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Making Votes Count: They Don't in Israel!

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So long as Israel lacks district elections, it will limp from crisis to crisis or from Jerusalem to Washington, until it collapses.

I. Introduction

Making Votes Count is the title of a book by Gary Cox, a leading expert on electoral systems.¹ Here I shall try to simplify his mathematically oriented research by paraphrasing and reorganizing statements scattered throughout his study of 77 countries listed by Freedom House as having democratic elections (circa 1992).

Although Professor Cox does not put it this way, a country's electoral system can be decisive for its character, for it may determine WHO shall rule and for what ENDS or purposes. Which means that the caliber of politicians and the goals and policies they pursue depend very much on the method by which they are elected. The method of election determines the relationship between citizens and office-holders, hence the extent to which a country approximates a representative democracy. As will be seen in a moment, an ostensibly democratic electoral system can enable the ruling political party or parties to ignore the concerns of most citizens **between** elections and thereby make a mockery of democracy.

Such is the case in Israel. Accordingly, the ultimate purpose of this article is to provide a set of ideas regarding electoral systems by which to understand and possibly correct the defects of Israel's method of electing its parliament. This is not to say that electoral or institutional defects alone are responsible for the failings of Israeli democracy. No less significant is the character of Israeli society and the number of its political parties.

II. Social Structure and Electoral Systems

The number of parties in a country may be said to be an interactive function of its electoral system and its social structure. Heterogeneous societies are likely to have more political parties than homogeneous societies, but the number will be affected by the electoral system. Cox asks rhetorically:

Does anyone believe that the United States would remain a two-party system, even if it adopted the Israeli electoral system [where any party, receiving a mere 1.5% of the votes cast in Knesset elections can obtain two seats in the legislature]?

Despite its great ethnic, racial, and religious diversity, America has a two-party system primarily because of its single-member districts with plurality rule. This two-party system is a consequence of "strategic voting". Strategic voting means voting for a higher-ranked candidate that one believes is stronger (and will win), rather than for a lower-ranked candidate that one believes is weaker (and will lose), even though you identify with the latter. This is why simple plurality elections on the national, as opposed to the local, level tend to

eliminate third parties. An exception is Canada, which has simple plurality elections yet a long-standing multiparty system. In this case social cleavages prove to be more significant than the electoral system.

Turning to Israel, this country has less ethnic diversity than the United States. Yet Israel has a more than ten-party system precisely because **the entire country constitutes a single electoral district** and parties win seats on the basis of proportional representation. A bit more than three million votes were cast in the 1996 Knesset election; but given a 1.5% threshold, 45,000 votes were enough for a party to win two seats! No wonder 21 parties competed in that election. (Eleven won seats, and of these, seven formed the Netanyahu Government – hardly conducive to the formulation of coherent and resolute national policies.) Not that this number of parties represents significant social cleavages. Even Israel's taxi drivers have formed a party, trying (in vain) to win seats in the Knesset!

Of course, socially defined groups will not always be able to form political parties. Not all social cleavages become politicized, and even fewer become “particized” (i.e. form important lines of partisan division). On the other hand, it can be shown that **different electoral systems can produce different party systems, even when used in the same society at the same time**. A case in point is Australia, whose House of Representatives is based on single member districts, but whose Senate is based on multimember districts. The House had three parties in 1990, while the Senate had five.

If one looks at the national rather than at the local level, then of 77 countries having democratic elections, 25 (including New Zealand, Great Britain, and the United States) use electoral systems with single-member districts **and** plurality rule. Although one can hardly recommend plurality rule in single-member districts for Israel, I dare say it would be preferable to the existing system of at-large elections with fixed party lists. Since their rank on the list depends on their party, Knesset members are accountable not to the voters but to their party leaders. The result is party dictatorship, which tends to lower the quality of politicians and of public life. To be sure, small parties in Israel would be at a disadvantage under plurality rule with single-member districts. But they along with the entire country suffer under coalition cabinet government, i.e., when the cabinet consists of a multiplicity of parties incapable of pursuing a coherent and resolute national strategy essential to Israel's security.

