



המכון לאסטרטגיה ציונית  
THE INSTITUTE FOR ZIONIST STRATEGIES

## Constitution of the State of Israel

The land of Israel was the birthplace of the Jewish people. Here their spiritual, religious and political identity was shaped. Here they first attained statehood, created cultural values of national and universal significance and gave the eternal Book of Books to the world.

After being forcibly exiled from our land, the People kept faith with it throughout their Dispersion and never ceased to pray and hope for their return to it and for the restoration in it of their political freedom.

Impelled by this historic and traditional attachment, Jews strove in every successive generation to re-establish themselves in their ancient homeland. In recent generations they returned in masses. Pioneers, *ma'pilim* and defenders, they made deserts bloom, revived the Hebrew language, built villages and towns, and created a thriving community controlling its own economy and culture, loving peace and knowing how to defend itself, bringing the blessings of progress to all the country's inhabitants, and aspiring towards independent nationhood.

After the Nation was forcibly exiled from its country, it remained faithful to its Country and never ceased to assert its right to a life of dignity, freedom and honest toil in its National homeland.

The Holocaust which befell the Jewish people during the second World War - the massacre of millions of Jews in Europe - was another clear demonstration of the urgency of solving the problem of its homelessness by re-establishing in Eretz-Israel the Jewish State, which would open the gates of the homeland wide to every Jew and confer upon the Jewish people the status of a fully privileged member of the community of nations.

On the day of the termination of the British mandate over Eretz-Israel, the fifth of Iyar, 5708, the fourteenth DAY of May, 1948, the members of the People's Council, representatives of the Jewish community of Eretz-Israel and of the Zionist movement, assembled and declared the establishment of a Jewish state in Eretz-Israel, to be known as the State of Israel.

The Declaration of Independence determined that the State of Israel will be open for Jewish immigration and for the Ingathering of the Exiles; it will foster the development of the country for the benefit of all its inhabitants; it will be based on freedom, justice and peace as envisaged by the prophets of Israel; it will ensure complete equality of social and political rights to all its inhabitants irrespective of religion, race or sex; it will guarantee freedom of religion, conscience, language, education and culture; and it will safeguard the Holy Places of all religions. In the very midst of the onslaught launched against it, the State of Israel extended its hand to those who sought its destruction, in an offer of peace and good neighborliness.

The Declaration of Independence mandated the adoption of a Constitution. The Constituent Assembly – being the First Knesset – decided that, as a temporary arrangement, the Knesset would adopt Basic Laws. Now, this xx day of xx, 576x, the Seventeenth Knesset is completing this task, and has the honor of adopting the Constitution of the State.

### **Basic Principles of the State**

1. The State of Israel is the national home of the Jewish People; its gates are open to every member of the Jewish People who wishes to immigrate to Israel.
2. The State of Israel is a democratic state, which respects human rights in the spirit of the principles of the Jewish heritage of freedom, justice and peace.
3. The State's Sovereignty inheres in its citizens.
4. The Preamble is an integral part of this Constitution. Neither the Preamble nor Paragraphs 1 through 4 may be altered, except by two thirds of the Members of Knesset.

### **The status of the individual and the citizen, and their liberties**

5. Every person is created in the divine image and is a free person.
6. Every person is entitled to the preservation of his life, limb and personal safety.
7. Every person is entitled to the preservation of his privacy, dignity, personal discretion, and property.
8. Every person has freedom of religion, freedom of conscience, freedom of opinion, and freedom of culture.
9. Every person has freedom of movement.
10. Every person has freedom of expression.
11. Every citizen and every resident has freedom of assembly and freedom of association.
12. Every person is entitled to a fair trial.
13. Every person is presumed innocent, so long as he has not been convicted according to law.
14. Citizenship is acquired and nullified according to statute; every adult citizen is entitled to relinquish his citizenship in a manner to be determined by statute.
15. All are equal before the law; rights and obligations apply equally

to all citizens of the state; exemption of any citizen from obligations may entail the loss of rights and eligibilities, as shall be determined by statute.

16. The provisions of paragraph 15 notwithstanding, the state may designate particular rights, obligations, or eligibility for public office; the state may designate rights, obligations, or eligibility for public office, relating to the security of the state to those with appropriate security classification.
17. The state will aspire to advance the welfare of its citizens and residents, and to ensure to all a life of dignity.
18. In the event of a conflict between rights enunciated in this constitution, one right shall yield to the other only to the extent necessitated by the attendant circumstances.
19. a Constitutional right shall be limited upon any occasion when its  
Implementation might harm the security of the state, public safety and welfare, public morals, the role of the State of Israel as the national home of the Jewish People, the nature of the State of Israel as a democratic state, or the prevention of criminal activity.
20. A constitutional right shall not be abridged except by a statute for a worthy purpose and only to the extent necessary to achieve that purpose; or in accordance with such a statute on the basis of explicit authorization.

