Executive-Legislative Relations and the Relative Power of the Legislature and Government: 4 Decades of Israeli Cameral procedure changes.

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Abstract

The relative strength of the executive vis-a-vis the legislature in general and the opposition in particular is affected directly and indirectly by many institutional features among which the regime type a country has, its electoral system and the manner by which parties select their candidates. Cameral procedures are an additional institution that structure executive-legislative relationships and affect the balance between the government and the opposition but they are often ignored by the comparative literature. This paper details 4 decades (1967-2007) of changes to the Knesset’s Rules of Procedures while paying attention to their influence on the relative strength of the executive vis-a-vis the legislature. I specifically classify procedural changes that 1. affect the power balance between the government vis-a-vis the Knesset and the opposition; 2. procedures that empower or weaken individual Knesset Members. I find that the majority of procedural changes were approved during the later part of the period examined, that is during a period in which the Government experienced harder time in enforcing coalition and party discipline and in which individual Knesset Members were incentivized to behave in a personalistic manner. Moreover, I find that the changes that were adopted during the last 2 decades examined strengthened the government vis-a-vis the Knesset while weakened individual MKs’ relative power. Thus, it seems the government uses the Knesset’s Rules of Procedures strategically in its attempt to improve its strength and curtail individual MKs behavior.
Introduction

The balance between the executive and the legislative branches has been the focus of prominent scholarly work. Scholars have identified that whereas regime type (presidential versus parliamentary systems) is the most significant factor to affect executive-legislative relations, other institutional features, through their effect on party/coalition discipline also influence the relative strength of the government vis-a-vis the parliament in general and the opposition in particular.

Whereas great scholarly attention has been devoted to the effects of regime type, electoral systems and to a lesser extent candidate selection processes on executive legislative relations and party/coalition discipline, less attention was devoted to intra-cameral procedures. This paper shed light on parliamentary rules of procedures. I argue that rules of procedures may affect executive-legislative balance both through their direct effect on the relative strength of the executive vis-a-vis the parliament in general and the opposition in particular, as well as through their effect on party/coalition discipline.

To this end, I take the first step and detail the Knesset’s procedural changes through 4 decades (1967-2007) and classify them along these two dimension (executive relative strength and Knesset Members’ powers).

If indeed cameral procedures affect the balance between the executive and legislative branches, then it is reasonable to hypothesize that (majority) party leaders will manipulate them to enforce greater discipline upon individual MPs and strengthen the relative power of the government vis-a-vis parliament exactly when other institutional features hampers these dimensions. After all the successful parties in a polity should support the rules and the rules should in turn help those parties” (Cox 2006, 1478). Indeed Cox and McCubbins (1994) argue that in the United States majority party leaders defend favorable House’ procedures. This argument is similar in logic to Cox’s conclusion, analyzing the 19th century U.K, that centralized cameral procedures and decision making processes, offset and neutralized the electoral incentives to cultivate a personal vote (Cheibub 2007; Cox 1987), or Figueiredo
and Limongi’s argument about the Brazilian president’s strength in commending majority in Congress despite strong incentives to cultivate a personal vote produced by the electoral system and selection processes (Figueiredo and Limongi 2000). Similarly, Hallerberg (2004) showed that when electoral systems encourage personal vote seeking behavior, cameral rules are more restrictive. Using this logic, I specifically hypothesize in this paper that changes in the Knesset’s Rules of Procedures that were adopted during and after the direct elections for the Prime Minister reform as well as the adoption of primaries by some of the major parties in Israel will aim at limiting MK’s power and strengthen the government vis-a-vis the Knesset and the opposition.

The paper proceeds as follows: I will first describe what are the major institutional features that affect executive-legislative balance focusing the discussion on the influence of a parliament’s Standing Orders on the relative strength of the executive vis-a-vis the legislature and the opposition (direct effect), as well as their effect on individual parliament members’ strength and their impact on party/coalition discipline (the indirect effect). The third section describe shortly the Israeli Knesset’s Rules of Procedures. The 4th and main section of the paper details the procedural changes adopted during 4 decades (1967-2007 inclusive), and analyzes these changes along the two main dimensions examined in this paper (executive-legislative balance and the strength of individual MKs). In the last section I present challenges for my future research.

**What Affect Executive-Legislative Balance**

The checks and balances between the executive and the legislative branches, and the power balance between parliament and government is shaped by institutional characteristics. Regime type (whether a country has a parliamentary, presidential or some mixture of the two) clearly affect executive legislative relations. Electoral systems and intra-party candidate selection processes, through their effect on party discipline and in interaction with regime type may also
shape the relative strength of the executive branch vis-a-vis the legislature. It is the argument of this paper that the balance between government and parliament is also affected by intracameral rules of procedures. Whereas the other institutions were studied extensively, the effect cameral procedures bare on legislative-executive relations was rarely examined. In this paper, I detail the changes that characterized the Israeli Knesset’s Rules of Procedures, while trying to describe their effect on executive legislative relationships. I specifically examine whether procedures adopted during the last two decades examined are characterized by decreasing MK’s power while strengthening the government.

A country’s regime type, that is whether the country uses a presidential or a parliamentary system clearly define executive-legislative relations and the balance between government and parliament. The executive under presidential system may look stronger and more autonomous than under parliamentary systems as its survival does not depend upon parliament, yet, on the other hand the ability of the government in many parliamentary systems to attach a dissolution threat to a vote via the vote of confidence (Diermeier and Feddersen 1998) forces “members of the assembly to choose between either accepting the government’s policy or facing the voters in an election” (Huber 1996, 8), and many times MPs choose to former over the later. Moreover, as Laver (2006, 125) says “The bottom line is that, in most parliamentary government systems, there is little chance of a detailed proposal having extensive legislative deliberation, much less being passed into law, against the wishes of the government”. A country’s regime type also specifies in laws the head of the executive’s abilities and strength both proactively and reactively. For example, whether the president has the right to veto a legislation differentiating between whole and line/partial veto, the proactive ability to initiate a presidential decree, the right to initiate bills and budgetary powers, and the likes (Shugart and Carey 1992; Shugart and Mainwaring 1997).

However, the apparent strength of the independent executive in presidential systems is a mere simplification of complicated political processes, in which the president needs the legislature to approve his initiatives. And under specific circumstances of divided government,
polarized party system, and undisciplined backbenchers the president may find himself in a weak position vis-a-vis the legislature in his attempt to build a coalition that would support the initiative. Indeed scholars have identified that the strength of the executive, in both parliamentary and presidential systems depends not only on a country’s regime type but also on the conflict between the executive and the opposition, the intra-party mode of conflict between ministers against their own backbenchers and the strength of individual MPs (King 1976; Linz 1994; Sartori 1994). In other words, the relative strength of the executive vis-a-vis the legislature and the opposition is influenced by the degree to which parties/coalitions are disciplined (Cheibub 2007; Laver 2006). “Disciplined parties afford a level of predictability and facilitate executive-legislative relations” (Shugart and Mainwaring 1997, 395). Since party and coalition discipline interacts with regime type in affecting executive-legislative balance, it is crucial to discuss determinants of party discipline.