On the other hand, and contrary to the view of most political scientists, plurality rule in single-member districts does not necessarily underrepresent small parties. All depends on the geographic distribution of voters. If a third party's voters are concentrated in a particular region of the country, it may be able to compete successfully as one of the two main parties locally, even while remaining a third party nationally. Again, virtually any system of district or constituency elections is preferable to fixed party lists. **In fact, 76 out of 77 countries rely exclusively on district elections for the lower (or only) branch of their legislature. The exception is Israel!**

Summing up, while the number of parties in a country increases with the diversity of the social structure and with the proportionality or permissiveness of the electoral system, the two interact. Increasing the proportionality of an electoral system in a homogeneous society does not proliferate parties, whereas it does in heterogeneous societies. Similarly, increasing diversity of the social structure in a non-proportional electoral system does not proliferate parties, whereas it does in a proportional electoral system. Stated another way: A country will have many parties only if it has **both** – many social cleavages and a permissive enough electoral system to allow political entrepreneurs to base separate parties on those cleavages. Conversely, a country can have few parties either because it has no need for many (having few social cleavages) or poor opportunities to create many parties because of a strong electoral system (such as that of simple plurality rule).

III. Voting for Candidates and/or Party Lists

As indicated above, the voters of different countries, and even of the same country, have different ways to vote. In a single-ballot system the voters vote just once. In multiballot systems two or more rounds of voting

may be entailed. (In many countries a run-off election is required when no candidate receives a majority of votes cast in the initial ballot.)

Sometimes citizens vote for candidates only, sometimes for party lists only, and sometimes they have the option to do either or both. The number of **candidate** votes (i.e., votes cast for individual candidates) each voter possesses can range from one to the total number of candidates competing. The same holds for the number of **list** votes each voter possesses.

An exclusive **candidate** vote is one that benefits only the candidate for whom it is cast, and never transfers to any other vote total that is used for seat allocation. Single exclusive votes are cast in Anglo-American single-member districts as well as in Antigua and India.

A **nonexclusive** candidate vote, in addition to appearing in the vote total for the candidate for whom it is cast, also affects other vote totals used in the allocation of legislative seats. There are three main types of nonexclusive vote in current use:

- (1) The transferable vote, which transfers to the vote total of another candidate;
- (2) The pooling vote, which transfers to the vote total of the party list to which the candidate originally voted for belongs;
- (3) The fused vote, which simultaneously affects the vote totals of candidates running for two or more different offices.

- (1) The transferable vote system, also called the "Preferential Vote", is used in Australia, Ireland, Malta, Cambridge, Massachusetts, and elsewhere. Here is how it works for Australia's House of Representatives: As in single-member plurality elections used in the United States and Great Britain, elections are held in single-member districts, but the voter is required to rank ALL candidates seeking election, from first to last.

The returning officer first sorts the ballot papers according to which candidate is ranked first. If at this stage any one candidate has a majority of the votes, he or she is declared elected. Otherwise, the candidate with the fewest first-place preferences is declared defeated. The returning officer then transfers the votes of the defeated candidate's supporters to whichever of the remaining candidates they have marked as their next preference, again checking to see if any candidate has achieved a majority of all the votes. This process continues until some candidate does attain a majority, whereupon he or she is declared elected.

Of relevance to Israel, the Preferential Vote system "allows small parties to document their contribution to a large party's success. It is thus possible, even for parties that virtually never win seats on their own, to play a significant role."

In fact, by issuing "how to vote cards", urging its supporters to adopt a particular ranking of candidates below first, a minor party can be instrumental in deciding which major party shall head the government!

- (2) The pooling vote system, used in Finland and Poland, may also be relevant to Israel. Here is how it works in Finland: Voters cast their votes for individual candidates. Once cast, however, these votes are "pooled" since candidates join together in party lists. Parliamentary seats are allocated to "LISTS" before they are allocated to candidates, on the basis of "LIST" vote totals arrived at by summing the votes of all candidates within the list. Notice, however, that in Finland, unlike in Israel, party lists are not fixed, since the voters vote for individual candidates. But whether a particular candidate will be elected depends on the vote totals of his party's list as well as on the vote totals of other candidates on that list.
- (3) By a **fused** vote, used in Uruguay, Bolivia, and Honduras, voters cast a single vote for a slate that includes candidates for the presidency as well as candidates for the Senate and the lower house. Split-ticket voting – supporting one party's presidential candidate while voting for another's congressional candidates (as in the US) – is thus not possible.

Split-ticket voting was made possible in Israel in 1996 when, for the first time, the Prime Minister was directly elected by the people. Citizens could then vote for one party's candidate for Prime Minister while voting for another party's candidates for the Knesset. This is precisely why the religious parties won 23 seats in that election, seven more than in the previous 1992 Knesset election. (Hitherto, many voters, who identified with SHAS (Organization of Torah Observant Sephardic Jews) or MAFDAL (National Religious Party), cast their votes for the Likud because they did not want Labor to win, either because of its secular orientation or land-for-peace policy.) What is astonishing, and what attests to the poor quality of higher education in Israel, is that Labor MK Yossi Beilin, a political scientist, advocated popular election of the Prime Minister in the belief that it would diminish the power of the religious parties!

