

FAQ on the proposed framework for a Constituent Assembly

The following FAQ aim to provide some more detail, information, and rationales for various aspects of the proposed framework for the Constituent Assembly. Some of the questions were asked by early readers of our proposal; others we asked ourselves while working on it. Together they can shed light on the assumptions and reasoning that stand behind this framework. We would be happy to answer any queries you might have, so please email us if you have questions that remain unanswered after reading this FAQ.

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Background

What is a Constituent Assembly?

A constituent assembly is a body whose purpose is to formulate a country's constitutional arrangements, i.e. a basic set of agreements according to which a country would be governed. Many countries have convened constituent assemblies (also commonly known as constitutional conventions or assemblies) in order to draft constitutions, propose amendments to existing constitutions, or formulate semi-constitutional agreements.

The drafters of Israel's Declaration of Independence determined that "the elected, regular authorities of the State" shall be established "in accordance with the Constitution which shall be adopted by the Elected Constituent Assembly not later than the 1st October 1948". But in fact, Israel's Constituent Assembly only first convened on 14 Feb 1949, and a few days later changed its name to "The First Knesset". Disagreements about the very necessity of a constitution as well as about the right time to draft it led the Constituent Assembly to confirm what became known as the "Harari Resolution" on 13 Jun 1950, according to which "[t]he First Knesset instructs the Constitution, Law and Justice Committee to prepare a draft State Constitution. The constitution will be built chapter by chapter, in such a way that each will constitute a separate Basic Law. The

chapters shall be presented to the Knesset when the committee completes its work, and all the chapters together shall comprise the Constitution of the State."

This is where the term Basic Law originated. The Knesset has passed and amended various Basic Laws since then, regarding the electoral system, the branches of government and its institutions, the nature and character of the state and individual rights. Only a small number of those Basic Laws were given special protected status so as to shield them against amendment by narrow, random majorities. Most Basic Laws, however, can be amended by any majority in the Knesset. A Constituent Assembly has not reconvened since Israel's first elections, and the Knesset has also refrained from formulating Israel's constitutional arrangements into a solid, coherent legislative framework.

We propose to reconvene the Constituent Assembly.

What is the purpose of your framework for the Constituent Assembly? What is it that you hope to achieve?

In proposing a detailed framework for convening a Constituent Assembly for Israel, we hope to overcome the impasse that has been paralyzing Israeli society in recent months. We believe that convening a Constituent Assembly may serve as the beginning of a solution, and that the Assembly's actions may provide the solution itself – by forging the broad agreements that are so necessary for Israel. Public discourse has tended to focus on the *substance* of potential future agreements between various factions of Israeli society, and thus has emphasized areas of controversy. The path we aim to build focuses, conversely, on suggested *mechanisms and procedures* for arriving at such arrangements. Where there is no agreement on substance, there

may still be agreement on procedure. We believe that an agreed upon, fair, and appropriate procedure for constitutional decision-making can, in these critical times, consolidate broad agreement that would not be possible otherwise.

We hope that our proposal can help resolve Israel's crisis and enrich the public and political discourse, in such a way that can build infrastructure for mechanisms that would inspire trust in all parts of society, and where broad agreements may be reached.

For many weeks we, a group of professionals, activists, and scholars of diverse Israeli backgrounds, have worked to form the framework presented here. This framework is the result of a strenuous and thoughtful effort to listen and to learn, both amongst ourselves, and in consultation with experts and intellectuals in Israel and abroad. We studied contemporary as well as historical models of constitution-writing around the world, both successes and failures, and conducted extensive discussions about the potential lessons for a similar Israeli effort.

As you will see in the following FAQ, we considered a wider range of possibilities than we were able to fit into our proposal. We did our best to draft a plan that would take into account multiple conceptual as well as practical aspects of selecting and operating a Constituent Assembly. However, other practical aspects have yet to be determined. Hopefully, future discussions of this framework, both in public and among decision makers, will explore these other aspects.

A. The structure of the Constituent Assembly

Why did you opt for a structure wherein current members of the Knesset elect some of the Constituent Assembly's members, and the public elects another part? Why did you propose that the Knesset elect a third of the Constituent Assembly's members?

The Knesset has held constitutional authority since Israel's independence. Forming a constituent body that would be completely independent of the Knesset is, therefore, neither practical nor desirable. Since the passage of the American constitution, every single constitution successfully drafted in democratic countries was written with [parliamentary involvement](#). Democratic countries that tried to separate the process of writing their constitutions from the parliament, such as [Iceland](#) and [Chile](#), failed to complete them. This is no coincidence. The parties in the Knesset, as well as many MKs, past and present, have accumulated considerable experience and knowledge by working on Basic Laws in the Knesset. This may help in forming constitutional arrangements in a Constituent Assembly. Furthermore, involving the Knesset in the writing process of the constitution could allow the Constituent Assembly to defer certain points of contention from the constitutional table to future political ones. This may pave the way for broader agreements about the rules of the game and democratic institutions, and such agreements, in their turn, would provide a framework for future discussions and decision making in the Knesset.

The Knesset's involvement in setting up constitutional arrangements does have certain drawbacks as well. A significant issue within the Knesset is the already excessive workload burdening current MKs, which disrupts the effective functioning of Knesset committees and the institution as a whole. Most committees do not convene regularly with full attendance from all members, most discussions in the Knesset plenum suffer from low participation, and MKs are

typically overwhelmed by numerous responsibilities, and their small number often impedes their ability to adequately fulfill all of their roles.

Furthermore, the Israeli experience suggests that the Knesset has limited ability to complete the process of writing a constitution, and is currently struggling to reach agreement on even the most basic rules of government. Finally, Israel deals with numerous routine as well as urgent challenges on various fronts, and the most natural tendency of both the Knesset as a whole and coalition members in particular is to prioritize immediate needs over any deeper, protracted consideration of the basic rules of the political game. In recent years, Israel's Basic Laws have been amended frequently and hastily for narrow coalitional interests, compromising the stability of those Basic Laws and Israel's very democratic nature. And apart from Israel's specific case, it is commonly accepted in the relevant literature, that the institutional body tasked with formulating a country's constitutional arrangements, including the relationships between branches of government, should be distinct from the legislature. This, among other reasons, so that the legislature doesn't abuse the constitutional process and increase its own powers as against other branches.

Our proposal aims, then, to balance insights about the importance of the Knesset's involvement, on the one hand, and problems inherent to such involvement, on the other, by involving both the Knesset and the public in establishing the Constituent Assembly. We believe that having the Knesset elect one third of the Constituent Assembly's members optimally balances these considerations. On the one hand, selecting one third of the Constituent Assembly would give the Knesset considerable influence on the Assembly's composition, and allow the different factions to appoint their best delegates. Empowering the Knesset in this way would bear out its constitutional role and allow the political parties to be involved directly in the Constituent

Assembly's operations. The Knesset's authority would further be preserved by requiring it to ratify the finalized constitution, following its approval by referendum. On the other hand, the public's ability to exert direct influence on the make-up of the remaining two-thirds of the Constituent Assembly would allow it to hold a focused election about Israel's constitutional framework. This issue has never been at the forefront of any election in Israel, except for the inaugural Knesset. The public would thus elect its representatives with this specific mandate their sole focus. The combined system would integrate the experience and political expertise of the current Knesset with new public representatives, all dedicated to the unique task of framing basic arrangements that would serve Israel for generations.