### **Israel as the national home of the Jewish People**

21. Jerusalem is the capital of Israel; Jerusalem is the seat of the President of the State, the Knesset, the Executive, the Supreme Court, and the State Comptroller.
22. Hebrew is the language of the State.
23. The Jewish calendar is the official calendar of the State.
24. The established days of rest for the State of Israel are the Jewish Sabbath and Jewish Holidays; no worker may be employed on these days of rest, except as determined by statute; commercial activity to be prohibited on these days of rest shall be determined statute; non-Jews may refrain from work during their Religious Holidays; the days of rest of each religious community shall be determined by the government.
25. Independence Day is the national holiday of the State. It falls on the fifth day of Iyar, or on a proximate weekday as determined by the government.
26. 'Hatikva' is the National Anthem; the flag of the state consists of a white background, with two azure stripes, in close proximity respectively to the top and bottom edges, and an azure Star of David in the center. The State Emblem consists of the seven-branched Menorah, flanked on either side by olive branches, with the word "Israel" beneath it.

27. The State shall act to ingather the Diaspora of Israel and to establish Jewish settlement in Israel and will allocate lands and resources for these purposes.
28. The following individuals shall be entitled to return as "Olim"-immigrants by right- to Israel: The child of a person who is Jewish according to Jewish Law; a person who has joined a Jewish community and has a demonstrable link to the Jewish People and its heritage, as shall be determined in statute. The spouse and children of an Oleh, who immigrates together with the Oleh or nearly simultaneously with him, shall be entitled to reside here as shall be determined by statute.
29. The law of the State shall give expression to Jewish Law.
30. The State shall act to preserve and to further develop the cultural and historical heritage of the Jewish People, and shall respect the cultural heritage of minorities living within Israel. Every community has the right to preserve its culture and heritage. The State may allow an established community, including one consisting of members of any religion, to operate separate communal settlements.
31. The State shall operate a national educational system, which shall impart basic skills and shall educate toward good citizenship. The history of the Jewish People, its heritage and its traditions shall be taught in schools that serve a Jewish population. Every community may add unique content to the educational program in schools serving its population, or it may operate private educational institutions, as shall determined in legislation.

### **The President of the State**

32. The president is the Head of State.
33. Every citizen of Israel, who is a resident and is thirty years of age or older, is eligible to be a candidate to serve as President of the State.
34. The President shall serve one term only, consisting of seven years.
35. The authority of the President, the particulars of the method by which the President is elected, the manner by which the term of the President is ended, replacement of the President, immunity of the President, as well as other matters relevant to the status and activities of the President, shall be determined by statute.

### **The Legislative Authority**

36. The Knesset is the house of representatives of the state.
37. The Knesset is the legislative authority of the state.
38. The Knesset, as elected, shall comprise one hundred twenty members.
39. The Knesset shall be elected by the citizens of the state by general, direct, equal and secret ballot; the method of implementing these principles, including their limitation, shall be determined in statute.
40. Every citizen of Israel, who is at least eighteen years of age, is entitled to vote for the Knesset, unless a court has negated this right according to

statute.

41. Every citizen of Israel, twenty-one years of age or older is entitled to be elected to the Knesset if he has fulfilled the requirements for submitting his candidacy according to statute, unless a court has revoked this right according to a statute.
42. The candidates for Knesset shall be included in lists determined and submitted in accordance with statute; no list of candidates shall participate in elections, nor shall an individual be a candidate for election to the Knesset, if the goals or actions of the list, or the goals or actions of the individual, as applicable, explicitly or by implication include one or more of the following: (1) rejection of the existence of the State of Israel as the national home of the Jewish People; (2) rejection of the democratic governance of the State; (3) support of armed aggression by an enemy state or by any other organization, against the State of Israel.
43. The elections to the Knesset will be held every four years, and the elected Knesset will convene soon after its election; the outgoing Knesset shall continue to serve until the elected Knesset convenes.
44. Knesset elections shall be held on the third Tuesday of the month of Marcheshvan, in the year in which the term of the outgoing Knesset ends. However, following a leap year, the elections will be held on the first Tuesday of this month.
45. The Knesset shall neither curtail nor extend the duration of its term except by a statute passed with a two-thirds of the members of Knesset, and only when special circumstances exist requiring the term to be curtailed or extended. The period of time by which the Knesset term shall be curtailed or extended shall not exceed the time necessitated by the special circumstances. The scheduled time of the elections shall be changed by a statute passed by the Knesset for this purpose.
46. A majority of the members of Knesset may initiate a national referendum on issues regarding the state sovereignty or constitutional questions. A national referendum on any question is advisory, and its results shall not bind the Knesset or any other authority.
47. The authority of the Knesset and its members, the particulars of the method by which they are elected, by which their term is ended, their replacement by others, , their immunity, and other matters relevant to their status and to their activities, shall be determined by statute.