Now he and others (such as Likud MK Yitzhak Shamir) want to resurrect the old system, when the head of the plurality party in the Knesset formed the Government. And they conceal this effort to diminish the power of the religious parties under the facade that the old method of electing the Prime Minister will restore institutional "checks and balances".² Admittedly, 61 votes (an absolute majority of the Knesset) are now required to topple the Government by a vote of no-confidence, whereas under the previous system, **any** simple majority could overturn the Government. But the truth is that the Knesset has never overturned the Government on a vote of no-confidence, unless it was the 1990 government of national unity, when, in a bid for power (which failed), Labor chairman Shimon Peres persuaded SHAS to desert the national coalition! But this, only in passing.

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There are, of course, many problems attending district elections (which do not deter the 74 countries that have them). Space permits only a brief summary. One problem usually associated with district elections is gerrymandering. The Single Transfer Vote System (STV) used for electing Australia's Senate precludes this problem.³ To digress for a moment, STV may be ideal for Israel since it involves preferential voting and proportional representation (PR) in multi-member districts. Of course PR requires an electoral threshold. Contrast Israel's 1.5% threshold with that of other countries. In Argentina, only parties whose votes exceed 3% of the number of registered electorate are eligible to receive seats. In Greece, only lists that get at least 3% of the national vote are eligible to receive seats in districts having more than two representatives. In Sweden a party must either exceed 4% of the national vote or its list in the constituency must exceed 12% of the constituency vote. Germany's 5% threshold is exceeded by little Liechtenstein's threshold of 8%. Finally, in some countries, such as the Czech Republic and Slovakia, joint lists face higher threshold requirements than single-party lists.

Needless to say, district elections generate local parties. How these would relate to national parties in Israel is problematic. Since a winner-take-all election for the Premiership tends to generate a national two-party system, over the years a two-party system on the national level may diminish the number of parties on the local level. Much will depend on campaign financing laws, distinctive sectional interests, civic education and the felt sense of national priorities.

District elections obviously entail decentralization of power. Also, district elections, especially with residency requirements, strengthen the "representational bond" between parliamentarians and voters. Although this would make a Knesset Member (MK) more dependent on his constituents, it would also enable him to establish a local power base that would render him more independent of the national party. He could then resist government policies he deems unwise or pernicious without committing political suicide – the lot of MKs today. What this means is that a legislator, in deciding how to vote on a particular issue, will be able to make a balanced judgment between the views of his constituents, the position of his party, and what he himself deems right or expedient.

Moreover, the independence Knesset Members gain from district elections will enable that body to exercise the vital function of administrative oversight. Precisely because fixed party lists transform would-be legislators into apparatchiks, MKs lack the wherewithal to scrutinize the bureaucracy headed by their party bosses, the ministers of the cabinet. This is why the annual State Comptroller Reports are replete with

evidence of official corruption and of violations of the law, only to be swept under the rug by the Knesset. But this means that ordinary citizens have no outlet or effective spokesman for the redress of their grievances. It means that dishonesty and injustice persist without remedy. But this makes Israeli democracy a sham. Without some form of district elections, representative democracy is virtually impossible.⁴

IV. Representative Democracy

Representation is often defined as having one's views reflected in the legislative decision-making process. Representation may also be defined as having one's views reflected in actually enacted policies of government. The first raises the question: How well does the electoral system enable the national electorate to impress its opinions on the legislature? The second raises the question: How well do the actually executed policies of the government represent the opinions of the national electorate?

We have seen that Israel's system of at-large elections with fixed party lists renders Knesset Members relatively independent of the voters between elections. Stated more cautiously, let us say that the "representational bond" between MKs and citizens is weak. Much the same may be said of Cabinet Ministers, since the latter, with rare exceptions, are Knesset Members. It follows that Israel's method of electing the Knesset does not enable the national electorate to impress its opinions effectively on the legislative process nor on the actually executed policies of the government. This is hardly consistent with representative democracy.

If Israel had some form of district elections, whereby citizens could vote for individual candidates rather than for fixed party lists, the representational bond between Knesset Members and constituents would be relatively strong. The national electorate would thus be better capable of impressing its opinions both on the Knesset and on actually enacted government policies. (Notice how President Bill Clinton, a Democrat, adopted conservative policies after the Republican Party gained control of both houses of Congress after the 1994 midterm election. In fact, Clinton won the 1996 presidential election because he very much campaigned on the party platform of his Republican opponent!)