How would the Knesset choose its delegates to the Constituent Assembly?

The Knesset's delegates to the Assembly would be appointed by Knesset parties in accordance with their proportional strength, but parties would be allowed to join forces for this purpose. They could be experts, professionals, former MKs, elected representatives from local authorities, etc. Delegates could also be serving MKs, but then would need to resign from the Knesset if elected to serve on the Constituent Assembly. Government ministers elected to the Assembly would also need to resign their posts.

After selecting its delegates, each party would announce the names of its elected individuals no later than a week before the deadline for submitting the lists for the general elections to the Constituent Assembly.

Why did you not propose regional elections for the Constituent Assembly, or alternatively – direct elections?

The election process for the Constituent Assembly was one of the main issues in our prolonged discussions. We consulted with experts from around the world who researched and advised the writing of constitutions or amendments to constitutions in Europe, Asia, Latin America, the Middle East and Africa in recent decades. We examined different election systems, including regional elections, direct votes, mixed methods, and mechanisms that include a random selection of citizens (see separate question below).

Our main objective was to select a method which would ensure optimal representation for all segments of Israeli society within the Constituent Assembly. We focused our research on how well each of the different methods might fit Israel.

Our thorough investigation indicates that it is best to avoid radical experimentation in elections for a one-time institution such as the Constituent Assembly. International research as well as Israeli experience suggest that the effects of changes to electoral systems are difficult to predict, and that such changes can lead to unwelcome results (for example, the direct election of Israel's prime minister, introduced in 1992, which undermined the prime minister's political power instead of bolstering it – in direct contradiction to its purpose). But whereas reforms in the electoral system for the Knesset can be fixed or fine-tuned in a following election cycle (as was done in Israel a number of times), the elections for the Constituent Assembly will only take place once.

Furthermore, implementing a novel electoral system that is unfamiliar to the Israeli voter could undermine confidence in the elections themselves: unfamiliarity with a new system, its ballots, vote counting procedures, implications of the system, and relevant operational strategies may erode voter confidence in the election outcome, and thereby compromise the legitimacy of

the Constituent Assembly itself. That would be inadvisable, given that the Assembly's ability to fulfil its role hinges on it being widely trusted by all segments of the public and the political system as a whole. Moreover, several countries that adopted a novel electoral system under similar circumstances were inundated with post-elections litigation concerning alleged irregularities. The consideration of these claims was further complicated by the novelty of the system (thus, the Icelandic supreme court invalidated the results of the elections for the Constituent Assembly, following complaints about procedural flaws). Elections for the Constituent Assembly are therefore not a good opportunity for experimenting with a novel, unfamiliar electoral system.

Notably, each of the examined alternatives to Israel's current electoral system has its own disadvantages. We considered, for example, the possibility of *regional elections*, thinking these might help produce better diversity and representation, inject new blood into the political system, and proportionately involve in the Constituent Assembly delegates from peripheral areas and populations, which are traditionally under-represented in the Knesset. However, Israel is not currently divided into electoral districts that would enable an easy and efficient implementation of local representation. There are 255 populated local authorities in Israel, 80 of which are cities. We estimated that giving proportional representation to every local authority would require a Constituent Assembly with about 1,000 delegates (the exact number depending on the ratio of delegates to residents). It would, in theory, be possible to use Israel's division into 15 sub-districts; except that contrary to local authorities, Israeli sub-districts are not political but rather administrative units. Basing the elections for the Constituent Assembly on an administrative division that was not designed for that purpose, and has never been utilized for elections, would be risky and ill-advised. Moreover, it is our understanding that there is not enough overlap between Israeli discourse on identity and representation and its geographical divisions; purely regional

representation is therefore unlikely to produce a genuine sense of identification in populations that constitute social minorities within specific geographic regions.

For similar reasons we ruled out the idea of *direct general elections*, wherein individuals would run as independent candidates and secure their own seats within the Constituent Assembly. The biggest advantage of such a system would be the direct public trust bestowed on each delegate in the Constituent Assembly, which would reinforce their independence in fulfilling their duties. But this system also has substantial disadvantages: it requires candidates to fundraise significant amounts for their electoral campaigns, thus favoring more affluent candidates. Secondly, there is a good chance that the public would be overwhelmed with hundreds of candidates, making it harder to gather sufficient information for well-informed electoral decisions. Research suggests that in such cases, citizens tend to elect candidates at random or choose those whose names appear at the top of the ballot, both of which are undesirable outcomes.

The sum of these considerations has led us to adhere to Israel's established electoral system, and concentrate on improving and refining it for the purposes of the Constituent Assembly, rather than replacing it altogether. The Israeli system, which is based on closed candidate lists (typically submitted by political parties) running in a single, nation-wide electoral district, is considered one of the most representative in the world, because it allows a large number of parties to be included in the Knesset. Furthermore, the single electoral district allows parties to represent fairly specific identity groups, whose voters are dispersed around the country (e.g. Arabs, ultra-Orthodox Jews, new immigrants, etc.). Still, the Israeli electoral system does produce biased and non-representative results in several key aspects, which we address specifically below: (1) gender representation; (2) age representation; (3) technically wasted votes. The benefit of these suggestions is that they enhance the representativeness of the Constituent Assembly without

disrupting the integrity of the current system. Thus, they do not entail issues of uncertainty and unforeseen consequences, which are common when changing an electoral system.

Why are you proposing changes to the electoral threshold and to the apparentment system of electoral alliances?

The electoral threshold limits representation in the Knesset, and has been changed several times in Israel's history. In the inaugural Knesset, the criterion for securing a seat involved obtaining a 1/120 share of the votes. Today, a party must receive at least 3.25% of the votes, i.e. a minimum of 4 seats, to secure any representation. The main rationale for raising the electoral threshold was to bolster governance – thinking that larger parties make it easier to construct coalitions.

Quite apart from the question of whether raising the electoral threshold has indeed strengthened the ability to govern, governance is not an objective or function of the Constituent Assembly. The Constituent Assembly neither legislates nor forms governments; its sole purpose is to forge broad agreements among the diverse segments of Israeli society. This implies that all parts of Israeli society must be represented in the Assembly. The recent increase in the electoral threshold has led to the exclusion of several parties over the last couple of elections, once from the right and once from the left. These parties received votes equivalent to approximately 3 seats but failed to attain the threshold of 4.

To guarantee maximum representation and ensure that every vote counts in the elections for the Constituent Assembly – a relevant concern for all groups, parties, and factions in Israel – we propose setting the entry barrier to the Constituent Assembly at the de facto natural electoral threshold, as was done in the elections to the Constituent Assembly of 1949.