Electoral systems are among the chief institutions that affect the relative strength individual parliament members in general and party/coalition discipline in particular. Through their effect on the incentives to cultivate a personal or a party vote electoral systems either incentivize individual MPs to differentiate themselves from their co-partisans or they encourage legislators to emphasize the collective unified reputation of their party (Bowler, Farrell and Katz 1999; Carey and Shugart 1995). From a behavioral perspective, an electoral system that encourages personal vote seeking behavior will promote disobedience and disloyalty, whereas a party centered system encourages legislators to “refrain from taking positions or actions that conflict with the party’s platform” (Carey and Shugart 1995, 419).

Intra-party candidate selection procedures are also hypothesized to affect party and coalition ideological homogeneity. Restrictive selection processes either empower party leaders providing them with tools (carrots and sticks) to enforce discipline and punish reluctant legislator or allow them to control the ideological composition of the party’s banner (Depauw and Martin 2009; Giannetti and Benoit 2009; Grofman 2006; Hazan and Rahat 2010; Mainwaring and Shugart 1997; Pennings and Hazan 2001; Rahat and Hazan 2001; Sieberer 2006).
Cameral procedures, the focus of this paper, may directly and indirectly impact executive-legislative balance. Rules of Procedures directly affect the balance between the government and parliament by defining the official tools available for the legislature as a whole and the opposition in particular (as well as the individual MP) to scrutinize and critique the government. The Rules of Procedures may bestow at the hands of individual MPs, the opposition, and the legislature as a whole a wide array of mechanisms through which to hold the executive accountable while specifying the limitations on the usage of these tools. Mezey (1990) stated that Rules of Procedures define the degree to which the legislature can constraint the executive’s policy-making process (in both presidential and parliamentary systems) for example, by defining the rights to amend governmental initiatives, delay them or veto them. Mezey (1990) defined three categories of legislatures depending on their ability to constrain an executive’s initiative. A strong policy-making power legislature can modify and even reject government’s proposals; legislatures with modest policy-making power can modify executive’s proposals but cannot reject them; and lastly, little or no policy-making power legislatures are those in which governments’ proposal can neither be rejected nor altered during the legislative stage. On a similar note, Blondel (1973) presented a 5 point scale classifying legislatures according to their relative strength vis-a-vis the executive. He argued that whereas some constitutional features and external characteristics that determine’s the executive’s influence over the legislature (like authority) affect the legislatures’ relative strength, the later is also influenced by internal factors that “stem from the structure of the body itself” (Blondel 1973, 45).

As mentioned earlier, executive-legislative balance is also influenced by coalition-party discipline. Intra-cameral procedures, in addition to their direct effect on legislative-executive balance also bare an indirect affect through their impact on party/coalition discipline. Cheibub (2007) shows that a government’s control over the agenda affects party discipline and hence concludes that discipline is affected by the organization of the legislature (among other factors). In addition, through the mechanism of confidence vote called upon by the Prime
Minister individual MPs are asked to obey the party line and are weakened compared to the empowered Prime Minister. Under such circumstances, when a vote of confidence is attached to a vote parliament members who might have voted against their party leader’s directives are forced to forgo their defiant behavior and toe their party line. (Bowler, Farrell and Katz 1999; Carey 2009; Diermeier and Feddersen 1998; Huber 1996).

Rules of Procedures may also bestow rights at the hands of individual MPs or they may curtail individual legislators’ powers, strengthening the executive instead. For example, Cameral Procedures may help solve a common pool resource problem arising when individual MPs and the opposition have incentives to introduce and pass many private member bills. The budget is limited and approving too many bills allocating resources differently than was planned (on pork barrel projects for example, that requires the allocation of budget to specific constituency’s benefit, but spread the cost across all population) puts a strain on a country’s economy (Diaz-Cayeros, McElwain, Romero and Siewierski 2003; Knight 2004; Weingast, Shepsle and Johnsen 1981). Thus, Doring (1995, 7) argued that “if individual legislators posses many rights to initiatives and amendments, then the underproduction of highly aggregated collective-benefit bills and an overproduction of many petty bills with regional or narrow sectional specific benefit character is likely to occur”. Rules concerning the number of initiatives or amendments each legislator can initiate, limitations on their content, special majority requirements for passage of pork barrel projects or limitations on the minimum number of co-sponsors for an initiative to be considered can all be regarded as means to attenuate the common pool resource problem caused by unconstrained individual MP and the opposition intending to strengthen the government vis-a-vis the legislature. Therefore the government “may limit the resources party members can devote to legislative particularism” (Ashworth and Bueno de Mesquita 2006).

The literature suggests that cameral procedures through their direct effect as well as indirect influence on discipline and individual MPs’ strength may shape executive-legislative balance. Thus, it is reasonable to hypothesize that governmental parties will manipulate and
change the procedures to increase their strength and facilitate a more efficient legislative process that helps fulfill the governing parties’ decision-making goals. Moreover, I hypothesize that the executive will face strong incentives to change cameral procedures and restrict them exactly when other external institutional features (like the electoral systems and/or candidate selection processes) weakens it. In what follows I describe four decades of procedural changes to the Knesset’s Rules of Procedures. Using the two main dimensions of executive vis-a-vis the legislature and the strength of the individual MK I examine the subject matter and the goals of the changes, while testing the assertion that changes during the later two decades were aimed at strengthening the executive on the one hand, while weakening individual Knesset Members, on the other hand.

The Israeli Cameral Procedure in General

Cameral procedures details the day to day modus operandi of the legislature, and the Israeli Knessets’ procedures are no different. They determine the manner by which the machine of the Knesset, including its committees, its speaker and deputy speakers, legislation processes and the likes function (Zidon 1969). In what follows I delineate a short description of the history of the Rules of Procedures following by a detailed account and analysis of four decades of procedural changes. It is worth mentioning from the beginning that going over the 120 amendments to the cameral procedures it is clear many alternations relate to the busy schedule of the Knesset and the Knesset Committee’s desire to improve the Knesset’s efficiency. This rationale for the organization of legislative bodies was proposed by Cox when he argued that “certain universal features of modern democratic assemblies...arise as a response to the scarcity of plenary time in the legislative state of nature” (Cox 2006, 141). Similarly, it is evident that many changes to the procedures were made in an attempt to better control improper and offensive MKs’ behavior, and to improve the means to punish MKs that exhibit reprehensible behavior. The description below ignores those changes.
The History of the Rules of Procedures

The temporary State Council (the predecessor of the Knesset) had an 18 article Rules of Procedures, which were approved by it on July 8th, 1948. By 1949 the "transition to constituent assembly law" detailed in its second article that the constituent assembly will work in accordance with the rules of procedures of the temporary State Council as long as it did not decide to act differently (Zidon 1969, 102). Similarly the 1951 transition law to the second Knesset, says the Knesset will abide by the procedures, the decisions, precedents and norms the first Knesset abided by as long as it did not decide to act differently. It was evident from the first Knesset that writing the Rules of Procedures will take time and so an 8 member subcommittee of the Knesset Committee started working on writing such a document (Zidon 1969, 103). The committee decided to assemble the Rules of Procedures chapter by chapter. Note that in the first 2 decades the norm was that a chapter becomes in effect once the Knesset Committee puts it on the Knesset agenda (such that no debate or vote was necessary to approve it). It was clear from this norm that at some point, the Knesset will have to approve a complete Rule of Procedures, but in the mean time, the Knesset Committee wrote and introduced 17 chapters in the following order:


By the end of the 3rd Knesset (1959) all chapters were assembled into a single document that was introduced to the Knesset. By the start of the 4th Knesset a single document by
the government print with a blue cover was created. Nonetheless, the first printed version available in the Knesset Archive is from 1967, and hence it is the origin point at which our analysis starts.

