

The Constitution of the State of Israel – The Only Way Forward

"WE DECLARE that, with effect from the moment of the termination of the Mandate being tonight, the eve of Sabbath, the 6th Iyar, 5708 (15th May, 1948), until the establishment of the elected, regular authorities of the State in accordance with the Constitution which shall be adopted by the Elected Constituent Assembly not later than the 1st October 1948, the People's Council shall act as a Provisional Council of State, and its executive organ, the People's Administration, shall be the Provisional Government of the Jewish State, to be called 'Israel'." –Declaration of Independence

"A new constitution will tie the hands of the legislator." –David Ben Gurion

This is what the founders of the State of Israel wrote, and this is how the first Prime Minister justified his opposition to acting according to what they wrote.

As is known, the Constituent Assembly, when it failed to issue a constitution, declared itself the First Knesset, and to this day, the State of Israel does not have a constitution. There is a series of Basic Laws, which are sometimes treated almost as a constitution, but there is no constitution.

There have been attempts in the past to write a constitution for the State of Israel, but they have all failed. The reason for this, in my opinion, is an almost complete misunderstanding of the essence of what a constitution *is*.

Constitution derives from the word "constitute". That is, how and what the government consists of. A constitution is supposed to be the definition of the government. It should not be a collection of lofty ideas and aspirations. Even in the United States, the first ten Amendments to the Constitution, called the Bill of Rights, were not included in the original Constitution.

A constitution is not a weapon by means of which one side in a country can impose its position on another side.

Every attempt in Israel to write a constitution has run into intractable complications because of that mistake. There is not enough uniformity in Israel to write a constitution of ideals that will be acceptable to even the majority of the population. But if we separate the question of ideas and opinions from the definition of the government itself, if we focus on the definition of the government and nothing else, we may indeed be able to write a constitution that will grant stability and governance to our country. All other debates can continue, but against the background of a stable country.

There are quite a few countries with a constitution, but there is one that stands out for its stability, its checks and balances, and beyond all that, in its longevity. That is the Constitution of the United States.

Why has the United States Constitution lasted for so many years? In my opinion, the reason for this is not the division between three branches and the checks and balances between them, although this is a proper and desirable thing, and even a necessary one. The main reason is that the founders of the United States were afraid of the power of government and wanted to limit it as much as possible. To give the government only the powers necessary to it. It is true that as the years passed, their government slowly broke the boundaries of the founders' intentions, mostly because their constitution was built and suited to a smaller population, and as the population grew, the representation of the citizens was reduced. And when too many people are represented by one or two representatives, only the voices of the rich and cronies are heard. Today, the United States has

about 763,000 citizens per representative (if we count both members of the House of Representatives and Senators).

The constitution that I will propose to you here is built on the framework of the American Constitution, but with adjustments for the many differences between them and the State of Israel, and also with changes that will provide us the possibility to prevent the failures that have befallen the Americans. I will explain the entire constitution, piece by piece, and section by section.

The most important – at least now – is its last part: **This constitution shall be ratified by the consent of the majority of all citizens living in the country, or by the vote of the majority of the members of the Knesset.** In order to achieve this ratification, we must all, including me, including all of you, share the constitution with all our acquaintances and convince them to support it. The political system in Israel is a real shame, and there is no personal representation at all. Knesset members are only obligated to the central committee of their party, not to us, the citizens. There must be a way forward, and here it is.

The Constitution of the State of Israel

Preamble

The Preamble to a constitution is a declaration of reasons and intentions. Do all of us Israel have the same intentions? In my opinion, we must find them and commit to them. In the constitution, the Preamble goes like this:

The Land of Israel is the Homeland and Heritage of the Jewish Nation. The State of Israel is the sovereign entity of the Jewish Nation in its land. The government of the State of Israel exists to serve and protect the citizens of the country, both the Jews in it and members of other nations who have taken it upon themselves to tie their fate to the fate of the Jewish Nation. All powers of the government of the State of Israel derive exclusively from the power its citizens. To this end, and in order to provide the citizens of the country with adequate governance, we have defined the form of the Israeli government, with all its powers and all its limitations, as follows:

There are those who will say that this is too Jewish. There are others who will complain that God, who gave us the Land of Israel, is not mentioned in it. But it is clear that what is written here is the simple truth. The Land of Israel is indeed our homeland and our heritage. Indeed, the only reason the state was founded was to express our sovereignty here.