For the same reason we propose allowing parties to enter into multi-party apparentment agreements, to prevent a scenario where a party would be left without such an agreement for technical reasons, and consequently squander its excess votes. Another change we propose is to tally votes even in cases where parties do not cross the (natural) electoral threshold, by "donating" their votes to allied parties. Such alliances would allow each party to designate which other party would receive its excess votes – irrespective of whether it does or does not cross the threshold.

This would ensure that all parties are represented in the Constituent Assembly as a direct result of voting for them, and would minimize wasted votes and loss of representation.

We hope that every voter in Israel, from every community, descent, national identification and ideological camp, will exercise his or her right to vote for the Constituent Assembly and participate in shaping the most fundamental arrangements of Israeli society.

Why did you not propose a Constituent Assembly in the form of a citizens' assembly, as is practiced in some European countries, where citizens are randomly selected?

In recent years, citizens' assemblies have become a popular model for amending constitutions. However, they have mostly been used for handling focused, distinct issues (such as changing the electoral system in the Canadian province of British Columbia, or amending an article in the Irish constitution concerning abortions), rather than writing completely new constitutions or entire sets of constitutional arrangements. Citizens' assemblies raise significant difficulties when members are expected to commit to intensive, protracted deliberations, or when there are numerous issues to discuss. Thus, for example, randomly selected citizens may refuse to participate in the Assembly altogether, or resign midway through their work for various personal reasons. In practice, citizens'

assemblies are most commonly used as an advisory mechanism for parliament rather than as independently authorized bodies.

Iceland and Ireland are the two principal relevant examples for using this mechanism in the context of writing a full set of constitutional arrangements. Iceland used a randomly selected citizens' assembly for the initial stage of determining the principles and issues for discussion at the Constituent Assembly. The Constituent Assembly itself was then elected in a separate process, which included national, direct elections. But the constitution written by the Icelandic Constituent Assembly was ultimately not ratified by parliament. The prevalent academic opinion is that the Icelandic process was too far removed from the political system, and therefore did not produce a sufficiently coherent and legally sound product, fit to be adopted as a new constitution.

Ireland, for its part, established a number of [citizens' assemblies](#) over the past decade, but these concerned themselves with specific articles in the Irish constitution, rather than with the entirety of its constitutional arrangements. One exception was the 2013 assembly, which consisted of 100 members: 33 members of parliament and 66 representatives from Ireland's various districts, randomly selected to [ensure full representation by gender, age, and socioeconomic group](#). This assembly held monthly discussions on 9 separate constitutional issues predetermined by the Irish parliament, where each issue was discussed over a single weekend. Each such weekend included a number of expert lectures, a set time for discussion, followed by voting. The Irish model is considered rather successful – several assembly recommendations were accepted by parliament and led to constitutional amendments, while others were rejected by either parliament or the public. However, it is unclear whether a similarly focused and condensed process can be implemented in Israel, where constitutional disagreements are so broad and intertwined. We believe that discussions here should take place within a deeper and more intensive framework. The burden on

regular citizens expected to participate in such discussions, as well as the necessary commitment, may be too high and lead to the assembly's failure. Running in elections, as opposed to being chosen by lottery, reflects commitment and a willingness to invest time and energy – both of which are required for the success of the more rigorous and extensive process needed in the Israeli case.

Why do you propose having 100 delegates for the Constituent Assembly? Why not more? Why not less?

The size specified in our proposal for the Constituent Assembly attempts to balance considerations of representation and effectiveness. On the one hand, the smaller the assembly, the more efficient and less costly its management. Smaller assemblies also allow for better intimacy and familiarity between members, which are necessary for building trust and forging broad agreement.

On the other hand, a smaller assembly may undermine representation. Israeli society is accustomed to a political system with a relatively high level of representativeness, owing to the electoral system used for the Knesset. An assembly that would not reflect the principal identity groups comprising Israeli society would not be perceived as inclusive and diverse enough, and may therefore be dismissed as illegitimate by parts of the public. Experts agree that the number of delegates should be larger in more diverse societies in terms of identity groups, in order to reflect that diversity. The principle of inclusiveness that guided us in forming our recommendations for the Constituent Assembly requires, then, that its size allow for optimal representation.

We examined several possibilities regarding Assembly size. As mentioned, the implication of a regional election on Assembly size – approximately 1,000 delegates – was one reason to rule out this system. An assembly of such size would not allow members to familiarize themselves with each other, and also would not be conducive to efficient discussion. Another suggestion that came

up in our preliminary discussions was to set the assembly size at 71 – a symbolically important number, for that was the number of delegates in the ancient Jewish Sanhedrin. But simulations we ran suggested that this figure would not allow adequate representation for the different parties in the Knesset and for the various groups of Israeli society. Assuming, for example, that one third of the Constituent Assembly's members are appointed by the Knesset and two thirds by the public, the Knesset's delegates in an Assembly of 71 would not include members from the smallest parties.

One hundred delegates is not the only conceivable number, but it does successfully balance efficiency with representativeness. The 33 delegates appointed by the Knesset will be able to represent every party in the house. And a general election for the remaining 67 delegates will allow the public to influence the representational composition of the Constituent Assembly with sufficient precision. After consulting with experts around the world, we concluded that 100 delegates would allow for thoughtful and intimate enough processes of learning and discussion, which may lead to the compromises and broad agreements required to shape Israel's constitutional arrangements.

Why did you propose diversity quotas for women, men, and young people? Why did you not propose similar requirements for other groups such as Arabs, ultra-Orthodox Jews, Mizrahi Jews, secular delegates, etc.?

One of the main principles of the Constituent Assembly is the broadest possible representation of every Israeli citizen and all parts of Israeli society. Convening a Constituent Assembly would be a rare, historic, and perhaps singular moment, and therefore every part of Israeli society should be represented around the table and be heard.

Israel's practical and political experience consistently demonstrates that women and young people do not receive proportional representation in accordance with their numbers in Israeli society. While women account for 51% of Israeli society, their Knesset representation never rose above 26%. In the current, 25th Knesset, they comprise just 24% – less than half their share of the population. Similarly, young people aged 18-39, who account for about 30% of Israeli society, consistently comprise just 10% of the Knesset (see data [here](#), [here](#), and [here](#)).

Unlike the various ideological, religious, and communal groups that make up Israeli society, women and young people do not strictly comprise a "group" or an independent political camp. They do, however, represent a central component in *every* group, community, and ideological camp in Israel. Mandatory quotas for women, men, and young people at a rate of at least 80% of their share in the population (40% for genders; 25% for young people) will ensure fair representation, even if not full representation, in accordance with their share of the population. This will reflect gender and age diversity in the various ideological, religious, and communal groups.

Indeed, the appropriateness of representation for other segments of Israeli society can also be questioned. In our meetings, we devoted many hours to the issue of mandatory quotas for select groups and communities in the Constituent Assembly. We ultimately concluded that diversity quotas for other groups raise a number of issues.