4 Decades of Israeli Cameral Procedures changes 1967-2007

In this section I present a detailed account of procedural changes adopted by the Knesset between 1967 and 2007. To the best of my knowledge this is the first time any scholar examined the changes adopted by the Knesset to its internal Standing Orders. I describe the number of changes adopted by decade and closely analyze them while classifying their impact on the main two dimensions mentioned earlier: executive-legislative balance, and the strength of individual MKs.

Figures 1 presents the number of changes made to the Knesset’s Rules of Procedures during the four decades examined. It is clear that as time passes more and more alternations are made, culminating with 42 procedural amendments approved during the 1998 till 2007 decade. Whereas some of these procedural changes might be explained as necessary to mange the ever growing busy and complicated agenda of the Knesset, they still pose an interesting question: why do we witness so many alternation to the Rules of Procedures during the last two decades examined, and especially during the 1998 till 2007 period? Are these changes insignificant and inconsequential to executive-legislative relationships and to the power balance between party leader and rank and file parliament members or do they affect both?

Whereas Figure 1 presents the number of procedural amendments adopted by the Knesset during the aforementioned 4 decades, Figure 2 presents the number of articles changes adopted by decade. As research progressed, it became evident, that whereas some procedural amendments included merely a change in one article of the Rules of Procedures, others including alternation of multiple articles, sometimes writing complete new sections in the Standing
Orders. I wanted to examine whether the pattern discovered in Figure 1, in which the last two decades (from 1988 onwards) witnessed a significant increase in the number of amendments is mimicked once we count the number of articles that were altered. As can be seen the general pattern remains with some minor differences. The last two decades to be examined still witness a significantly larger number of changes compared to the first two decades examined, and just as in Figure 1, the last decade between 1998 and 2007 witness a significantly larger portion of changes compared to the other three decades.

Seeing this dramatic increase in the number of changes adopted and articles altered by the Knesset makes one wonders what was the nature of the changes and whether their proliferation is the result of the desire of the government/Prime Minister to gain better control over the Knesset, coalition partners and the rank and file members. In what follows I describe the historical progression of procedural changes by decades describing the nature of the changes and its affect, if any, on executive-legislative relations and on the strength of individual MKs. The
Figure 2:

Number of Articles Changed in the Knesset's Procedures per Decade

<table>
<thead>
<tr>
<th>Year</th>
<th>Articles</th>
</tr>
</thead>
<tbody>
<tr>
<td>67-77</td>
<td>39</td>
</tr>
<tr>
<td>78-87</td>
<td>27</td>
</tr>
<tr>
<td>88-97</td>
<td>51</td>
</tr>
<tr>
<td>98-07</td>
<td>123</td>
</tr>
</tbody>
</table>

A detailed account of the changes provides support for my hypothesis that Rules of procedures were changed to enable better governmental control.

**1967-1977**

During this decade there were 10 amendments to the Rules of Procedures while almost 40 articles have been modified. The first amendment was adopted in December 25th, 1967 and dealt with a sitting of the Knesset that is dedicated to a special event. The change delineated the schedule and order of speeches, and it is clear this change did not affect executive-legislative relations or individual Knesset Members' relative strength. The first amendment is by no mean the only one that did not bare a significant effect on the two major dimensions examined in this paper. Thus, amendment number 9 and amendment number 10 alter committee jurisdictions and titles, and as such do not affect the power struggle between the government and the Knesset, or the strength of Individual MKs (although changes to committees’ jurisdictions...
are clearly important and consequential for example to the subject being heard by Congress (Sheingate 2006).

Other changes adopted during the 1967-1977 decade clearly affected individual Knesset Member status and strength. Generally speaking it seems changes adopted during this time period strengthened individual Knesset Members. For example, amendment number 5 adopted on July 10th, 1971, introduced major changes to articles 30 till 34, among which it was determined to increase the time allocated to discussion in individual MKs’ business. Whereas prior to the changes the Knesset devoted one meeting every two weeks to discuss private member bill initiations, the fifth amendment states that the Knesset devotes a weekly meeting to discuss private member bills and motions to the agenda. Moreover, with regards to the later, a completely new section was introduced that details the procedure of motions to the agenda. This new section continued to mostly strengthen the individual MK. Thus, for example the Knesset Speaker’s prerogatives to disapprove an MK’s motion to the agenda were curtailed and limited to special circumstances, and it was determined that the individual MK will have the right to appeal before the Knesset’s Committee on a speaker’s decision to censure a motion for the agenda. Similarly whereas prior to the change, the cameral procedures allowed the Speaker and his deputies (the Knesset Presidium) to reject the status of a motion to the agenda as urgent if they did not deem its topic as such, (article 33c) the new section introduced and established clear rules for approving an urgent motion to the agenda: if the debate on the topic is likely to prevent an act or an oversight which is irreversible, or that the subject matter of the motion to the agenda is of urgent interest to the public (article 71i).

The 5th change also strengthened individual MKs’ power by increasing the time allotted to giving answer to MKs’ questions: prior to the change answers were given twice a week for half an hour each time, whereas after the change was approved it was determined that the twice a week instances in which answers are given will not be time limited.

Some the procedural changes during the 1967 to 1977 years also altered executive-legislative balance. It seems changes were made in both directions where some strengthened the gov-
ernment and weakened the Knesset while others improved the Knesset’s ability to monitor the executive actions. The 3rd change to the Rules of Procedures from 13/3/69 altered the number of speakers each faction has in a factional debate. In the past, the largest faction in the coalition was given the right to introduce 2 MKs to speak in a 3 hour debate, and 3 MKs in an 8 hour session. Once the change was made, the largest faction in the coalition was allocated 4 speakers in a factional debate, while the second largest faction in the coalition was allocated 2. The change assigned more speakers to the government in a factional debate strengthening the power of government.

The 7th change to the Rules of Procedures changed voting mechanisms in the Knesset. Whereas in the past, 20 MKs were entitled to demand a roll-call or a secretive written vote, the 7th amendment cancels the option to call for a secretive written vote (a written vote was still in effect in matters determined by law such as elections for certain positions as well as vote to cancel an MK’s immunity). Canceling the option to force a secretive vote strengthen the government’s ability to enforce coalition discipline upon the partners, as well as party leaders’ ability to control the rank-and-file in their parties as it enables better supervision over MK and limits MKs’ ability to hide behind a screen of anonymity (Crisp and Driscoll 2012; Gabel, Carrubba and Hug 2008).