But it is important to note that the role of the government is to serve; not to rule. And that the only reason the government has the power to coerce us or take any action is that we agree to it. We're speaking of the social contract.

Although the owners of the Land of Israel are the Jewish people, the owners of the State of Israel must be the citizens, even those who are not Jewish. We have to determine who can be a citizen, but once a person becomes a citizen, he becomes part of the country's owners.

Chapter 1 – Officials of the Government

Once we have defined who the government is for, we also need to define who will serve in it.

1. The Israeli government shall consist of elected and appointed Officials.
2. Elected Officials shall be the Premier, Vice Premier, Representatives, and Delegates.
3. Executive Bodies are the ministries and various government institutions, and the Heads of Executive Bodies are the Ministers and the Directors of those Institutions
4. Appointed Officials shall be Supreme Court Justices and the Heads of Executive Bodies.

This is simply to emphasize that elected officials are directly elected by the public, while appointees are appointed (and confirmed, as we shall see) by the officials who have been directly elected by the public. Government institutions include what are currently called institutes, authorities, administrations, and organizations such as the Bank of Israel.

5. No Representative shall be elected who has not reached twenty-five years of age.
6. No Delegate shall be elected who has not reached thirty years of age.
7. No Premier or Vice Premier shall be elected who has not reached forty years of age.
8. No Head of an Executive Body shall be appointed who has not reached the age of thirty.
9. No Justice shall be appointed to the Supreme Court who has not reached the age of forty.

10. National elections shall be held every even-numbered year on the first Tuesday of the month of Kislev, and those elected shall be sworn in and take the place of their predecessors on the first Sunday of the following month of Tevet.
11. Every official in the government, before starting his position, shall swear or affirm their loyalty to the State of Israel as defined in this Constitution and their commitment to act according to this Constitution.
12. A government Official shall not hold any other government Office concurrently.

Here, we completely separate the three branches of government. This is extremely important, because each authority is supposed to "tie the hands" of the others to a certain extent. There is not and cannot be a group in the government without limitations and without an obligation to the public.

13. In legal processes, a government official shall be entitled to avail himself of the legal representation of his choice.

Today, only the Attorney General may represent a minister or the prime minister, and if he decides not to present a defense, the minister or the prime minister has no power to defend himself.

Chapter 2 – The Legislative Branch

Before we start describing the details of the legislative branch, it might be useful to stop and consider what the intentions are.

In a republic, legislators make the law. It cannot be overemphasized how much power there is in this. *Only* the legislators make the law. The executive branch cannot make laws, but only execute them. The judiciary cannot make laws, but only decide cases according to the laws, and according to the constitution. Legislators have enormous power. We must therefore, in the words of David Ben-Gurion, "tie their hands" as much as possible, while leaving them the ability to carry out their duties.

At the end of these notes, I will describe all the checks and balances between the branches. Here I will merely point out that the division of the legislature into two chambers will make it difficult for legislators to enact laws arbitrarily.

In the United States, they have a bicameral legislature (one with two houses, or chambers), but the difference between them is different from the difference between the two chambers in this constitution. The United States began as a confederation of sovereign states with different populations having different cultures and different principles. Each state had its own chief executive, called a governor, and each state had its own government. The Federal government was founded in order to settle interstate affairs and represent the confederation of states to other nations. Therefore, two legislative chambers were established: one that would represent the states themselves (the Senate), and one that would represent the citizens of the states (the House of Representatives).

We are in a completely different situation. Although there is benefit to two chambers, we are one country. The separation proposed in this constitution is therefore between delegates, who will represent only citizens in certain areas, and representatives, who will represent the entire population. The two types of representative will implement two different approaches. One will make it possible for certain representatives to represent a smaller population than the entire citizenry, and the other will create a sort of marketplace of ideas.

Members of the House of Delegates will be chosen from forty different regions of the country, and will be committed to the welfare of the specific population of each and every one of them. The

members of the House of Representatives will be elected by the entire electorate, and each of them will constitute a sort of "party of one".

At first glance, this might be surprising. After all, we instituted an electoral threshold precisely to prevent the phenomenon of small parties in the Knesset. But recall that this was necessary (*if it was necessary*) only because of the parliamentary system. When it is necessary to form a government in order to function, small parties make it difficult, and receive a greater weight than is justified by the votes they received.