First, implementing quotas based on relative religiosity (e.g. ultra-Orthodox, religious Zionists, secular Jews, traditionalists) or ethnic descent (country of origin, ethnicity) raises significant difficulties concerning the diagnosis and classification of individuals. Who should determine whether a candidate is ultra-Orthodox or simply religious? Whether one is a secular Jew or a traditionalist? A Sephardi or an Ashkenazi? Different people define themselves differently,

and there is no universal measure for religiosity or ethnicity. We believe it is inadvisable to institute "belief tests" for candidates, or to require them to classify themselves on a religious and ethnic spectrum, particularly given the prevalence of complex, overlapping identities in Israel. Moreover, precisely these complex, overlapping identities may make it easier to understand and identify with diverse parts of society. Forcing candidates into religious and ethnic pigeonholes would only serve to stress differences over similarities and connections, and may even result in the exclusion of the very candidates capable of fostering connection and agreement between diverse parts of society.

A related question is whether to apply diversity quotas to Arab delegates, given that they comprise a national minority in Israeli society. Many countries reserve several seats in their parliaments, typically a very small number, for ethnic, national, or indigenous minorities. For example, New Zealand reserves 7 out of 120 seats for the Maori minority; Venezuela ensures 3 out of 165 seats for its indigenous minorities; Taiwan reserves 8 seats out of 225 for indigenous minorities, and so on. (For a review see Table 1B in Htun, M. (2004). *Is gender like ethnicity? The political representation of identity groups. Perspectives on Politics*, 2(3), 439-458).

These countries are usually characterized by regional or federal electoral systems, which do not benefit minorities due to their small sizes and geographic dispersion. This threatens their ability to secure any parliamentary representation, especially one that is proportionate to their share of the population. In these countries, diversity quotas are implemented by creating larger, unique electoral districts specifically designated for minorities. This enables optimal pooling of minority votes so they can elect their representatives to parliament.

In Israel, however, elections are based on nationwide proportional representation, and the share of Arab MKs is directly related to the number of eligible voters who turn out to vote (subject

to the electoral threshold). As noted above, in answer to the question about the electoral threshold, we propose lowering the electoral threshold to the natural threshold, enhancing representation.

Despite these considerable difficulties in setting diversity quotas based on religiosity, ethnicity, or national identity, we cannot emphasize enough how important it is that the Constituent Assembly reflect and represent the Israeli population. *Therefore, we call upon all political parties to put up for election a list of eminent candidates from different backgrounds and walks of life, so that these may reflect the great diversity of Israeli society, contribute to building fundamental agreements and bridges across the different parts of Israeli society, and commit themselves to the public good.*

What is the significance of setting gender quotas in a political system that includes ultra-Orthodox parties, where no women serve as MKs? Will ultra-Orthodox representation suffer because of mandatory quotas for women?

Diversity quotas set to a minimum of 40 women and 40 men in the Constituent Assembly can be applied in several different ways. One way to ensure fair gender representation is to require all parties to populate their candidate lists using a zipper system, which alternates between women and men. Interestingly, although the ultra-Orthodox parties do not include women on their Knesset lists, mandatory gender representation in the World Zionist Organization has left ultra-Orthodox parties no choice but to include women on their lists there.

However, ensuring fair representation to both genders in the Constituent Assembly can also be done without compelling the ultra-Orthodox parties to put women on their lists.

For example, one could examine retroactively, once the election results are in and seats are allocated to the different parties, how many women and men were elected to the Constituent

Assembly. If minimum representation is achieved for both genders, then no further action is needed. Otherwise, one can scan the parties with the lowest relative representation for women and "bounce" the next woman to a viable place on the list, and then repeat the process as needed, until balanced representation is achieved. This method allows for several paths of action in cases where party lists do not include enough or any women. We would suggest that the Knesset choose between these options after negotiation. One possibility is to leave the seat or seats vacant until the relevant parties choose the women who would serve as their delegates. Open seats would be reserved for these parties, to be filled at any time, but they would have to be filled with women. Another option would be to skip over lists that do not include any woman at all, and thereby exempt them from their obligation to ensure a 40% representation of women. Assuming comparable voting patterns to Israel's last elections, this option would mean that if ultra-Orthodox party lists consisted exclusively of men, other parties would need to include women at a higher rate of at least 47% in order to achieve balanced gender representation across the Constituent Assembly as a whole (Translating the results of the last elections into Constituent Assembly seats would result in 15 seats for the ultra-Orthodox parties; and 40 women out of the remaining 85 seats equates to 47%).

As noted, we leave it to the Knesset to determine the precise method of ensuring balanced representation. The options we specified are not the only ones, but they suggest that ensuring fair representation for both women and men in the Constituent Assembly as a whole would not necessarily compel ultra-Orthodox parties to include women on their own lists. Of course, Haredi women wishing to run for election to the Constituent Assembly could do so either in ultra-Orthodox parties that do include women or in other parties, whether independent or currently represented in the Knesset.

What kind of financing method do you propose for the Constituent Assembly elections?

Financing the Constituent Assembly elections would require a detailed framework to establish a budget for the Assembly's operations, salaries for its members, and terms for campaign finance for parties seeking to participate in it.

We suggest that any such framework observe the following general principles:

1. Financing the elections should, in principle, remain public; the usual finance and electoral advertising laws would apply to the Constituent Assembly elections as well, including spending caps, with necessary adaptations.
2. Existing parties *would not* be allowed to use funds allocated to them for their Knesset elections to finance campaigns for the Constituent Assembly.

The point is to make sure that the Constituent Assembly elections do not deplete funds available for the next Knesset elections, and also to put all parties on an equal footing in their run for the Constituent Assembly as a new body, where no political party is currently represented.

3. The state treasury would allocate equal advances to any candidate list that can gather 30,000 signatories (approximately one third of the votes needed to secure an Assembly seat). Signatures will be collected either manually or utilizing the government's digital signing system, which has been validated by the Central Elections Committee. Citizens without access to the government's Sign and Verify system could sign at one of the Ministry of Interior's offices.

State funding would be contingent upon a party's successful election to the Constituent Assembly, and preliminary funds would be provided with a bank guarantee, following the established practice in general elections. This would ensure that the government is

reimbursed in case a party falls short of entering the Constituent Assembly, and prevent a misuse of funding by candidate lists with minimal prospects of securing Assembly seats. Parties will not be required to take the entire advance amount, and will be allowed to take it incrementally.

4. Only Israeli citizens would be allowed to make individual contributions to party lists for the Constituent Assembly, using the government's digital signing system (either independently or at one of the Ministry of Interior's offices). The limit for private contributions would be set at 3,500 NIS per household or corporation (the limit for general elections to the Knesset is presently around 2,400 NIS per household in election years). These funds would be promptly transferred to candidate lists.

This arrangement would provide candidate lists with another funding source, proportionate to their level of public support. It would prevent corruption and irregularities in private contributions and ensure that the elections for the Constituent Assembly are exclusively financed by Israeli citizens.