While some procedural changes strengthened government vis-a-vis the legislative branch, others weakened the executive and strengthened the Knesset’s ability to scrutinize the executive. Thus, In change number 5, article 33b was changed (titled article 34) to reduce from 40 to 30 the number of MKs that are needed to demand a debate on governmental announcements or declarations, 24 hours after the announcement/declaration was given. The decrease in the number of MKs needed to force a debate after governmental announcements/declarations clearly strengthen opposition and the Knesset and fortify the Knesset’s function of scrutinizing the executive, and hence weakens the government.

Similarly, the 8th change to the Rules of Procedures (January, 17th 1977) added that on non-legislative matters that were assigned to a committee, the Knesset’s Speaker will send
the committee’s conclusions to the minister whose subject matter is under his jurisdiction and
the minister will inform the Speaker on any action taken in light of the committee’s report
no later than 6 month upon its receiving. The demand to receive a ministerial report was not
included in the Rules of Procedures prior to the 8th change, and it is evident the changed
bettered the Knesset’s ability to monitor and scrutinize the executive.

1978-1987

During the second decade examined in this paper the Knesset approved 14 procedural amend-
ments altering a total of 27 articles. Thus, there is a slight increase in the number of procedural
changes adopted, but a slight decrease in the number of articles actually altered. Similar to
the previous decade there are some changes that bare no direct effect on the two dimensions
which are the focus of this paper. Changes to committee jurisdictions and titles continued to
be approved and amendment number 16 added article 58a that discusses the time table and
debate order for when a former MK passes away. Nonetheless, there are changes that affect
the relative strength of an MK as well as the power balance between the government and the
Knesset.

Some of the changes that affect MK’s status bolstered the Speaker’s ability to punish a
reluctant and undisciplined MK (amendment number 13, from November, 11th 1979, which
changed article 67). The Speaker (or one of his deputies that serves as the Speaker of the
debate) was given in addition to the power to revoke an MK’s right to speak the right to
expel the MK from the meeting. After an MK was expelled it was decided that the Knesset
Committee will debate a decision to remove the MK from up to 5 additional Knesset meetings.
On the other hand, the 14th amendment added a caveat that announced that even if an MK
was expelled from a meeting he/she is entitled to enter the plenum for a vote.

The 19th amendment to the Procedures put forth for the first time limitation on the
subject matter of private member bill initiations. It was written that the Speaker and his
deputy will not approve a private member bill they perceive as racist or as denouncing the
existence of the State of Israel as a Jewish state.

On the other hand, some procedural changes adopted during this decade strengthened MK’s status. For example some of the limitations on MKs abilities to read committee protocols were lifted by the 20th amendment to the Rules of procedures. After the change was adopted each MK was entitled to read any committee’s protocols unless they are confidential (previously they were entitled to read the protocols of only the committees they were members of). Moreover, it was added that a committee member is entitled to read confidential protocols of his committee. An additional measure that might have strengthen an MK’s power was adopted via the 24th amendment (21/6/87) whereby in article 29a1 it was stipulated that a Knesset Member is allowed to correct his words for the record (including interruptions) within 7 days. This change strengthens an MKs’ position as he can publically present a certain opinion adhering to his electorate and supporters, only to change his words (in allignment with his party’s views, for example). The electorate are not going to look at the official transcripts of the Knesset and know the MK has changed his opinion on the subject matter.

Amendment 13 (November 20th, 1979) also made MKs stronger since it basically shortened the time allotted to minister for answering a question (in the past break days were not counted in the number of days given to ministers whereas after the change they are counted towards the time limits). All in all it seems that during the 1978-1987 decade there was an equal number of changes that strengthened MKs and changes that weakened their status, maintaining on average the status quo.

Whereas some procedural changes altered MKs relative power and status, others have changed legislative-executive relations altering the balance between the government and the opposition. But, while it seems the status quo was maintained with regards to the relative strength of MKs, the procedural changes adopted during this time period clearly weakened the government and strengthened parliament and the opposition.

For example, change number 18 (11/3/1985) added article 30b in which it was determined that if the Knesset adopted a motion to the agenda to establish an inquiry committee, the
decision will be debated within 30 days, as opposed to other "regular" motion to the agendas in which the timing of the debate is scheduled in consultation with the government. This change empowered the Knesset in its task to supervise and critique the executive, such that the timing of the debate on the establishment of an inquiry committee is no longer dependent upon the government and its willingness to conduct the debate.

The changes to Article 111 also weakened government and strengthened the Knesset and the opposition. The time allotted for ministers to specify his ministry reaction to a committee’s resolution/conclusion was shortened from 6 to 3 months. Similarly, in amendment number 11 from January 1st, 1979 it was determined that if the Knesset accepted a decision to conclude the debate that call for governmental action, the minister who has the jurisdiction over the subject matter will provide a written report summarizing the action took in light of the Knesset’s decision.

Amendment 13 from 1979 that was already mentioned also tipped the power balance between the executive and the legislative branches towards to later. The change shortened the time allotted to minister for answering a question thus improving the Knesset’s ability to scrutinize and supervise the executive.

As oppose to the myriad changes that weakened the government vis-a-vis the Knesset and the opposition few have strengthened the executive. Amendment number 22 to the Rules of Procedures added articles 137a according to which the government was given the option to ask for a delay on a private member bill initiative (with the agreement of the initiator). This option needs approval of the Knesset yet still this delaying option/tactic did not exist prior to the July 6th, 1986 when the 22 amendment was approved.

1988-1997

The third decade examined in the paper is the 1988 till 1997 period. During this time period the direct elections for the Prime Minister were adopted as part of the reform to the electoral system as well as the regime type. Some of the procedural changes adopted during this time
period were the direct product of this reform and necessitated by it. For example amendment number 47 (12/11/96) made changes to the no confidence articles whereby “no confidence in the government” was replaced by “no confidence in the Prime Minister”. These reform related changes mainly affected legislative-executive relations. As the focus of this paper is the Knesset Rules of Procedures and how amendments to it affect both individual MKs status as well as executive-legislative relations, I only discuss the 1992 reform if it is reflected or mentioned by a procedural change.

Some of the procedural changes adopted during the 1988 to 1997 decade were inconsequential to the two main dimensions examined in this paper, for example modification to the State Control Committee’s jurisdictions, such that the topic of the status and authorities of internal comptrollers was placed under its jurisdiction (amendment number 28). Alternatively, on November 11th, 1993 it was determined that protocols of the Foreign Affairs and Defense Committee will be open to the public 30 years from the end of a debate in the committee, and 50 years from the time the debate ended in each of the subcommittees.