In the new system, the Premier can begin functioning without having to form a coalition. This being the case, members of the House of Representatives will be able to form "ideological coalitions" for every different issue. This can be seen by the example of a "House of Representatives" with ten members: Abraham, Isaac, Jacob, Joseph, Moses, Sarah, Rebecca, Rachel, Leah, and Miriam. Here are some issues and their positions:

	Avraham	Yitzchak	Yaakov	Yosef	Moshe	Sarah	Rivka	Rachel	Leah	Miriam
Jerusalem-Haifa high speed rail	*		*	*			*		*	*
A new settlement bloc in the Negev	*		*		*	*		*	*	
A change in the taxation system		*			*			*		*
An artificial island off the coast of Tel Aviv				*			*			*
A canal from the Dead Sea to the Red Sea		*	*		*	*			*	
A peace treaty with Iran	*		*			*		*		*

In the vote, Jerusalem-Haifa High Speed Rail will win with 6 votes, as will a new settlement bloc in the Negev. Changing the taxation system and an artificial island will fail, 6-4, 7-3. And the canal and the treaty will come to a tie. Today, in the party system, there is no such flexibility. Coalition discipline -- and more than that, party discipline -- prevents it. Jacob, in this example, will sometimes vote with Avraham and sometimes against him. Everyone who is elected to the House of Representatives will be elected according to their positions. The Israeli public does not easily fall into 8-10 ideological groups, so why should their representatives be limited to one ideological group?

For a clearer illustration, those who support parts of the Otzma Yehudit platform and parts of the Meretz platform, for example -- and there are such -- must make serious compromises today. The higher chance of finding a representative who will reflect a large majority of the voter's positions is a highly desirable thing. A highly *democratic* thing.

1. Legislative power shall be in the hands of the Knesset, which shall consist of the House of Representatives and the House of Delegates.
2. House of Representatives:
 - a. One hundred Representatives shall sit in the House of Representatives, who shall be elected every two years for a period of two years according to a general vote of all citizens. The one hundred candidates who receive the highest number of votes shall serve as Representatives. In the event of a tie in the one hundredth place, any candidate who received that number of votes shall serve, even if as a result there shall be more than one hundred Representatives.
 - b. Each Representative shall have a single equal vote in the House of Representatives.

- c. The Representatives shall choose Officers from among themselves, including the Speaker of the House of Representatives.
- d. If a Representative dies or is removed or resigns so that the number of Representatives falls below one hundred, the candidate who received the next highest number of votes in the previous election shall replace him, and if there is more than one candidate who received this number of votes, they shall all serve, even if as a result there shall be more than one hundred Representatives. And if no candidates remain, the seat shall remain empty until the next elections.
- e. The House of Representatives shall have the sole power of impeaching an Officer in the Executive or Judicial Branch.
- f. The House of Representatives may operate in the physical or virtual presence of at least half of the number of Representatives, though the House of Representatives may discuss an issue even without this quorum, and they may demand the presence of the others for a vote and punish those who do not appear.
- g. The Representatives shall judge themselves according to the procedures they shall establish, and Representatives who do not obey those procedures shall be punished, and they may remove a Representative based on a two-thirds vote of all the Representatives.
- h. No one shall be elected to be a Representative more than six times.

3. House of Delegates:

- a. Every ten years, a committee of judges from the Supreme Court will divide the country into forty Districts equal in number of citizens, as much as possible without dividing neighborhoods. Every citizen shall be informed as to which District he belongs to, and in case of a change of address, he shall be notified to which District he has moved.
- a. The voters of each District shall elect two Delegates from among themselves, whose term of office shall be six years.
- b. After all eighty Delegates have been elected for the first time, and after they are sworn in, they shall be divided into three groups of twenty-seven, twenty-seven, and twenty-six. No two Delegates from the same District shall be in the same group. The Delegates in the first group shall serve only two years, and the Delegates in the second group shall serve only four years, so that one third of all Delegates shall be elected every two years.
- c. Each Delegate shall have a single equal vote in the House of Delegates.
- d. If a Delegate dies or is removed or resigns, the Delegate from which he was elected shall hold a special election to choose his replacement.
- e. The Vice Premier shall serve as the President of the House of Delegates, and shall not have a vote except in the case of a tie.
- f. The Delegates shall choose Officers from among themselves, including the President Pro-Tem for when the Vice Premier is not present in the session of the House of Delegates.
- g. The House of Delegates shall have the sole power to try Officials in the Executive and Judicial branches who have been impeached by the House of Representatives, and if the Premier is tried, the Chief Justice of the Supreme Court shall preside.

