Changing the Electoral System

By: Yehuda Poch

During the first Knesset session after the elections, which was held yesterday, a lot of discussion took place on the issue of electoral reform. Many disingenuous arguments are heard in the Knesset, in the media, and among analysts as to the need for further reform and the direction that reform should take. Many points are simply forgotten in the interests of expediency. Above all, the current, mostly one-sided, debate shows perhaps better than anything else how short the memories of Israeli politicians and opinion-makers can be.

Prior to 1992, Israel had a parliamentary electoral system, whereby the party that received the most votes formed a coalition, and the leader of that party became Prime Minister. In the eight years preceding the change in the system, Israel had two national unity governments, both resulting from tied votes at election time.

In 1984, Yitzchak Shamir's Likud party and Shimon Peres's Labor party each got 40 seats. Ariel Sharon helped engineer a rotation government, whereby Peres became prime minister and Shamir foreign minister for two years, and in 1986 the roles would switch. While the resulting government was stable, with 80 seats just from those two parties and the representation of smaller parties added in, the vote in 1984 bespoke a nation deeply divided.

The 40-40 split was the closest result in Israeli history. Yet not one commentator complained then about how deeply divided the nation was or how terrible the electoral system was. The biggest issue was the disastrous economic performance in Israel and four-digit inflation. Yet the stability provided by a national-unity government enabled its leaders to bring inflation under control and restructure the economy, positioning it for growth and international investment that today makes Israel's one of the strongest economies in the world.

In 1988, the vote was 40-39 for Shamir's Likud. Again, a deeply divided nation could not decide on the party it wanted leading the government, and a national-unity government was formed. This time, however, Shamir held the position for the full term, while Yitzchak Rabin and Peres were given senior cabinet appointments.

The main issue now was Arab terrorism – an issue that, rather than enable joint action by the government, caused increased friction between the sides, and gave rise to Peres's "stinking maneuver", whereby he attempted to bring down the government in 1990, and ended up only pulling Labor out. Again, stability and national division were not issues discussed at every turn in the media or among analysts.

In 1992, a bill was passed in the dying days of the Shamir government reforming the electoral system. Beginning with the 1996 election, voters would cast two ballots: one for their party of preference, and a separate one for Prime Minister.

It was thought that the increased strength placed in the hands of the Prime Minister would prevent the "smaller parties" from hijacking the coalition process and holding governments for ransom. It was hoped that the new law would strengthen the larger parties and enable them to govern on issues rather than on coalition considerations.

In fact, what the new law did more than anything else was expose the conceit of Labor and Likud leaders, who could not even dream that the small parties would grow large or that the real issues were those represented by these small parties. They could not imagine that the real malaise in Israel stemmed from the complete lack of ideology in Labor and the Likud, and the repression of the more ideological parties across the political spectrum.

Of course, the 1992 law backfired, apparently. Many talking heads these days pine for the good old days under the old electoral system. Even otherwise intelligent people like Likud MK Uzi Landau came out early and vocally against the new system, preferring the hijacking and bribing of old to the horse-trading of today.

Prior to 1992, there were multiple parties represented in the Knesset on all sides of the political spectrum. Aside from Likud and Labor, these parties were small and inconsequential on their own. But coalition necessities made the inclusion of a relatively high number of these parties necessary in order to form a stable government. The inclusion of multiple parties meant that political favours needed to be handed out to each, and that the positions of each needed somehow to be reconciled with the over-all government policy and with each other.

Since the new system was implemented for the 1996 elections, nothing much has changed. Coalition politics are still all-important, the Likud and Labor still have no ideological underpinnings of their own and are best used to unite other parties into a coalition framework, and there are still many "smaller parties" represented in the Knesset.

But the representation of those smaller parties has grown substantially, so that today, Shas is virtually equal to the Likud, and the Likud and Labor together comprise barely one-third of the Knesset.

The major reason most people in the media and among analysts support a reversion to the old system is that the power of the smaller parties, rather than diminishing, has increased exponentially. Labor and Likud are in danger of falling from their traditional positions at the top of the political ladder, and possibly even disappearing altogether. And people like Landau and Labor's Yossi Beilin, co-sponsors of legislation to rescind the law for direct election of the Prime Minister, are afraid of losing their own political influence, and even their jobs.