Some changes made to the Rules of Procedures strengthened an MK’s power and status. Thus for example on June, 1989 it was determined that after the Knesset decided to pass a Private Member Bill to a committee, the initiator has the right to ask that the bill does not go back to the committee which prepared it for the first vote (the default, and the practice in the past) but rather to a different committee. The MK will address the Knesset Committee and his request will be discussed on the committee’s first business meeting. If the Knesset Committee approves the MK’s request, it will be brought for approval on the floor. Similarly, the 28th amendment declared that the maximum time from a submission of a Private Member Bill until the Knesset discusses it will be shortened from two months, to 45 days. Amendment number 32 from February 1991 also strengthened MK’s power with regards to Private Member Bills initiations: article 112 was changed such that if 6 months passed since a PBM (or a motion for the agenda) was given to a committee and the later did not send it back to the floor, the MK is entitled to ask the Knesset Committee to intervene. The Knesset Committee can provide
the committee time table to bring to an end its debate and send the bill back to the floor. The Knesset Committee is also permitted to reassign the bill to a different committee, if it sees fit. Lastly, an MK’s credit claim was strengthened with regards to Private Member Bills: whereas prior to change number 42 from April 1995 when a committee decided to join similar PMB initiations to a single bill the order at which the initiators appeared on the unified proposal was alphabetical, after the 1995 change it was determined that the order will be determined as follows: if the original PMB were debated on different dates, then the order of initiators on the unified bill will be according to dates of debates. If all the original bills were debated on the same day, then the order of initiators will be based on the order at which the proposals were submitted to the Speaker of the House.

Amendment number 26 from July 27th, 1988 also strengthened MKs as it restricted the previous procedure that allowed a minister to be replaced by another when answering a question on the floor. After the change was adopted this substitution can only take place if the MK introducing the question agrees (or under some special circumstances).

Most of the procedural changes adopted during the 1988-1997 period (and especially in the latter part of this period) that relates to MKs’ relative power weakened the MKs and limited their actions. For example, the 25th change to the Rules of Procedures made factional splitting more difficult. Whereas previously MKs could split relatively easy, it was added in article 18a that any change to the Knesset’s factional structure, a faction name or the number of its members needs the Knesset Committee’s approval. These changes made it a little more difficult to split, switch or establish a new faction in the Knesset effectively weakening individual MKs’ ability to exit (if their voice is unheard any they cannot remain loyal (Hirschman 1970))(Desposato 2006; O’Brien and Shomer 2013).

Other changes related to the physical presence of MKs on certain votes. Amendment number 44 from August 1995 declared that during the second reading of a bill if the institor of an amendment is not present whilst his amendment is debated and voted on, his proposal will not be voted on (note that under special circumstances, the MK can a-priori notify the
Speaker in writing and asked his amendment would be voted on despite his absence. A similar change was adopted by February 1996 with regards to the Knesset Committee discussion about the urgency of a motion to the agenda. The change necessitated the initiator presence for the discussion to occur. If the MK does not appear the Knesset Committee regards his absence as sign of abandoning the motion to the agenda.

Some of the most noticeable changes to weaken MKs relate to the Private Member Bill procedure. By 1992 the Knesset started restricting PNB initiation procedures. Change number 36, from March 1992 declared that when a committee prepares a PMB for first reading it will invite the Minister of Finance (or his representative) to clarify whether the orders of article 39a in the Budget Foundation Law (1985) are in effect. A change to article 39a in the above mentioned law adopted by 1991 defined ‘budgetary legislation’ as “A bill proposed to the Knesset whose enactment involves a financial expanse, a commitment to a budgetary expanse or decrease in the State’s revenues will elaborate (in the bill itself or in his explanation) the method of its finance”, to be accompanied by the Finance Minister’s estimation of the bill’s cost. Later, Amendment 42 from April 1995 stated that an MK has to clearly announce if the topic of his PMB (or a similar topic) was already introduced in a different PMB. This change was done to make the committee’s task easier as committees are given the right to join them into a single bill.

Some of the changes that weakened MKs status relates to behavior and disciplinary action. For example in Amendment number 39 from July 13th, 1993 it was declared that if the Speaker took an MK’s right to speak because he/she presented an inappropriate object or acted unbecomingly, the MK will automatically be deprived from the right to give a speech for 3 regular meetings. By February 1996 further changes were made with regards to disciplinary measures. It was determined that if an MK was removed from the floor, the Speaker will decide whether to bring his case before the Ethics’ Committee. This committee has the right to either reproach the MK; Severely reproach him or remove the MK for up to 10 meeting days but the MK is entitled to enter the floor to vote (if he entered and misbehaved again he may
be removed from additional 10 sitting days). Thus, whereas prior to this change the maximum number of meetings was 5 after amendment 46 was adopted, an MK may be removed from 10. In addition, the Ethic’ Committee may deprived the MK the right from asking oral questions, proposing motions to the agenda and private member bills for an unspecified period of time (to be decided by the committee). Similar measures were adopted for scenarios in which MKs were removed from a committee meeting. The weakening of MK’s status was even more sever, as Amendment 48 from December, 12th, 1997 weakened their ability to appeal the Ethics’ Committee’s decision to expel an MK from the Knesset’s Meetings. Whereas prior to the change an MK had the right to appeal the decision to expel him from any number of meetings, the reformed article 73 gave an MK the right to appeal only if the Committee decided to expel him from 4 meetings or more, or deprived him from the right to ask oral questions, present motions to the agenda or propose a private member bill for a period of over two weeks.

During the 1988-1997 time period many procedural changes affected individual MKs’ strength. Most changes weakened MKs. Moreover, the few changes that strengthened the individual MK were adopted prior to 1996, that is prior to the first elections to be held under the new electoral system. Alternations to the Standing Orders also affected executive-legislative balance.

During this decade several changes to the no confidence vote mechanism was adopted almost all strengthened the executive vis-a-vis the legislature. On June, 1990 a change was adopted with regards to the timing of discussion and vote in a no confidence motion. While beforehand, the no confidence motion was debated in the next regular meeting of the Knesset (from the day of submission), it was declared that the no confidence vote will be discussed from now on in the first Knesset Meeting during the week following the motion’s submission. In other words, the immediacy of the debate and vote was curtailed.

Amendment number 33 from March 1991 added several changes to the no confidence vote most notably, a limitation to the no-confidence vote mechanism: whereas in the past any
faction was entitled to submit an unlimited number of no confidence votes, the amendment determined that only a faction or factions of 10 MKs or more can submit such a motion. It was further stipulated that a small faction with less than 10 MKs may only submit 3 no confidence motions in each Session. In addition, amendment 33 stipulated the two manners by which no confidence motions are issued (article 36) and the timing for its debate (with no major changes from what previously was the procedure). Interestingly, while making the changes to the no-confidence vote (article 36) the reformed article did not include the clause that the initiator(s) has to provide the reason for asking the no confidence vote. By not including this demand, the MKs made it easier for the opposition to submit and also approve a no confidence vote since a split opposition need not even agree on the justification for the motion. Nonetheless, it seems this was an honest omission on the MKs part, as by October, 23rd 1991 (a mere 7 months since the 33rd amendment), the Knesset adopted amendment 34 in which it was written that when proposing a no confidence vote the justification for the motion should clearly be stated.