- h. If an impeached Officer is convicted by the House of Delegates, the House of Delegates is authorized to remove him from his Office and/or deny him the right to be elected to any Office in the government, for a limited time or permanently.
- i. The House of Delegates may operate in the physical or virtual presence of at least half the number of Delegates, though the House of Delegates may discuss an issue even without this quorum, and they may demand the presence of the others for a vote and punish those who do not appear.
- j. The House of Delegates shall have the authority to summon any appointed Officer to appear before them to answer questions, both before and after their confirmation.
- k. The Delegates shall judge themselves according to the procedures they shall establish, and shall punish Delegates who do not obey those procedures, and may remove a Delegate based on a two-thirds vote of all the Delegates.
- l. No one shall be elected to be a Delegate more than twice.

2. Method of Legislation:

- a. A Bill shall require a vote of approval by both the House of Representatives and the House of Delegates.
- b. All Bills for raising revenue, either by taxation, by increasing the money supply, by customs duties, or in any other way shall originate in the House of Representatives, though the House of Delegates may add amendments to the bill proposed by the other house as in any other bill.
- c. A Representative or Delegate who, during his time as an Official in the government, receives a payment or gift from a person who stands to gain or lose from a Bill, may not vote either for or against that Bill, and if it is found later that he was not allowed to vote and voted anyway, his vote shall be retroactively nullified, even if by doing so, the Law shall be repealed or passed.

Among the most serious problems in governments all over the world is bribery. Bribery is not merely a phenomenon of trading money for a certain decision or action. It is also one of accepting favors and gifts. Sometimes, a company will fly a government official to a nice place for a meeting, and if he enjoys himself on the trip, it's considered a sort of "bonus." A clean government system must prevent this phenomenon as much as possible, even at the cost of going overboard.

- d. A Bill that wins the approval of both Houses of Knesset shall be sent to the Premier for his signature. If he signs, it shall become Law.
- e. If the Premier refuses to sign, he shall return the Bill to the House from which it originated, along with his reasons for not signing. The disagreement and reasons shall be recorded in the Minutes of the originating House. If the members of the originating house decide to re-approve the Bill by a two-thirds vote, the Bill shall be sent to the other House along with the Premier's reasons for refusing to sign. If the other House also approves the Bill by a two-thirds vote, it shall become Law.
- f. If the Premier neither returns nor signs the Bill within ten days of receiving it (not including Sabbaths and Jewish holidays), it shall become Law, unless they avoid him returning it by closing the session of the Houses of Knesset.

- g. Each Bill shall include only one subject and at least these three sections:
 - (1) An Introduction, justifying the Bill and its goals, with an explanation of why it was not passed in the past and why it is needed now. This Introduction shall be considered an integral part of the Law and courts shall take it into account in their decisions.
 - (2) The Substance of the Law.
 - (3) An estimate, prepared with the assistance of a representative of the Finance Ministry, of the expected cost of the Law and from where the funds shall come.
- h. A Bill shall not be put to a vote until after its final text has been made public for thirty days. This publication shall be done in every possible way so that the entire public is aware of the content of the Bill. Contact information for each Representative and Delegate shall also be published in order to allow the will of the people to be made known before the vote.
- i. In every vote in the Knesset, it shall be recorded who voted for and against and who abstained from voting and who was absent, in the Minutes of the House where the vote took place unless that House determines that the content of the matter requires confidentiality. Protocols of the Houses of Knesset shall be open to the public.
- j. No retroactive Law shall be proposed.
- k. No Law shall be proposed that is aimed at a specific person or a specific group.
- l. A Law that contradicts any of the details of this Constitution shall automatically be nullified.

3. Powers:

- a. The Knesset shall be empowered:
 - (1) To encourage and assist the immigration of Jews.
 - (2) To give expression to the Jewish character of the State.
 - (3) To determine the rules of naturalization.
 - (4) To recruit an Army and support it.
 - (5) To define and see to national service as an alternative to the army as needed.
 - (6) To set rules for the Government and the Army.
 - (7) To declare a state of War.
 - (8) To suppress uprisings and repel invasions.
 - (9) To impose and collect taxes, duties, imposts, excises, and stamps.
 - (10) To pay the debts and see to the defense and general welfare of the State of Israel.
 - (11) To borrow money on the credit of the State of Israel.
 - (12) To mint money, and to regulate its value.
 - (13) To punish counterfeiting the securities and current currency of the State of Israel.
 - (14) To regulate trade with foreign countries.