### **The Executive Authority**

48. The Government is the executive authority of the State.
49. The Government serves by authority of the confidence of the Knesset. The Government is obligated to enforce the decisions of the Knesset shall determine by statute, which decisions of the Government and which appointments require the approval of the Knesset.
50. The members of the Government are collectively responsible to the Knesset; a Minister is responsible to the Prime Minister for his

- actions within the framework of his authority.
51. The Government is comprised of the Prime Minister and other Ministers; only a citizen of the State may serve as a member of the Government.
  52. A Member of Knesset who serves as a member of the Government shall cease being a member of the Knesset, as shall be determined by statute.
  53. Lists of candidates in Knesset elections may, prior to the elections, reach an accord regarding an agreed candidate for Prime Minister. Following the elections, the Nominee for Prime Minister shall be the member of Knesset who represents the list of candidates, or aforementioned accord, that constitutes the greatest number of Knesset seats. The details for implementing these procedures shall be determined by statute.
  54. When the formation of a new Government is necessary, for reasons other than elections or a vote of no-confidence, the President, after consulting with representatives of Knesset factions, shall appoint a member of Knesset, or a member of the Government who was elected a member of Knesset in the election in which the current Knesset was elected, who accepts the appointment, to form a government. This person shall be the Nominee for Prime Minister.
  55. A Nominee for Prime Minister shall form a Government within a period of 28 days; the President of the State shall be permitted to extend this period with additional periods, so long as these additional periods shall not exceed a total of 14 days; Should the President see, at the conclusion of the aforementioned periods, that [Version 1: the Nominee has not formed a Government] or [Version 2: that the Nominee presented a Government for Knesset approval which was denied, in accordance with Paragraph 56], the President shall appoint another person to form the Government, in accordance with Paragraph 54.
  56. When a new Government has been formed, it shall be presented to the Knesset and shall announce its basic policy guidelines, its composition, and the delegation of roles among its Ministers, [Version 1: and it shall be deemed to have received the confidence of the Knesset as of the seventh day following its presentation, , unless the Knesset voted no-confidence in it within the aforementioned period.] [Version 2: and shall request the Knesset's confidence; the Government shall be established from such time as the Knesset votes confidence in it, at which time the Ministers shall assume their responsibilities.
  57. The Knesset may express no-confidence in the Government; no-confidence shall expressed by in a decision of a majority of the members the Knesset voting to instruct the President to appoint a designated Member of Knesset or a designated member of the outgoing Government who was elected to the Knesset in the last

- elections, to form a Government.
58. Should the Knesset vote no-confidence as set forth in Paragraph 57, the Government shall be considered to have resigned at the time of the vote; the President, within two days of the vote, shall appoint the person named in said vote to form a Government.
  59. Should the Government resign, or should no-confidence in the Government be expressed, the Government shall continue to serve until a new Government is presented to the Knesset.
  60. Should the Prime Minister die or resign, or should the Prime Minister become permanently unable to fulfill his duties, the Government shall appoint another of its members to temporarily serve as Prime Minister, and the Government shall be deemed to have resigned.
  61. Should the Budget Statute not be enacted before the beginning of the fiscal year, the Government shall be permitted, every month, to expend a sum the equivalent of one-twelfth of the annual budget of the preceding year, linked to the Consumer Price Index, as published by the Central Bureau of Statistics; should the Budget Statute be enacted after the beginning of the fiscal year, its provisions shall apply as provided; failure to enact the Budget Statute shall not be considered an expression of no-confidence in the Government.
  62. The Israel Defense Forces are subject to the authority of the Government of Israel; The Israel Defense Forces are charged with the security of the State, its citizens, its residents, and members of the Jewish People in distress and captivity, as well as with other tasks as shall be determined according to statute; the Chief of General Staff shall be appointed by the Government; those serving in the security and emergency services shall be enabled to fully observe the precepts of their religion.
  63. The authority of the Government and its members, the particulars of the method by which the members are appointed, the method by which their tenures are ended, by which they are replaced, their immunity, as well as other matters relevant to their status and activities, shall be determined by statute.