The modest increase in the limit for private contributions reflects, on the one hand, the reduced risk with private financing of elections for a body that is not authorized to set concrete policies, legislate, nominate, or budget; and on the other hand, a commitment to the principle that every vote holds equal weight and that the wealthy do not "own" the election.

5. The cap on spending for the elections would be set at an equal amount for all candidate lists.
6. Foreign contributions of any kind – from governments, organizations, and corporations – will be prohibited.

How will your proposed electoral system address the advantage currently enjoyed by the wealthy in Israeli elections?

Our proposal does not fully address the need for funding when running for public office in Israel. As previously stated, this issue requires regulation as part of a comprehensive framework that would set a budget for the Constituent Assembly, determine a salary for its members, and devise financing schemes for the candidate lists vying to serve in it.

Our proposed mechanism would also allow candidate lists not organized as political parties to put themselves up for election, provided they gather sufficient initial support (2,000 signatures). The process for submitting candidate lists is not novel – it exists in municipal elections (where 200 signatures are required to submit a candidate list of municipality residents). The advantage of candidate lists not affiliated with political parties is that this is a simpler mechanism bureaucratically, with notably reduced costs, that therefore enhances voter accessibility. However, in order not to encourage submission of lists with limited prospects, which would overwhelm voters and result in wasted votes, we propose a higher threshold of initial support for independent candidacies.

Will individuals not affiliated with established political parties be permitted to submit candidate lists?

Yes. As in any election, new parties can be set up, and individuals will also be permitted to submit candidate lists that are not organized as political parties – provided they secure sufficient initial support (2,000 signatures). See previous answer.

Does your proposal that voting be limited to candidate lists not undermine the autonomy of Constituent Assembly delegates and potentially subject them to party discipline?

All political systems feature a certain level of tension between the coordinated efforts of political parties, which facilitate the ability to reach agreement, and the risk that toeing the party line may lead to agreements that do not accurately reflect the views of most elected representatives or the larger public. Disciplining party members into uniform action may result in decisions that are unacceptable to many of them, especially if they are not allowed to express their genuine views. The independence of Constituent Assembly delegates is important both to ensure thoughtful, authentic discussion, and to limit the ability of parties to reach agreements that do not truly reflect the opinions of most members.

On the other hand, in Israel's political culture, citizens and delegates alike are accustomed to "think politics" in terms of parties rather than independent representatives, and are used to making political choices between candidate lists. Direct elections – where candidates run and are elected independently – may indeed promote delegate autonomy; however, as noted earlier in our discussion of regional and personal electoral systems, there is substantial risk associated with introducing a novel electoral system that has never been tried before. This could potentially lead to problems and unexpected complications during an unprecedented and unique event like the convening of a Constituent Assembly.

Global experience too suggests that independent, single-issue candidates sometimes exhibit inflexible positions, obstruct compromise between Assembly members, and impede broader agreements. Some argued that such independent delegates had a disproportionate influence on the drafting of the Chilean constitution that failed its 2022 referendum because it did not reflect views accepted by wider parts of the public. Party lists, on the other hand, would include

politically experienced delegates, committed to a relatively broad set of principles. This should allow Assembly delegates the necessary flexibility to embrace compromise and broader agreement.

There is no perfect way to ensure the independence of Constituent Assembly members, nor to prevent them from toeing party lines. Our proposal aims to strike a balance between compatibility with Israel's political culture, where both voters and parties are familiar with the system and can reasonably assess its potential, and the desire to construct a framework for thoughtful deliberation that avoids convergence into agreements that do not represent the will of the public. Our proposal to acknowledge the independent voice of individual delegates is embedded in this balance. Another device we adopted to promote the independence of Assembly members is conditioning agreement on achieving a majority within each party in the Assembly (see the first alternative we laid out for consensus-building in our Proposal). These intra-party voting mechanisms acknowledge the diversity of opinion and attitude within parties and would allow individual Assembly members to assert their positions and work to promote them.

B. Forming agreements in the Constituent Assembly

How did you determine the two-thirds threshold for reaching agreements in the Assembly? Why did you not set it lower or higher?

Our proposal suggests a multi-stage process for reaching agreements in the Constituent Assembly. The process starts with seeking agreement among each of the Assembly groups separately; proceeds through the establishment of a Consensus Committee; and ends with a minimum threshold for reaching broad agreement, of no less than two-thirds of the entire Constituent Assembly. The two-thirds threshold is a common and widely accepted standard in drafting and

amending constitutions around the world. It reflects the understanding that fundamental agreements about the rules of the democratic game should be made with a broad consensus, even if not unanimously.

Furthermore, though it is, indeed, a relatively high threshold in terms of "ordinary" politics (equivalent to 80 out of 120 MKs), most Basic Laws in Israel were passed in the Knesset with comparable or even higher majorities. In other words, not only is it not an impossible task, but Israeli elected representatives have in fact cooperated in the past in order to form significant majorities for enacting constitutional arrangements. A similar requirement already applies in Israeli law. Thus, both Basic Law: The Knesset and Basic Law: Referendum require the support of at least 80 MKs for certain constitutional amendments.

However, one cannot ignore the concern that a two-thirds majority can still exclude significant parts of Israeli society. The major fear is not that certain Assembly members might occasionally find themselves in the minority, but rather that significant groups in the Assembly will consistently find themselves in the minority and outside the scope of any agreement in the Assembly. This may lead to a sense of resentment and social alienation among such groups, who would feel excluded by the final outcome of the constitutional negotiations.

To mitigate these concerns, we propose establishing a procedure by which Assembly members who constantly find themselves in the minority be allowed to submit a limited number of arrangements for reconsideration. Terms for such reviews will be predetermined before the Assembly's deliberations begin. Extensive consultations we had with experts on decision-making and voting systems suggest that there are various ways to apply such procedures, and the Assembly can determine their specifics in accordance with the deliberative principles it adopts prior to

commencing its discussions. We recommend that the Assembly also consult with relevant experts before resolving this matter.

Why would you allow the formation of new groups in the Constituent Assembly?

Allowing the formation of new groups in the Constituent Assembly is necessary for two separate structural reasons. First, the Assembly comprises members appointed in two different ways – by the Knesset and by the public. We must account for the possibility that Knesset appointees will not necessarily be members of the faction represented in the Assembly. For example: some Knesset parties may choose to appoint professionals or experts on their behalf; multiple Knesset factions may want to collaborate in appointing their representatives; and there may even be a situation where a Knesset party appoints a representative to the Assembly but fails to secure its representation in the general elections to the Assembly. In all these scenarios, Knesset appointees should be allowed (but not obliged) to join one of the factions in the Constituent Assembly.

Second, some factions elected by the public in the general elections may be very small, possibly even comprising a single member. The consensus rule seeks to achieve agreement within every Assembly group separately, but "the majority of members" in a one- or two-member faction/party is of little use. It is therefore necessary to allow (but not oblige) the grouping of small factions together, in order to build larger, weightier groups, that may be represented in Assembly institutions and be useful for the purposes of the consensus rule.