In addition, and as a result of the electoral and institutional reform adopted in the 1990s, articles 36 clause b and article 36a were changed (amendment number 47 and 48a, respectively) such that “no confidence vote in the government” is replaced by “no confidence vote in the Prime Minister”. The 1990s electoral reform entailed that the Knesset can vote no confidence in the Prime Minister with a majority of 61 MKs. Such a removal of the Prime Minister bring elections for the Knesset as well. The Knesset can approve a no confidence vote with a majority of 80 MKs which will force new elections for the Prime Minister only. Adopting these special majority requirements was thought to strengthen the government by increasing stability and governability. But the new system also enabled the Prime Minister to dissolve the Knesset, forcing new elections for both the Knesset as well as for the Prime Ministerial positions (Hazan and Rahat 2000). The ability of the Prime Minister to dissolve the Knesset and forces early elections both for the Prime Minister as well as the Knesset also weakened the legislature (Hazan 1997)\(^4\).
Some changes strengthened the Knesset and opposition ability to scrutinize and monitor the government, for example, the previously mentioned 26th amendment from July 1988 that restricted ministers’ right to be replaced by another minister while answering a question. In addition, change number 30 from February 1990 mandated that the Prime Minister opened every Knesset’s Session with an announcement about the government’s actions in the period passed since the previous session, and the government’s plans for the upcoming session. There will be a factional debate on his announcement. Furthermore, amendment number 34 added to article 35 the clause that a committee can demand a minister or his representative will report to it once a month. Lastly, article 88 was changed (July, 1989) such that the time allotted for an MK who suggests a motion for the agenda will be discarded (effectively usually this MK is a member of the government) will be limited from 5 to 1 minute.

Amendment number 49 from July 1997 added to article 49a a clauses that enabled the Knesset to force a debate with the Prime Minister’s presence, which clearly strengthened the Knesset and supported its scrutinizing function. The procedural change was adopted in accordance to article 52b in the Basic-Law: The Government. This later article was added to the Basic law when it was re-formulated in light of the reform (by March, 18th 1992) and stated that the Knesset is entitled to force a debate with the Prime Minister’s presence if 40 MKs support it. The Law limited such events to once a month. Amendment 49 applied the necessary additions to the Rules of Procedures, articulating that if a request was tabled to hold such a debate, the Knesset will hold the debate within 21 days (recess days not counted towards the 21 days). Interestingly, the “Basic Law: The Government” did not mentioned the 21 day period articulated in the procedures.

All in all it seems most of the changes adopted during this time period weakened the individual MK and strengthened the government, and this especially in the later half of the decade.
The last decade examined in this paper is from 1998 till 2007. This decade witness interesting political events whereby after the 2001 direct elections for the Prime Minister, the Knesset changed once again the electoral system canceling the direct election for the Prime Minister. Moreover, research has shown that during this time period the Knesset witnessed a rapid growth in the total number of private member bill initiations and passage (Akirav 2010; Hazan 2000; Shomer 2009). As before, some of the changes adopted during the time period are inconsequential with respects to the two dimensions examined in this paper, such as changes in the title of a committee and/or its jurisdiction.

Several changes to the cameral procedures strengthened MKs during the time examined. By December 1998 article 112 was amended bolstering MKs ability to pressure a committee and prevent things “being berried” in the committee stage. Specifically it was stated that if 3 months have passed since a matter was referred to a committee, and the committee did not include it on its agenda, the MK may address the Knesset Committee and ask it to intervene. In addition, article 138 was supplemented by clause c that stated that a committee shall not prepare its Chair’s bill for first reading, as long as a different proposal is on the committee’s agenda for more than 6 months, and its debate was not concluded. The Chair’s bill may be prepared only with a written consent by the government or the individual MK (who ever proposed the bill).

Two major changes strengthened MKs and provided them with additional parliamentary mechanisms to effectively carry their representation tasks. These tools were added via amendment number 59 (January, 3rd, 2000). First, article 33a was added stipulating the “one minute speech” tool. Specifically, it was determined that the first 30 minutes of the meetings on Mondays and Tuesdays that do not include on their agenda a debate or a vote on a no confidence motion will be devoted to one minute speeches that MKs will give from their seat. Each speech will last one minute. Any topic can be brought up provided that it does not hurt the Knesset or uses an insulting expression. The government is entitled, once the one minute
speeches are over, to react using 1 or 2 of its representatives, for a period of no more than 5 minute for each representative. In addition to the one minute speech, amendment 59 also added article 97a that gave MKs the right to propose a motion for the debate in the committee: each MK was entitled to present the Knesset Speaker a motion for debate at any of the Knesset’s committees, and the Knesset presidium will decide whether and to which committee pass the motion, provided than no more than one proposal moved to each committee. A committee will start debating the motion a week after it was passed to it, and will put on the Knesset’s floor its conclusions. It is interesting to note that both new tools of motions to the committee’s agendas and one minute speeches were first adopted provisionally for a half a year only. They were both extended by July, 31st, 2000 (amendment number 67), but then on December 19th, 2000 clause e of article 33a was canceled, in other words the half a year provision for the one minute speech was revoked effectively making it a permanent tool in the Rules of Procedures. On the other hand, article 97a that dealt with motion for a committee debate was not extended, effectively canceling it as of January, 3rd 2001.

Another change that helped MKs was approved in amendment 76 (June, 2003) whereby article 54(c) on personal announcements was altered. In the past, it was determined that a personal announcement will last 5 minutes and will be done at the end of the meeting. The amendment changed this such that a personal announcement will be carried out at the end of the debate in the article for which it was asked, and if the debate ended with a vote, then after the vote. Thus, an MK could almost immediately clarify a mistake or a misunderstanding, not having to wait till the end of the meeting to clarify these issues.

Some of the changes adopted during this time period were aimed at weakening MKs and improve disciplinary measures against reluctant legislators. Thus, by January, 3rd, 2000 article 67 clause b was amended such that when an MK does not stop talking after his time has passed, the presiding Speaker may not only admonish the MK and order that the protocol typing be stopped, but he may also shut down the MK’s microphone and order him to step down and go back to his seat. Amended 61 added some disciplinary tools in case an MK’s
cell phone or pager is ringing or if she talks during the meeting.

A major change that weakened MKs and attempted to curtail their usage of private member bills legislation was done in amendment 71 from January, 8th 2002. Prior to the change article 135 stated that a preliminary debate in private member bill initiation will take place no earlier than 2 days and no later than 45 from the day it was submitted to the Speaker unless the Knesset Committee decided to either bring the debate forward or delay it. The change declared that the debate on a private member bill will not take place before 45 days have passed since it was put on the Knesset’s floor unless the government agrees to schedule the debate on an earlier date. In other words, whereas prior to the change the maximum number of days till a debate on private member bill was conducted was 45, after the change the Knesset cannot debate a bill before 45 days have passed. This change weakens significantly the individual MK and is an attempt to slow the fast increase of private member bill initiations and passage in the Knesset (Note that the change enabled the Knesset Committee, by the request of the proposer, to schedule a debate on a PMB prior to the 45 days limit if the committee deemed there are special circumstances or urgency requirements).