Likewise the media, which have been parroting the line that the current system should be scrapped in favour of the old one, are afraid of losing their influence, which derives mostly from the strength of the Labor and Likud parties, and would be severely diluted should the smaller parties continue to gain in strength.

Many people point to the continued problems with coalition building and discipline as major faults of the direct election system. Descendant from this point is the claim that the current system serves to divide the nation when unity is all-important. However, these problems existed, in no lesser fashion, under the old system, and they will continue to exist if the electoral system is changed back.

If the split votes in 1984 and 1988 (not to mention the close votes in 1977 and 1981 as well) are any indication, the national divisiveness will not heal as a result of a reversion to the old system. If anything, it is that divisiveness which causes the factionalization within the Knesset, not the other way around. And this is a plain expression of democracy: the representative body closely resembles the composition of the electorate.

Finally, the complaint is now being voiced in many quarters that the current system has given rise to a rapid turnover rate among prime ministers. Others point to the lack of stability of the government. Virtually every article in the media on this subject mentions the fact that Ariel Sharon will be the fifth prime minister in less than ten years. (It would be better for the purposes of this article to concentrate only on the trend since the new system went into effect: Sharon is the third prime minister in 5 years.) Each of these reasons can be dealt with in turn.

It is no secret that each political party must work to ensure its own survival. It is also no secret that the Israeli political sphere can be quite ruthless when parties lose their ideology or when that ideology is not in consonance with the will of at least some of the people, or when there is no ideology to begin with. Hence, the Likud and Labor must work to ensure their own continued survival and the hold on power that they have heretofore enjoyed.

At the same time, though, there is a reason why these parties are losing support among the public, and it is a reason that is abetted only minimally by the two-ballot election system. That reason, simply put, is that both Labor and Likud are devoid of ideology and devoid of any capability of acting on the will of the voters. As such, the voters are supporting these parties in ever decreasing numbers. It is quite probable, furthermore, that the decrease in support being experienced by these parties will continue even if the electoral system reverts to the old style parliamentary democracy. Thus, it seems that the game is up for both Labor and Likud, regardless of which electoral system prevails.

I further argue that with the two-ballot system, Likud and Labor will continue to enjoy the trappings of power longer than should the system revert to a one-ballot system. For under the current system, the leaders of Labor and Likud become automatic contestants for prime minister in every election, and most of the other parties choose not to field a candidate, preferring instead to exert their parliamentary power on whoever is elected. Regardless of the prevailing electoral system, it remains likely that Shas will become the largest party in the Knesset within the next two general elections. Their political power is growing steadily and there is no indication that such power will wane any time soon. Under the old one-ballot system, therefore, the Shas leader would become Prime Minister within the next six years, while under the current two-ballot system, the leaders of Labor and Likud can enjoy power for a longer period of time, despite the waning fortunes of these parties.

The term democracy means “rule of the people”. It is a political framework by which citizens are empowered to control the political direction of their society by means of an elected representative assembly charged with setting societal priorities and legislating laws by which those priorities are met. Democracy is practiced in different fashions around the world, but the one key element common to all democracies is the exercise of the will of the electorate.

Inasmuch as the Likud and Labor have no guiding ideologies, and inasmuch as the electorate in Israel has seen fit to support them in progressively lower numbers, it can be argued that the Likud and Labor no longer act on the will of the voters, and that voters are increasingly rejecting these two “large parties” as appropriate vehicles for exercising their will.

Therefore, it is well within the process of democracy for the “smaller parties” such as Shas and Shinui, who are increasing their representation at every election, to become the most powerful parties in the Knesset, in order for the will of the electorate to be more closely represented in parliament.

The most cogent argument against the old system of elections is the complaint raised about the rapid turnover rate of prime ministers since the new system was adopted. While it is true that a government rarely fell prior to the adoption of the new system and that they fall quite rapidly now, this is a sign of a healthy democracy in a nation so divided as Israel, rather than a sign of democratic malaise. The reason prime ministers fall so quickly in Israel these days has more to do with their personal ineptitude and policy mistakes than with the electoral system.

Here again, we see how the two-ballot electoral system has made Israeli politics more democratic rather than less. For prior to 1996, if the public did not like the policies or competence of a particular prime minister, there was little that could be done to force the

prime minister from office. As long as he remained the leader of the largest party (or the head of a unity government), he remained in office.