Needless to say, citizens can most effectively impress their opinions on candidates during election campaigns, when office-seekers solicit their votes. Analysis of public opinion polls tells candidates what to say and what not to say during the campaign. The trouble begins after the election, when successful candidates assume office and proceed to formulate and execute public policies. For various reasons, good and bad, politicians sometimes pursue policies that contradict their campaign promises or their party's platform on certain public issues. Although this is true in Israel as in the United States, the issues concerning the countries are, in certain respects, fundamentally different. It is one thing for politicians to renege on promises not to raise taxes or to increase expenditures for this or that social service. It is quite another thing for politicians to violate campaign pledges concerning the very borders and capitol of the state, and, by so doing, trample on the historical convictions and aspirations of their people. Israel's parliamentary electoral system facilitates such betrayal (which is not to say it is the sole cause).

For example, in professional and neutrally organized polls conducted shortly before the June 1992 Knesset elections, 55% of Israel's Jewish population – **excluding the 150,000 residents of Judea, Samaria and Gaza** – believed that these areas ought to "remain under Israeli rule, even if this meant hindering the peace process". Only 33% favored Labor's policy of "land for peace".⁵ It should be noted, however, that some 400,000 new immigrants from Russia were included in the poll. The vast majority of these immigrants were secularists with little knowledge of, or attachment to, the land of Israel. A large majority of these immigrants voted for the Labor and MERETZ (Party for a Democratic Israel) parties in the hope that a Labor-led government pursuing a "land for peace" policy would obtain the ten billion dollar US loan guarantee intended to alleviate their economic plight. Three years later (and wiser) they formed *Yisrael Be'Aliya* (Israeli Immigrant Party). The party won seven Knesset seats in the May 1996 elections and joined the Government of Binyamin Netanyahu who opposed the "land for peace" policy. It is fair to assume, therefore,

that that policy violated the informed judgment of far more than 55% of Israel's Jewish population, hence, that far less than 33%, **for whatever reasons**, supported that policy.

Inasmuch as Jewish citizens residing in Judea, Samaria, and Gaza were expected to vote in the June 1992 Knesset election, thereby augmenting the 55% majority that opposed Labor's land-for-peace policy, it surprised no one that Labor chairman Yitzhak Rabin promised the voters he would not negotiate with the PLO. Once ensconced in office, however, Labor proceeded to betray its pledge to the nation. Secret talks were held with PLO spokesmen (in violation of Section 4(h) of the Prevention of Terrorism Ordinance of August 5, 1986 which prohibited such contacts and which was not rescinded until January 1993).⁶ It is in this light that we are to understand the Israel-PLO Declaration of Principles of September 13, 1993 commonly known as the Oslo Agreement.

A more blatant example of the Labor Government's contempt for Jewish public opinion is the following. In various 1992 pre-election polls, an overwhelming majority of 80 to 90% voted against any withdrawal from the Golan Heights. Accordingly, the Labor party's official platform proclaimed:

Israel sees in the Golan Heights an area of great importance for its security, its safety and the ensuring of its water resources, **even in times of peace**. Consequently, in every peace agreement with Syria and in the security arrangements, **Israel's settlements and military control will be maintained on the Heights** – on which Israel's jurisdiction, law and administration have been applied.⁷

Rabin himself declared to a Golan audience:

As for the future, it is inconceivable that even in peacetime we should go down from the Golan. Whoever even thinks of leaving the Golan wantonly abandons the security of Israel.⁸

Nevertheless, Mr. Rabin betrayed his pledge to the nation once he became Prime Minister. He publicly proclaimed his willingness to withdraw from the Golan Heights in exchange for a peace agreement with Syria.

Here it needs to be remembered that, in 1992, the Labor-MERETZ coalition received only 56 seats in the Knesset, whereas the nationalist and religious parties received 59 seats. Labor could not have formed a government without the two Arab parties which together won 5 seats. It should be obvious, therefore, that the Labor party lied its way into power and enacted a policy utterly contrary to overwhelming public opinion. In fact, given the radically secular and anti-Zionist orientation of the Rabin Government – it deleted the words "Judaism and Zionism" from the Soldiers Code of Ethics (!) – it is no exaggeration to say that 1992 witnessed an electoral *coup d'état*, not to say a political revolution, in Israel.

Regarding the Oslo Agreement, and ignoring the fact that its having been signed on the White House lawn overawed public opinion in Israel, the Knesset "ratified" that *fait accompli*. I now ask: Could Oslo have occurred in the first place if members of the Knesset were accountable to the voters in district elections? Of course politicians can deceive voters in district as well as in at-large elections. But when a politician does not have to campaign for reelection, having been assured of a safe place on his party's list, he need be, and will be, less concerned about public opinion. Conversely, if a politician supports a policy he opposed during his campaign for office in a district or local election, the voters will be reminded of his inconsistency by his political opponent. This would often deter politicians from reneging on campaign promises, at least in districts having closely contested elections. Surely this applies to politicians whose campaign promises involve such fundamental issues as the borders and capitol of the state.