- (15) To determine the rules of bankruptcy.
- (16) To institute standards of weights and measures.
- (17) To see to the education of children.
- (18) To see to national infrastructure.
- (19) To promote the progress of science and the useful arts by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries.
- (20) To establish Courts inferior to the Supreme Court.
- (21) To prevent unreasonable discrimination against groups or individuals.
- (22) To enact all of the Laws that shall be deemed necessary and appropriate for the execution of the said powers and all other powers given according to this Constitution to the Government of Israel.

This list is one of so-called "enumerated powers". That is, the Knesset has no right to act outside of them. If there is reason to act otherwise, the Knesset will have to propose a constitutional amendment that would approve the adding this power. It is necessary to remember always that, as David Ben-Gurion said, "a constitution will bind the hands of the legislator", and that the government acts only by virtue of the consent of the people.

- b. Funds shall not be withdrawn from the Treasury, except following allocations made according to Law, and a regular account of the receipts and expenditures of all public funds shall be published from time to time, but not less than once a year.
- c. The Knesset shall pay no money to candidates for election.

We all remember the period of four elections in succession. There were two kinds of damage caused this crisis. One was the damage to governance and the public's faith in its government. And that is one of the principle reasons to adopt a constitution for the State of Israel. The second type of damage, however, was financial. According to what has been reported, the cost of each round of elections exceeded five hundred *million* shekels. That is, half a billion.

How can elections in such a small country cost so much? In 1973, the Party Financing Law was passed, which states that each party in the Knesset is entitled to receive - from the state treasury - one funding unit for each member of the Knesset. The funding unit changes from time to time, but in 2015, it was 1.375 *million* shekels. That is, 165 million shekels just to help the parties already sitting in the Knesset run again.

Obviously, such a law helps the parties in power to stay in power, at the public expense. There can be no such thing in a country where the citizens are sovereign.

Indeed, party rule itself is in opposition to the rules of public representation, as we explained above.

- d. There shall be no Executive Body or Head of an Executive Body unless it is established by law. The powers, responsibilities, and limitations of each Executive Body and each Head of an Executive Body shall also be determined by law.

We will discuss this further in the chapter on the executive branch.

- e. Representatives and Delegates shall have immunity from imprisonment for actions that they believe are required for their duties unless it constitutes treason or a felony.

- f. A delegate or representative, who is in office at the time of the creation of a new position in the government or at the time of raising the salary of delegates or representatives, will not enter the new position and will not receive the higher salary until after the end of his current term.

Chapter 3 – The Executive Branch

1. The responsibility for executing and enforcing the Laws passed by the Knesset shall rest with the Premier, who shall carry them out with the assistance of the Heads of the Executive Bodies.

The Premier has responsibilities other than enforcing laws. He is the face of the country to the outside world. He appoints all the appointed officials in the government. But just as government officials serve the people, the Heads of Executive Bodies serve of the Premier. They are the means by which he executes the laws.

2. The Premier shall be elected together with his Vice Premier for a period of four years, according to a general vote of all citizens.
3. The Premier shall appoint Heads of Executive Bodies, Supreme Court Justices, Ambassadors, the Chief of the General Staff of the Security Forces, and the Heads of the Security Services, and shall sign treaties with other countries, and each appointment and each treaty shall be ratified by the vote of two-thirds of the Delegates present.
4. The Premier shall have the authority to remove a Head of an Executive Body or an Ambassador or the Chief of the General Staff of the Security Forces or the Head of a Security Service, by notifying the House of Delegates at least ten days before the date of the removal (not including Sabbaths and Jewish holidays).

The police and the army and the security services all have in common their ability to engage with citizens against their will. These services *must* be subject to the will of the people, and not be independent in the sense of being able to act contrary to the policy of the elected government. They are not separate branches of government, but the means by which law and policy are implemented.