Under the current system, however, the prime minister is elected regardless of the representation given to his party in the Knesset. Both Binyamin Netanyahu and now Ariel Sharon occupied the post without enjoying the largest party representation. And Netanyahu and Barak both made fatal mistakes in their policies and suffered from inept management of the government, both of which led to their respective premature downfalls.

As a counter-point, I offer Yitzchak Rabin's term between 1992 and 1995. Rabin made three cardinal errors during his term. He negotiated an agreement whereby his government recognized a terrorist organization as a legitimate international player, and proceeded to negotiate with that same organization the terms for the foundation of a state to be run by that same group of terrorists.

Second, he alienated more than half the electorate – those who were not prepared to accept such recognition and negotiation or such legitimacy being granted to the PLO. He verbally disparaged the ideological right in Israel, suggesting that they could "spin like propellers". His foreign minister even suggested that they "go back where they came from".

Third, he alienated the religious segments of the population, presiding over the first government in Israel's history to have not one single religious member of the coalition.

In Israel, it has now been proven, such mistakes spell the end of any government. As well they should. It matters not if the population segment concerned is right or left, religious or secular, immigrant or native, rich or poor, or any other classification. If an elected leader disregards half his electorate, failing to take into account their wishes, then he deserves to be driven from office. There is no reason why the Labor and the Likud parties should suffer this punishment, as outlined above, while prime ministers should be immune.

But with Rabin, he was still protected by the old system. He was the uncontested leader of the largest party in the Knesset, and was therefore the prime minister as long as that fact remained.

Under the new system, Netanyahu and Barak have served as prime minister. Both made cardinal errors of their own, which cost them their positions. Netanyahu, ruling with a narrow majority, gave away Hevron, and signed the Wye River Memorandum. The combination of those two agreements served to divest Netanyahu of any support from the right and brought down his coalition. Since he was elected directly, he was not protected by the power of his party, and he lost the position of prime minister.

Ehud Barak proceeded where Netanyahu left off. He agreed in principle to recognize a Palestinian terrorist state in the heart of Israel. He continued the territorial fire sale. But most importantly, he crossed the final red line no previous Israeli leader had ever contemplated. He agreed to divide Jerusalem and cede sovereignty over the Temple Mount. This political crime was so serious that even the majority of the left in Israel could no longer support Barak's government. His coalition dissolved and he was ousted from power while the Knesset remained intact.

Now, let us invert history a little to make the point clear. If the two-ballot system had been in place in 1993, Rabin would have been ousted as a result of the Oslo agreements. The electorate was not then prepared to accept negotiations with terrorists, and until the signing on the White House lawn, such negotiations were illegal in Israel. If Rabin had been directly accountable to the electorate, that electorate would have toppled him from power. And consequently, he might still be alive today.

Had the one-ballot system been in place during Netanyahu's term, he never would have been prime minister, since the Likud was not then the largest party in the Knesset. Had the Likud won the 1996 election, however, Netanyahu would have served out the end of his term, possibly reaching one more agreement with the Arabs.

And had the one-ballot system been in place during Barak's term, the Temple Mount and half of Jerusalem would today be under the sovereign rule of a Palestinian terrorist state.

Both Netanyahu and Barak fell because they acted in opposition to the will of the electorate. Rabin continued to serve his term for two extra years, despite contravening the will of the electorate. In this way, the two-ballot system of directly electing the prime minister is inherently more democratic than the old one-ballot system.

It has come as a tremendous shock to me that an organization such as the Israel Democracy Institute, ostensibly an organization dedicated to the study and promotion of democracy, should take a public position in favour of returning to the old system. This position indicates that the Israel Democracy Institute might need to undertake a closer examination of the democratic nature of government and how democracy is exercised during elections and between them. In the meantime, one can only surmise that the Israel Democracy Institute, like the media, has been co-opted by "large party" influnece into taking positions that more closely resemble the interests of those parties than the supposed mandate of the organization.

There is certainly much to be improved about the electoral system in Israel. The first necessity is raising the threshold of power from 1.5% of the public vote to 5%. This is a far better way to limit single-issue or non-ideological parties from entering the Knesset, and limiting the amount of bribing that goes on in the formation and maintenance of a stable coalition. A second idea might be the introduction of a two-stage government, where there is some form of combination between constituency and popular representation. In that way, the actions of parliament can more closely resemble the will of the electorate. But there is no way that the current system should be scrapped in favor of the old system. The current system is far more democratic, and allows for the freer flow of ideas in the political sphere of society.

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