To clinch the argument, Mr. Netanyahu won the May 1996 Prime Ministerial election (the first direct popular election of the Prime Minister in Israel's history). True he won by a mere 0.5% margin over Labor chairman Shimon Peres. But here it should be borne in that Mr. Peres' party has ever dominated the media as well as Israel's economic and educational institutions. Despite this, Mr. Netanyahu received 55.6% of the Jewish vote, a landslide victory by American standards. Moreover, his Likud party and coalition partners received 56% of the popular vote giving them 68 seats in the Knesset. To be sure, his coalition partners are not equally opposed to the policy of "land for peace", primarily because they differ as to the strategic and/or

religious significance of different parts of *Eretz Yisrael*. Nevertheless, it is clear that the majority that opposed the policy of “land for peace” in 1992 was intact in 1996. Contrary to his known opposition to that policy, however, Mr. Netanyahu proceeded to implement Oslo.⁹

Netanyahu would never have won the 1996 election if the electorate had any intimation that he would not only implement Oslo, but sign an agreement – the Wye Memorandum – which makes Arab compliance depend on the CIA and thereby surrenders Israel's sovereignty to the United States.

Although initial polls indicated that more than 70% of the public supported the Wye Agreement – did any potentially ruling party offer an alternative? Nevertheless, the vast majority expressed skepticism regarding Arab compliance. This skepticism is symptomatic of the unrepresentative character of Israel's political system. For if Israel had direct popular election of the Knesset – hence of Cabinet Ministers – public skepticism about the Arabs would have either precluded the Wye Memorandum, or produced an agreement more favorable to Israel. Certainly the ratification of such agreements would be far more difficult.

That Mr. Netanyahu felt compelled to continue Labor's Osloian policy is irrelevant to the argument of this paper. Presented here is solid evidence that the absence of district elections in Israel produced Oslo and now Wye. I will go further. Shimon Peres was the driving force behind Oslo.

What is remarkable is that even though Mr. Peres has never won an election, this septuagenarian is still in the Knesset! I dare say he would have been returned to private life long ago if Israel had district elections. The same may be said of the late and lamented Yitzhak Rabin. Therein is the consequence and tragedy of a rigid and basically undemocratic political system. Fixed party lists entails self-perpetuating oligarchy. It is a major cause of Israel's malaise.

Conclusion

Since district elections would augment the power of the people and diminish that of the parties, to expect Israel's existing parties to support district elections is like asking chickens to vote for Colonel Saunders. It follows that only a new party emerging from a powerful grass roots movement could possibly bring about this most needed kind of electoral reform. Studies indicate that an increasing majority of the people favor such reform. Until such reform takes place, Israelis will vote but their votes will not count!

Endnotes

- ¹ **Making Votes Count: Strategic Coordination in the World's Electoral Systems**, Cambridge University Press, 1997.
- ² The position of Abba Eban in “A Disastrous Process”, an article in **The Jerusalem Post**, July 10, 1998, p. 8, in which he states: “The direct election of the Prime Minister has violated every principle of decent international order,” is a remarkable *non sequitur*. Eban even has the audacity to declare that so long as direct, popular election of the Prime Minister prevails, “Israel will have no right to call itself a democracy!”
- ³ See Eidelberg, Paul, “Why Israel Needs a Constitution”, *International Journal of Statesmanship*, Los Angeles: Foundation for Constitutional Democracy, April 1996, Vol. 1, No. 1.
- ⁴ One exception, the Netherlands, is a constitutional monarchy.
- ⁵ **The Jerusalem Post**, July 31, 1992, p. 6.
- ⁶ It is now well known that members of the Labor party had been meeting secretly with the PLO in Cairo as well as in London since 1989. See Bainerman, Joel and Chamish, Barry, “The Peres Gambit”, **National Review**, March 7, 1994.
- ⁷ **The Jerusalem Post**, July 31, 1992, p. 6 [italics added].
- ⁸ **The Jerusalem Post**, Dec. 3, 1993, p. 6.

⁹ His claim that Israel was legally obliged to abide by the Israel-PLO Agreement will not stand the test of critical analysis, and for various reasons. First, because a strong argument can be made, upon which a statesman could rely, that the agreement was illegal *ab initio*. Second, because no agreement is binding if it threatens the security and existence of one's country. Third, because the agreement was repeatedly violated by the PLO prior to Mr. Netanyahu's election.