5. If a Vice Premier dies or is removed or resigns, the Premier shall appoint a new Vice Premier, and the appointment shall be confirmed by a two-thirds vote of the Delegates present.
6. If the Premier dies or is removed or resigns, the Vice Premier shall replace him and appoint a new Vice Premier as above. If the Premier falls ill so that he cannot fulfill his duties, the Vice Premier shall act as Acting Premier until the Premier recovers and his ability to return to his duties is confirmed by a specialist physician, or until another Premier is elected.
7. The Premier shall report to the Knesset from time to time, but not less than once a year, on the state of the Country.
8. No one shall be elected Premier more than twice.
9. The Premier may issue executive orders only regarding internal matters of Executive Bodies and their Heads. The Premier may not issue an executive order that would prevent Executive Bodies from enforcing laws passed by the Knesset.

One of the ways in which the American constitution has failed has been a growing propensity for Presidents to issue Executive Orders in place of Congress passing laws. The past three US Presidents have been some of the worst offenders, and there are those who have referred to

the President's ability to work without Congress as an "Imperial Presidency". We need to prevent that from happening.

10. Executive Bodies shall not establish external procedures for themselves that require or prohibit parties outside the government to do anything unless the details of the procedure are authorized by Law.

Executive Bodies can determine what they will or will not do, internally, but they cannot determine what the public will or will not do. The police, for example, are not allowed to force a citizen of the country to do anything if he is not obligated to do so by law. If an Executive Body wishes to set a fee for a certain service, it must do so only in accordance with a law allowing such a fee.

11. Refusal of a President or a Head of an Executive Body of the Executive branch to carry out and/or enforce any law enacted by the Knesset shall be grounds for impeachment and conviction and removal from office by the Knesset. Refusal by any civil servant who works under the Executive branch to carry out legal instructions shall be grounds for dismissal.

The phenomenon of arbitrary enforcement is a serious problem. If a law is not enforced on everyone equally, it cannot be said that the country is governed by law. It is conducted according to the will of the enforcer, and there is no liberty.

Chapter 4 – The Judicial Branch

1. The judicial power in the State of Israel shall be in the hands of the Supreme Court and in courts inferior to it that shall be determined by law.
2. The Supreme Court shall be the final court of appeals, and shall have jurisdiction over all Residents and Citizens of the State of Israel.
3. The Supreme Court and the courts inferior to it shall hear claims only in cases where the plaintiff claims personal damages.
4. The Israel Defense Forces and each recognized religion shall be entitled to their own judicial system. Judicial systems of recognized religions shall not have the power to impose physical or monetary punishment or imprisonment, but in a civil action in which both sides agree in advance to act according to the decision of the religious court, the results of the trial shall be binding, as in arbitration. The judicial systems of the Israel Defense Forces and recognized religions shall not be subject to courts lower than the Supreme Court.
5. Supreme Court justices and district judges shall be appointed by the Premier, and the appointment shall be ratified by the vote of two-thirds of the Delegates present.
6. Justices of the Supreme Court and district judges shall serve until the age of seventy.
7. The Justices of the Supreme Court shall choose from amongst themselves a Chief Justice.
8. The Supreme Court and the courts inferior to it shall judge according to the Constitution and Law, and according to Precedent, and shall not take into account reasonableness in the eyes of the judge or social circumstances.

Chapter 5 – Amendments to the Constitution

1. Amendments to the Constitution shall be proposed by the majority of the Representatives and the majority of the Delegates, or by ten percent of citizens with the right to vote. A proposal to

amend the Constitution shall appear in the first national elections held after the Amendment has been proposed, and shall be ratified by two-thirds of the citizens who voted.

2. A ratified Amendment shall be an integral part of the Constitution.

Chapter 6 – Ratification of the Constitution

This constitution shall be ratified by the consent of the majority of all citizens with the right to vote living in the country, or by the vote of the majority of the members of the Knesset.

In the elections to the 25th Knesset, there were 6,788,804 eligible voters. That means that as soon as this constitution has the support of 3,394,403 citizens, it will be ratified, even without the consent of the Knesset. Or if 61 Knesset members agree to ratify the constitution, in that case as well, it will be ratified.

Soon, you will be able to register on this website to express your support for the new constitution. In the meantime, please leave your contact information here so that we can let you know when it will be possible to register. You will not receive emails from us other than that message unless you confirm your desire to receive updates, and your details will not be shared with any other party.

Bill of Rights

The following amendments include matters that I think can be agreed upon by all.

Amendment 1 – Equality in Law

Everyone shall be considered equal in the eyes of the law.