An additional chance aimed at curtailing the usage and usefulness of private member bills and the burden they put on the government and its budget was adopted in amendment 77 (July, 2003). Prior to the change article 138a stated that the committee that prepares the bill for its first reading will invite the finance minister (or its representative) to figure out whether the proposal satisfies article 39a in the budget foundation bill, in other words if the bill entails budgetary spending or a decrease in state’s revenues. If so, then the committee will mention in the bill (or its explanatory notes) the ways in which it will be financed.

Amendment 77 made the process even more rigorous and limited. The amendment stated that while preparing the bill the committee will ask the finance minister or his representative to provide an estimate for its budgetary costs in accordance with article 3c of ‘the Basic Law: the State’s Economy’ and article 39a of the budget foundation bill. Article 3c of ’the Basic Law: the State’s Economy’ was adopted in 2002 (amendment number 6 to the basic law).
It solidified into law a temporary order (accepted by June, 15th 2002) that declared that a budgetary bill proposal must be approved with a majority of at least 50 MKs, in all readings (first, second and third). A similar limitation was put on a budgetary amendment. The Knesset Committee that prepares the bill will determine its budgetary cost according to the finance minister’s (or its representative) estimation. Clause d of article 3c defines budgetary bills (and amendments): a. they are not governmentally initiated; b. its enactment involves a cost of 5 million NIS or more; c. the government did not approve this budgetary cost. Amendment 77 further stipulated that the finance minister’s estimation will be done in writing and will include all data and assessments that led to it. The Proposer may submit an opposing assessment based on the Knesset Research and Information Center estimate. Finally, the fact that the proposal is a budgetary bill and the means to finance it will be put in the explanatory note accompanying the bill.

During the 1998 to 2007 decade examined other changes to the PMB procedures were also approved, all with the goal of weakening MKs’ right to initiate private member bills. For example it was decided by November 2004 that in a case of several similar PMB initiations being tabled the MK who proposed a similar bill will justify his proposal for up to 3 minutes (instead of 10 prior to the change).

Changes were also made to the question tool: amendment 79 from March 2004 added that in addition to the Speaker’s right to disqualify a question he may change a question wording to adjust it in accordance with the Rules of procedures and its precedents. The Proposer was given a chance to ask for re-evaluation, but the Speaker’s decision, having re-evaluated the subject is final.

Lastly procedures were made more strict with regards to an MK’s appeal on a Speaker’s decision to reject the urgency of a motion to the agenda. Prior to amendment number 87 from December 6th, 2005 in case a motion to the agenda was not approved as urgent, a proposer was entitled to ask the Speaker to bring the matter before the Knesset Committee that will discuss the urgency of the motion in its earliest meeting. During these discussions the proposer
has to be present, unless he duly notify the committee’ chair or sends a replacement. The change made the proposer’s presence requirement more strict as it prevented him from sending a substitute MK, unless the Knesset Committee determined there is a justifiable reason for his absence.

In addition to procedural amendments that altered the relative strength of an MK, changes that affected executive-legislative balance were adopted. In an attempt to improve coalition discipline amendment 53 limited a minister and as well as a deputy minister’s right to initiate private member bills. Another change that strengthened the executive at the expanse of the Knesset relates to changes in article 51 dealing with ending a minister’s tenure. Prior to amendment 78 from February 2004 article 51 referred to article 35 in ‘the Basic Law: The Government’, whereas the change, necessitated by the adoption of a new ‘Basic Law: The Government’ referred to article 22 in the new law. The change in reference was not a mere procedural. Whereas article 35 in the old Basic Law gave the Knesset the right to remove a minister from office by a majority of 70 MKs, this possibility was not provided by article 22 of the new Basic Law which is referred to by amendment number 78.

As a part of amendment 80 from May 2004 changes were implemented to the no confidence procedure among which the requirement (in accordance with article 28 to ‘the Basic Law: The Government’) to specify in the proposed no confidence motion an MK to replace the Prime Minister. Clause d to article 36 in the Rule of Procedures stipulated that the MK’s written consent will be joined to the no confidence vote, thus putting higher hurdles on the opposition (and especially a split opposition) in its attempt to propose no confidence motions. Additional changes to article 36 strengthened even further the government. Prior to the amendment, it was determined that if a no confidence vote was tabled at the end of a debate on a subject on the Knesset’s agenda, the no confidence motions will be debated and voted on during the first meeting in the week following the tabling of the motion. Amendment 80 left this practice in effect but added that if the government asked to take the no confidence vote on the day it was tabled, then the Knesset will vote on the no confidence motion accordingly. Hence, this
changes gave the government power to determine the timing of the vote on a no confidence motion, enabling it to ask for a vote if it sees the opposition has no majority to win the vote. Lastly, amendment 80 put time limitation on justifying a no confidence motion (a 10 minute limit).

Amendment number 89 from December 2005 further strengthened the executive with regards to article 36g dealing with no confidence votes. The change stated that if several no confidence motions were proposed (attached to the same motion for the agenda) each suggesting a different MK to form the new government, the Knesset will vote on the largest faction’s proposal only. This change limited the Knesset and the Opposition ability to use no confidence votes as a meant to critique and scrutinize the government, and it harmed smaller parties in particular.

Some of the changes adopted during the time period that strengthened the government and weakened the Knesset in general and the opposition in particular aimed at shortening debates that potentially would critique the government or merging such potential debates into a single occasion. For example, Amendment number 80 from may 2004 added clause c to article 34a that deals with a Prime Minister’s opening statement at the beginning of each Session. Specifically, clause c specified that if on the day of the statement the Knesset is scheduled to debate a no-confidence motion, then the Prime Minister’s announcement will open the meeting to be followed by a justification of the no confidence vote proposal. There will be one debate that deals with both the Prime Minister’s announcement as well as the no-confidence vote.

Another amendment that strengthened party discipline and more importantly coalition discipline was adopted by June 2004. It was decided that a committee chair will be entitled by his initiative or by a request of a committee member to vote via Roll-Call (numeric vote) and specify in the protocol how each MK voted. An amendment to the rules regarding the establishment of a parliamentary inquiry committee (amendment number 88 from December 2005) also weakened the Knesset’s ability to critique and scrutinize the government as it
enacted a time limit on re-proposing such an inquiry committee (on a similar topic) for 4 weeks since the day the proposal was voted down from the agenda (article 97b). Similarly, changing article 97e that deals with the order of voting on a motion to establish a parliamentary inquiry committee also strengthened the government vis-a-vis the opposition and the Knesset. Prior to the change in December 2005 MKs first debated and voted on amendments to the proposal that did not negate the establishment of the inquiry committee, then debated and voted on amendments that did negate its establishment, and finally a vote on the proposal with the amendment approved. After the procedural change, MKs first voted on a Knesset Committee’s proposal and/or an amendment that negate the mere establishment of the inquiry committee, then if these are rejected (or such amendments were not proposed), the Knesset will debate and vote on amendments to each article by order. Lastly, Mks will vote on the Knesset Committee coupled with any amendment accepted. This change in the order of voting enabled the government to shoot down a proposal for inquiry committee without spending time and effort on voting on all the amendments.