What would prevent a two-thirds majority in the Assembly from consistently overriding the minorities in the Assembly?

Structuring the appropriate mechanism for reaching consensus in the Constituent Assembly has been at the center of our extensive consultations with experts from around the world who have studied and advised the writing of constitutions or constitutional amendments in Europe, Asia, Latin America, the Middle East, and Africa in recent decades. We also consulted experts from both Israel and abroad regarding voting methods.

A key issue in our discussions has been the need to strike a balance between preventing the abuse of the consensus rule by minority groups in the Assembly, on the one hand, and avoiding oppression of minorities, on the other. A strict application of the consensus rule would allow any minority group, or even a group of single-member factions, to stubbornly oppose broad and fair agreements in order to squeeze out concessions from the majority. The entire process might fail because any small group could obstruct agreement. Conversely, supermajorities can very well run over minority groups.

There is no magical solution for this balancing act. Thus, for example, giving each group in the Constituent Assembly a single veto right, which they would be allowed to exercise on any specific issue of their choice, might allow groups to lever this right whenever their support might be needed on other issues. Granting veto rights to only specific groups in the Assembly would be neither fair nor democratic, but granting them to all would likely lead them to use their veto powers against each other. Strong groups could operate strategically to force a minority to waste its veto power by introducing extreme proposals. In general, modeling and simulations of different methods suggested that almost any system that allows a minority to check the power of the majority

would encourage the majority to split into minority groups and thus increase its power strategically.

Another mechanism we explored was the "alarm bell procedure" outlined in the Belgian constitution. This mechanism allows each of the two linguistic groups that make up the country (the Flemish, constituting 60% of the population, and the Walloons, who make up around 40%) to "ring the bell" whenever they feel threatened by specific legislation. The procedure suspends the legislation for 30 days and transfers the issue to a committee of ministers with an equal representation from both groups. Some elements of this procedure are included in our own proposal – such as the ability to renegotiate issues that seem vital to a minority group, or the existence of a consensus committee, whose tasked with addressing issues where agreement cannot be reached. However, other elements of this mechanism are unsuitable or inapplicable for the Constituent Assembly. Firstly, time delays are of no consequence in the Assembly, because its decisions have no immediate effect and the agreements it reaches are in any case subject to a referendum. Secondly, unlike Belgium, Israel does not consist of just two groups of roughly equal size, living in clearly delineated geographic regions each with its own autonomous government. Israel is a mosaic of highly diverse groups of varying sizes, all sharing the same space. There is no feasible way to establish a conflict resolution mechanism in Israel that would resemble the Belgian model.

Another option we considered was using **multiple-votes** systems (also known as quadratic voting systems). In such systems, each Assembly member is allocated a predetermined number of votes (e.g., 100), and then may concentrate his or her voting on specific issues of special significance, while abstaining from voting on other issues. Our analysis and modeling suggested

that such voting methods are mathematically complex and can be implemented in any number of ways.

After extensive research and discussion, we have devised our own mechanism, which relies on several components. Individually, none of these components guarantees absolute protection for minorities; but their combined application produced a significantly more effective safeguard than what currently exists in the Knesset.

Firstly, the consensus rule itself strives for full agreement among all groups in the Constituent Assembly (where "full" is defined in terms of securing a majority within each individual group, rather than requiring the consent of all 100 Assembly members). This consensus rule is not merely a theoretical aspiration; it is grounded in decision-making procedures that grant representation and status to every Assembly group in all major decisions, from setting the agenda to finalizing the draft.

Secondly, the consent committee, which includes representatives from all groups, is charged with seeking acceptable versions and compromises in cases of disagreement.

Thirdly, even when consensus cannot be reached within all groups, no issue can be decided by a majority of fewer than two-thirds of all Assembly members. Requiring a majority of this size makes it very difficult to pass unfair or extreme decisions against minorities, because supermajorities necessarily cross camps, groups, and political ideologies. The fact that achieving such a substantial majority is not assured in Israeli politics will compel the various Assembly factions to engage in extensive deliberation with the goal of securing consensus. For it will not be evident in advance which groups may form the supermajority on each issue.

Fourthly, groups that consistently find themselves in the minority for most of the arrangements reached by the Assembly will have the opportunity to initiate a review of a limited

number of these arrangements. The terms for such reviews will be established prior to the Assembly's commencement of deliberations. The ability to revisit settled agreements before the final draft of the proposed constitution is completed constitutes a potent mechanism. It can compel the Assembly to reevaluate the entirety of the arrangements and make adjustments favoring minorities if a comprehensive review exposes an excessive deprivation of their interests.

C. The scope of the Constituent Assembly's Authority

Can the Constituent Assembly influence legislation before completing its work?

No, the Constituent Assembly is not supposed to substitute for the Knesset as a legislative authority. Its function is to propose constitutional arrangements that will only come into effect once the public approves them by referendum and the Knesset ratifies them.

Would the Constituent Assembly be expected to write a comprehensive constitution for the State of Israel? Who will determine what issues are discussed by the Assembly, and what it should produce as the outcome of its work?

Our document proposes a procedure for deliberating on the constitutional arrangements in Israel. We did not predetermine the required contents of these arrangements. We recommend that the Constituent Assembly concentrate on establishing broad agreements regarding the fundamental rules of the democratic game. It should work towards drafting constitutional arrangements and setting up political institutions that would preserve the existence of Israel as a Jewish and democratic state, and facilitate continued deliberation on future disputes within these institutions.

We leave it to Constituent Assembly to decide on the exact scope of discussions as well as on the specific content of constitutional arrangements that will be submitted for deliberation or

decision within the Assembly. In order to facilitate a thorough consideration, inter alia, of the types of issues that would be addressed in the Assembly, our proposal includes an initial study phase for members of the Constituent Assembly. This phase will include acquiring knowledge about and familiarity with the existing Basic Laws, processes of constitution-writing in other countries, and more. It will also include tours around the country, aimed at exposing Constituent Assembly members to all parts of Israeli society and providing them with a more intimate understanding of various communities.

There is no single definition for what a "comprehensive" constitution should look like, and therefore we do not see fit to force the Assembly's hand concerning the title of the document it might draft. In this context, it should be noted that international experience suggests that compromises and broad agreements can sometimes be achieved by not deciding specific, contentious issues. The incremental approach to constitution-writing was adopted in Israel in 1950, and for decades has indeed facilitated the deferment of constitutional decisions on such issues. Therefore, we believe that the freedom to decide on the exact substance of the constitutional arrangements to be determined by the Constituent Assembly is itself an important means for achieving compromise, and should be left to the Assembly.

Would the Constituent Assembly be allowed to amend existing Basic Laws?

The Constituent Assembly would be allowed to propose changes to existing Basic Laws, as well as to suggest new ones. Any amendments it proposes would be subject to public approval through a referendum.

