palestinian Public Opinion Polls" published by *The Harry S. Truman Institute for the Advancement of Peace*, http://truman.huji.ac.il/polls.asp.