Amendment 2 – Freedom of Expression

The Knesset shall not limit freedom of speech or of the press or of voluntary association, nor shall it restrict the right of the public to assemble peacefully and to demand from the government redress for injustices caused to it.

Today, insulting someone can result in fines or even imprisonment. This amendment is almost identical to the first amendment to the US Constitution, except for freedom of religion. Since the State of Israel is the state that expresses the sovereignty of the Jewish people, declaring absolute freedom in the field of religion could be problematic. It could protect missionaries, for example, who try to convert Jews.

The other amendments, with the exception of the last one, are only protections against the legal system and the police.

Amendment 3 – Freedom from Illegal Search and Seizure

The people's right to security in their bodies, their homes, their papers, and their personal belongings, against unreasonable search and seizure, shall not be violated; And warrants for search and seizure shall be issued only following probable cause, shall be based on an oath or declaration, and shall describe the location of search and the people or objects that shall be seized.

Among other things, this amendment will prevent "hotza'ah l'foal" processes without a trial.

Amendment 4 – Rights Before the Judicial System

A person shall not be prosecuted twice for the same offense, nor shall he be required in any criminal proceeding to testify against himself, nor shall he be deprived of life, liberty, property, or contractual right, without due legal process. Private property shall not be taken for public use without just compensation.

Amendment 5 – The Right of Habeus Corpus

A prisoner's right to challenge his imprisonment before a judge and to know for what he was imprisoned and to be freed if the legality of his imprisonment is not proven shall not be violated.

Amendment 6 – The Right to a Speedy Trial

In any criminal prosecution, the accused shall receive a quick and public trial. The accused shall be informed of the nature and cause of the charges against him; He shall be given the right to confront the prosecution's witnesses; He shall be able to compel witnesses to testify at his trial; And legal assistance shall be provided for his defense.

Amendment 7 – Freedom from Excessive Punishment

Bail for release from prison shall not be excessive; Fines shall not be imposed excessively; And cruel or unusual punishments shall not be imposed.

Amendment 8 – Reservation of Unspecified Rights

The listing of certain Rights in the Constitution shall not be construed to deny or disparage other rights, which are reserved to the people.

Suggested Amendments

From here on, the suggested amendments enter into areas for which some disagreement may exist.

Amendment – Freedom to Educate Children

Recognizing that the fundamental responsibility for children's education rests with the parents, parents shall not be prevented from establishing private schools and determining their curriculum, provided that the studies meet minimum standards to be established by law. Schools that maintain these standards shall be entitled to government funding per student equal to the children's education budget divided by the number of students.

Amendment – Local Judges

Each local authority shall be entitled to choose local judges in direct elections every two years, at the time of elections for representatives and deputies. These judges shall try local cases only, and shall not have jurisdiction over criminal trials or civil actions that occur outside their local jurisdiction.

Amendment – Local Police Chiefs

Each local authority shall be entitled to choose the local chief of police, who shall be entitled to hire or fire other police officers under him. Direct elections for local chief of police shall be held every four years, in years when there are no elections for the Prime Minister. The local police chiefs shall be responsible for enforcing the law in cases where the offense occurs within the boundaries of the

local authority only, and neither they nor their officers shall have authority over offenses that occur outside their jurisdiction, even to a small extent.

The National Police shall only have authority in cases where an offense occurs in more than one local authority, or outside of them, or in cases where there is suspicion of an offense by local police officers.

Amendment – Freedom from Religious Coercion

The Knesset shall enact no law that would force a person to act or refrain from acting according to the rules of any religion, but it may enact rules of conduct for behavior in the government according to the rules of Judaism.

Amendment – Prevention of Permanent Bureaucracy

No Senior Official in the Executive Branch shall work for more than ten years in the same field.

Checks and Balances between the Branches:

The Executive Branch checks the Legislative Branch by requiring the Premier's signature (or a supermajority) for laws to be created.

The Executive Branch checks the Judicial Branch by requiring the Premier to nominate Justices.

The Legislative Branch checks the Executive Branch through its power of impeachment and removal, and through the requirement that Executive organizations must be established and their powers defined by law.

The Legislative Branch checks the Judicial Branch through its power of impeachment and removal.

The Judicial Branch checks the Legislative Branch through its power to overturn a law that violates the Constitution.

The Judicial Branch checks the Executive Branch through its power to overturn treaties that violate the Constitution.