What would be the role of the Declaration of Independence in the operations of the Constituent Assembly?

The idea of a "Constituent Assembly" is rooted in Israel's Declaration of Independence, where the term first appeared. The drafters of the Declaration stated that "the elected, regular authorities of the State" would be established "in accordance with the Constitution which shall be adopted by the Elected Constituent Assembly not later than the 1st October 1948".

Presently, the Declaration of Independence has no independent legal standing. Nevertheless, it has served as a source of inspiration for quite a few laws and Basic Laws that have codified its principles and expanded upon them. It is also explicitly referenced in Israel's two Basic Laws addressing human rights – Basic Law: Human Dignity and Liberty and Basic Law: Freedom of Occupation. The first clause in each of these laws states that "The basic human rights in Israel are based on the recognition of the value of the human being, the sanctity of his life, and his being a free person, and they shall be upheld in the spirit of the principles in the Declaration of the Establishment of the State of Israel".

We propose that the Constituent Assembly study all the "constitutional materials" that have accumulated in Israel to date, including the Declaration of Independence, the existing Basic Laws, a 2006 draft for a "constitution by broad agreement", and various other drafts put forth over the years by different parties. In addition, the Assembly will engage in consultations with international experts and learn from the experiences of other nations, especially those with more diverse and conflicted backgrounds. The Assembly will also convene for study sessions and public hearings in various towns across the country in order to ensure that its members are directly and extensively exposed to the different communities and multiple points of view present within Israeli society.

Building upon this broad and rich foundation, the Assembly will engage in discussions regarding various constitutional arrangements and work towards forging a broad consensus.

How did you build the list of documents to be presented to the Assembly? Why did you choose these documents in particular?

We recommend presenting the Constituent Assembly with documents that might help it understand the constitutional history of Israel and determine the boundaries for its deliberative sessions. Some of these documents are legally binding, such as existing Basic Laws and certain aspects of the Declaration of Independence (see previous answer). Others are historical texts (e.g., older draft constitutions or proposals for such that have been submitted for the Knesset's perusal over the years).

The details of these various drafts as well as their sectorial and historical diversity are intended to emphasize several points. First, the Assembly's deliberations will not be starting from scratch. Israel already has comprehensive constitutional arrangements in place, even though the process of drafting a constitution has never been completed. Members of the Constituent Assembly must possess a thorough understanding of the existing framework in order to be able to fulfill their roles effectively.

Second, delving into the specifics of previous constitutional proposals will underscore the importance of embracing a broad perspective when considering Israel's future constitutional arrangements, one that would take into account all segments of Israeli society and their diverse visions.

That said, the list of documents we mentioned is by no means exhaustive, and other documents may also prove valuable to the Constituent Assembly's work. We would in fact encourage the general public to submit additional drafts for consideration in the Assembly.

D. The Scope Of The Constituent Assembly's Authority Vis-À-Vis The Knesset

What if the Constituent Assembly suggests arrangements that the Knesset opposes?

Firstly, the Knesset would be allowed to respond to proposals put forth by the Constituent Assembly after it completes its work. The Constituent Assembly will release the draft it has prepared for comments from both the public and the Knesset, and will then reconvene to deliberate on this feedback. Our assumption is that the Constituent Assembly will carefully consider the Knesset's feedback, and lend special weight to suggestions endorsed by the majority of MKs.

Secondly, it is important to remember that the Constituent Assembly does not have legislative authority but rather the authority to formulate arrangements by broad consensus, and then submit them for public approval through a referendum. The Knesset derives its own authority from the public. Therefore, public approval of the arrangements advanced by the Constituent Assembly should lead to their final ratification in the Knesset. If the public rejects the arrangements, then the Constituent Assembly would reconvene in order to formulate a revised text and submit it for another public referendum. The Knesset will be allowed to propose its own changes, provided that these receive wide support.

Are there subjects that the Constituent Assembly would be prohibited from discussing?

We recommend that no formal constraint be set on the scope of the Constituent Assembly's deliberations, and that its members be allowed to determine for themselves which issues to discuss. However, the goal of the Constituent Assembly is to formulate a broad consensus on Israel's constitutional arrangements. Therefore, the Constituent Assembly will not have the authority to either legislate or set detailed policies on specific issues. Neither will it have the power to allocate budgets, make appointments, oversee an acting government or otherwise interfere in its operation.

We propose that the Constituent Assembly work to formulate well-balanced arrangements within its scope of authority, so as to preserve Israel's Jewish and democratic identity and ensure the prosperity of not just individuals and communities, but of Israeli society as a whole.

E. Procedures for Discussion, Study, and Public Engagement in the Constituent Assembly

Why should Assembly deliberations not be broadcast live, as is the case with plenary or committee discussions in the Knesset?

As we are in the midst of a severe crisis of trust between different segments of Israeli society, any effort to forge broad agreements on constitutional principles requires a preliminary stage of rebuilding trust. But managing such a process in the public eye would be exceedingly difficult. The presence of media generates the need among elected representatives to talk to the media instead of with each other, and then to "perform" for the cameras in answer to voter demands or expectations. Such political grandstanding is a common dynamic in the operations of the Knesset but would severely encumber the ability of Assembly members to build trust and reach agreements. Thus,

experts recommend that constitutional discussions remain confidential. Many quote James Madison, one of the Founding Fathers of the American Constitution, who emphasized that the confidentiality of the Constitutional Convention in Philadelphia was a key factor that allowed representatives to listen to different opinions and arguments. According to Madison, the Convention would not have been able to agree on the text of the Constitution if the discussions had been public.

We propose, then, a more intimate process of deliberations, wherein Assembly members would become acquainted with each other, increasing the likelihood that the Assembly can reach broad agreements for the benefit of the Israeli public.

We acknowledge that the challenge in this approach is bridging the gap between the intimate and profound process that Assembly members would undergo and the absence of a similar process for the broader public. To address this problem, we recommend that a spokesperson system be set up for the Constituent Assembly. This system would release regular updates on the Assembly's agenda; on the preliminary study sessions that it would hold around the country, in an attempt to foster mutual familiarity between the public and the Assembly; on regular and direct public engagement and outreach processes without media coverage; and on the complete retention of Assembly minutes, to be publicly released upon the conclusion of the Assembly's work.

Importantly, the absence of live broadcasting would not imply that the Assembly will operate secretly or in the dark. On the contrary, the Assembly will make its agenda publicly available, invite citizens, civil society organizations, and experts to present their positions to Assembly members, and conduct various public engagement processes. Additionally, the Assembly will publish a comprehensive draft of all its proposals and allow the public to comment

on them before concluding its work and submitting the final text of its suggested constitutional arrangements to a national referendum.

Will the debates of the Constituent Assembly be documented otherwise?