There were few changes during the 1998 to 2007 period that weakened the government. For example, amendment 54 from December 1998 declared that all Knesset meetings will be public. Previously, Knesset meetings were public unless the Knesset decided to meet behind closed doors as was stated in article 27 in the ‘Basic Law: the Knesset’, or provided that the government demanded it and its request was supported by at least 30 MKs (article 27 in the Basic Law was amended in 1995). Thus, whereas previously it was pretty easy for the government to force a debate behind closed door this option was canceled.

Amendment 64 from March, 2000 decreased the number of MKs needed to oblige a special Knesset meeting from 30 to 25. Additionally, as a part of amendment number 78 from February 2004 it was determined that the order of a debate in the presence of the Prime Minister (as was requested by MKs) would change. Previously, the debate was opened by an up to 10 minute speech by one of the MKs who requested the debate followed by 60 minutes of debate divided among the factions based on their size (with a minimum of 3 minute per
faction). The Prime Minister will participate and present his position during the debate. A vote on his position will end the debate. The amendment stated that the opening words (by one of the MKs who requested the debate), as well as the Prime Minister and the head of the Opposition will not be counted towards the 60 minute time limit. Moreover, it was emphasized that the Prime Minister will present his position only once during the debate and that article 50 to the Rules of Procedure that states that any government member speaking on behalf of the government may ask the floor at any time is not in effect in such a requested debate. All in all, these changes weakened the government as they allotted more time to the opposition to present its case during a Prime Minister requested debate, and limited the Prime Minister’s and the government’s ability to react during the debate.

Changes to article 36a adopted on May 2004 weakened the government and in particular the Prime Minister. Prior to the change, the PM could announce that any subject on the Knesset’s agenda is a matter of confidence (a tool that enables the PM to enforce party and coalition discipline), whereas after the amendment was approved it was declared that preliminary readings of private member bills, and a motion to the agenda are not going to subjected to a vote of confidence as declared by the Prime minister. In other words, limitations were put on the type of debate on which the PM can announce a confidence vote.

Detailing the procedural changes adopted by the Knesset during a period of four decades analyzing them in light of their impact on legislative-executive relations as well as the effect on the relative strength and power of individual Knesset Members has led to some interesting findings. First of all from a numerical perspective, we see proliferation of amendments and modified articles during the last two decades in comparison to the first two decades examined in this paper (1967-1987). Even more interesting are the effects procedural changes bare on the two dimensions examined. During the first two decades, most of the changes adopted were aimed at strengthening the individual MK, opposition and Knesset while curtailing the strength of the executive. The third decade examines (1988 to 1997) saw a change in the nature of procedural amendments. Whereas till 1992 (or so) the trend characterizing the first two
decades ruled, during the later half of the decade changes weakened the MK and strengthened the executive vis-a-vis the Knesset. Therefore these findings support my hypothesis that the government will manipulate and restrict intra-cameral procedures in periods where other (extra-legislative) institutional arrangements hamper the government’s powers.

**Conclusion**

This paper examines executive-legislative relations while shedding light on an often neglected institution: cameral Rules of Procedures. I describe the procedural changes the Knesset adopted along 40 years classifying their direct effect on executive-legislative balance as well as their indirect effect on executive-legislative relations through their influence on the relative strength of the individual parliament members and therefore party/coalition discipline. I hypothesized that when extra-legislative institutional arrangements (such as electoral system or intra-party candidate selection processes) tipped the balance between government and parliament and made governability harder, governmental parties will manipulate the Rules of Procedures and alter them so they restrict individual MKs and curtail the Knesset and the opposition (while strengthening the government). I detailed account of the procedural changes described in this paper largely support this hypothesis. Whereas in the first two decades procedural amendments strengthened the Knesset, the opposition and individual MKs, the multitude of changes adopted during the later two decades (and especially since 1992, that is post electoral reform and during a period where parties started adopting primaries) curtailed the opposition, the Knesset and individual MKs while strengthening the executive.

There are multiple challenges facing the research: first, procedural changes are articulated in legal terms and sometimes it is hard to know what legislators meant by adopting a certain amendment. To this end, I collected all Knesset Committee’s (as well as its subcommittee for Rules of Procedures) discussion on procedural amendments. Reading the discussion will help me better understand the goal of a specific change and whether the final amendment was the
government’s proposal or a negotiated modification to it.

Reading the committee’s and subcommittee’s discussion will also help me overcome a potential selection bias. In this paper, I only looked at procedural amendment—on other words on changes that were debated and agreed upon by the Knesset. However, in order to truly understand the nature of procedural changes one needs to also look and classify those amendment that were not approved (voted down) by the Knesset. Future research will examine this more complete universe of cases.

Lastly, I am in the process of devising a questionnaire for classifying cameral procedures that would allow me to make consistent comparisons across the decades, as well as across other countries. In the future I will systematically classify the procedural changes adopted in Israel (and elsewhere) by answering a series of questions developed by the phenomenal work of Doring (1995). Increasing the scope of the research to other countries in a cross-sectional manner will enable me to test my hypothesis cross-nationally. The cross-national analysis facilitates cross-national variation in extra-legislative institutional arrangements (like in regime type, electoral systems etc) to help test whether countries that are characterized by permissive extra-legislative institutions adopt restrictive-limiting procedural changes.
Notes

1 I lately obtained the 1950 version of the procedures and its subsequent changed from the Israel State Archives and will analyze them in the future.

2 This chapter made some changes in the chapter introduced during the first Knesset, mentioned in point 1.

3 By 2012 the Knesset adopted major revisions to the Rules of Procedures and future research will examine and analyze the revised Standing Orders.

4 Note that the direct elections to the prime minister reform affected executive legislative relations in a more convoluted way– it weakened party and coalition discipline and hence strengthened the individual MK of both coalition and opposition parties. Since “the strength of the executive is based on the cohesiveness and discipline of the government’s backbenchers...” (Hazan 1997, 344) the electoral reform did not simply strengthened the executive at the expanse of the legislature, but it also hamper the former ability to function effectively. Nonetheless, since the focus of this paper is cameral procedures, and since the weakening of legislative discipline was not the direct result of any amendment to the Rule of Procedures, it is not addressed in this paper. Only changes that are directly mentioned in the Rules of Procedures or referred to by it are considered and analyzed for this project. Hence, adding the ability of the PM to dissolve the Knesset (not given before) while adopting special majority requirements for no confidence votes strengthened, theoretically, the executive at the expanse of the legislative branch.

5 it remained in effect even after the reform was canceled, and the Basic Law was re-articulated.
References