The deliberations of the Constituent Assembly will be recorded and documented in detailed protocols. However, to prevent any disruption to the trust-building process and the formation of agreements, records will only be made public after the debates have concluded. Beyond serving as a historical record, protocols may offer insights into the hesitations and doubts of Assembly members, as well as on the process of consensus-building within the Assembly. Additionally, the records may provide a foundation for subsequent interpretations (academic, legislative, judicial, and others) of constitutional arrangements, for continuing discussions, and even for future reforms based on proposals that were put forth in the Assembly.

F. Approval and Ratification of the Constituent Assembly's Proposals

Will the Constituent Assembly's proposals be presented for referendum as a package deal, or will it be possible to approve some of its recommendations but not others?

The referendum will be held on the proposed arrangements as a package deal, rather than separately on individual arrangements. This is a crucial point, because agreements will likely bind together different issues in order to strike a balance between various interests and positions. Splitting the arrangements may therefore upset the internal balance. The public will thus need to make a decision regarding the entire suite of arrangements, with the understanding that it reflects the framework that could be attained by broad consensus among its elected representatives.

Why would a referendum precede ratification by the Knesset instead of the other way around?

The Knesset derives its authority from the Israeli public. Therefore, if the public referendum approves the arrangements proposed by the Constituent Assembly, then the Knesset would be obligated to ratify them. This order of things ensures that the Constituent Assembly has the opportunity to complete its work and present it to the public. It also allows both the Constituent Assembly and the Knesset to hear the public's stance on the formulated arrangements. In the absence of a referendum, the public's position regarding the Assembly's proposals would remain unclear, and the Knesset would be liable to reject arrangements that are acceptable to the majority of the public. Similarly, if a referendum were only held subsequent to the Knesset's deliberations, then again the Knesset would be liable to dismiss or change the Assembly's proposals without checking first with the public.

What should happen if the public rejects the Constituent Assembly's proposed constitutional arrangements?

If the public rejects the Constituent Assembly's proposal, the Assembly may revise its proposal and resubmit it for another referendum. The Knesset may also propose amendments, provided they are formulated with broad consensus.

Why did you propose a two-year timeframe for the Constituent Assembly's work, with an option to extend? Isn't that duration too long?

The process of reaching broad agreements is time consuming. The effort required from a Constituent Assembly seeking to draft the fundamental rules of Israeli democracy by broad consensus cannot be condensed into a matter of weeks or even months. International experience

has shown that setting time limits that are too strict for writing constitutions tends to result in failure (a notable example is Iraq in 2005, where deliberations were restricted to six months, at the end of which no agreement was reached). On the other hand, successful processes of constitution-writing have been known to take two to three years or even longer (three years in India from 1946-1949, two years in Brazil from 1986-1988, two years in South Africa from 1994-1996, three years in Tunisia from 2011-2014, and even longer in Indonesia, where the process was particularly slow and lasted about a decade).

In Israel as well, the drafting process of what was meant to be a "constitution by broad consent", led by MK Michael Eitan, the Chairman of the Constitution, Law, and Justice Committee, lasted approximately two years (between 2003-2005), during which the committee also had other issues to attend to. A two-year timeframe would reflect the gravity of the task before the Constituent Assembly, which is to draft the basic constitutional arrangements for the state. We estimate that two years should suffice, considering that Israel is not starting from scratch; a significant portion of the country's constitutional arrangements has already been established in its existing Basic Laws. A longer timeframe (e.g., four years) might encourage procrastination by Assembly members. Still, we would not advise imposing a strict limit on the duration of the Assembly's deliberations, because it should be given an opportunity to exhaust its discussions and fully seize the historical moment, if it finds that some more time is needed. Therefore, the Constituent Assembly should have the authority to extend its own term for a short period, and then the Knesset should be allowed to extend the Assembly's term beyond that. Obviously, such flexibility may carry budgetary implications.

G. Initiation, Legitimization, and Implementation

What is the proper procedure whereby a Constituent Assembly can be legally established?

The decision to establish the Constituent Assembly must be made by the Knesset, but there is not necessary to do it through either a regular law or a Basic Law (although one of the two would do). In June 1950, the Knesset decided to write the Israeli Constitution chapter by chapter, using a mechanism known as the "Harari Compromise," which was never enacted into law. Similarly, in 2006, the Knesset decided by a regular vote to endorse the "constitution by broad agreement" project led by MK Michael Eitan, then Chair of the Constitution, Law, and Justice Committee. The decision to establish a Constituent Assembly can similarly be made by a regular majority vote of the Knesset.

There are, however, advantages to establishing the Constituent Assembly through legislation. Moreover, while it is not required, it is highly desirable that a vote on such a significant democratic process would take place with the maximum possible presence of Knesset members in the plenary.

What would the day-to-day management of the Assembly look like? Who would determine its budget?

The day-to-day management of the Constituent Assembly will be entrusted to a professional administration. The Ministry of Finance will allocate a budget for its management, taking into account the following factors: the need for a dedicated meeting venue; expenses related to the Assembly's study phase; and appropriate positions for civil servants who will perform managerial and administrative tasks and provide legal counsel and research services. The positions will be of equivalent seniority and rank to those customary within the Knesset.

The Constituent Assembly's budget will be approved by the Knesset and included as part of the decision to establish the Assembly. If needed, the Assembly's administration may submit reasonable requests to the Knesset for additional budget allocations.

Will Assembly members earn a salary?

We believe that the level of effort required from members of the Assembly warrants fair compensation. Salaries will be determined by the Knesset, according to public service parameters.

Seeing as Assembly members are not MKs, and their non-recurring mission is collective rather than individual, we believe there is no need to budget staff, offices, spokespersons, etc., for each member of the Assembly. Such services will be provided at the Assembly level rather than at the level of individual members.

Isn't this an undemocratic maneuver? After all, elections were held only recently, so why is this process needed?

The initiative to set up a Constituent Assembly is not political, in the sense that it is not partisan. Neither is it sectoral. Its goal is to get the entire Israeli society, in all its diversity, to discuss the fundamental principles of Israeli democracy. The initiative is a result of the double insight that these principles have deteriorated significantly in recent years, and that the Knesset alone is incapable of rectifying this. Since leaving Israeli society without addressing the most severe civil crisis in its history is not an option, a solution must be sought through a mechanism specially tailored to the problem.

This is not an undemocratic maneuver bypassing the results of the recent elections; quite the opposite. It is an attempt to solve by strictly democratic means an impasse that the democratic

system has gotten itself into: "doubly" democratic elections that would involve both the current Knesset and the wider public, in an attempt to solve the crisis. The extensive role of the Knesset in creating the Constituent Assembly, as well as the power given to Knesset members to elect one-third of the Assembly on the basis of the last election results, acknowledges and relies on the power of the existing democratic mechanisms.

It should be emphasized that achieving broad agreements on fundamental principles of governance, which the Knesset has been struggling to attain, will allow both the Knesset and the government to address many other socially pressing issues. This should help the Knesset fulfill its role and authority as the legislative branch. Untying the political knot will free both the Knesset and the government to focus on improving education, healthcare, internal security, welfare and elderly care, on helping the disabled, the vulnerable, and the homeless, and much more.