## **The Judiciary**

64. The Judicial Authority is comprised of courts, religious courts, and other authorities as determined by statute.
65. Judicial authority is conferred on the following courts: (1) the Supreme Court; (2) District Court; (3) Magistrates Court; (4) any other court determined by statute to constitute a court.
66. Judicial authority is also conferred on the following: (1) Religious Courts; (2) other courts; (3) other authorities, all as determined by statute.
67. Religious Courts are authorized to adjudicate matters of marriage

- and divorce of those who married according to the applicable religion; this authority is exclusive regarding the validity of the marriage and divorce; Religious Courts shall adjudicate any other issue which is brought before them by agreement of the parties, and the existing Arbitration Law shall apply to their rulings; parties whose cases are adjudicated by Religious Courts by agreement may include public bodies, including statutory bodies. Paragraph 15 does not apply to matters adjudicated before religious courts.
68. No court shall be established for a specific case.
  69. A court with constitutional or administrative authority shall not adjudicate any petition except a petition brought by a person with a direct nexus to the gravamen of the petition.
  70. A court with constitutional or administrative authority shall not issue any order regarding a petition against a government authority, except if it is clear that the governmental action violates statute, or that the purpose of the action or decision complained of is blatantly improper, or that the action or decision complained of extends beyond that necessary to accomplish the purpose of the governmental action in a blatantly unreasonable manner. Should the court face a question that relates to the substance of foreign policy, policies of security, or fundamentals of the budget, the court shall not rule on the matter before it.
  71. Should the court face a legal question requiring adjudication, which is not resolved by reference to statute, case law, or compelling analogy, the court will decide the question based upon the principles of freedom, justice, integrity and peace as enunciated in the Jewish Heritage.
  72. The legal system of the State of Israel is independent and any similarity to or difference from any other legal system shall not establish rights, obligations or judicial or other authorities, nor shall it limit them. Legislation shall be interpreted solely on the basis of the intent and purpose of the statute as evident from its text.
  73. In matters of adjudication, one who holds authority to adjudicate is subject to no authority, other than the authority of the law under which he adjudicates.
  74. All adjudication shall be conducted openly in the presence of the public unless the statute shall specify otherwise or unless decided otherwise by judicial authority in accordance with law.
  75. No one may serve as a judge except a citizen of the State.
  76. Judges shall be appointed by the President of the State in accordance with the recommendation of the Committee for the Selection of Judges, which shall number nine members; the chairman of the Committee shall be the Minister of Justice; the remaining members of the Committee shall be appointed by the Knesset, as shall be determined by statute; the recommendations of the Committee for the Selection of Judges, for appointment to the

Supreme Court, require the approval of the Knesset; the Knesset shall determine, through legislation, the requirement of Knesset approval for any other recommendations of the Committee.

77. The Chief Justice of the Supreme Court shall be appointed by the President of the State, in accordance with the recommendation of the Committee for the Selection of Judges; The Chief Justice shall serve one seven-year term only.
78. The authority of the Judicial Authority and judges, the particulars of the method by which they are appointed, the method by which their term is ended, replacement of judges, their immunity, and other matters relevant to their status and activities, shall be determined by statute.

### **The State Comptroller**

79. Oversight over the State is the purview of the State Comptroller.
80. The State Comptroller shall be elected by the Knesset; only a citizen of the State may serve as state Comptroller.
81. The State Comptroller shall serve a term of seven years; The State Comptroller shall serve one term only.
82. The State Comptroller shall be accountable to the Knesset alone, and shall not be dependant upon the Government.
83. The State Comptroller shall not be removed from his position except by decision of the Knesset, receiving approval of a two-thirds majority of the vote, being also a majority of the Members of Knesset.
84. The State Comptroller shall have oversight over the management of the economy, the assets, the funds, the commitments and the administration of the State and of the Government offices, as well as over any enterprise, institution or corporation of the State, of the local authorities, or of other bodies or institutions which have been made subject to the oversight of the State Comptroller by statute.
85. The State Comptroller shall investigate the legality of the activities, the ethics, the proper administration, the efficiency and the thrift of the bodies being overseen, as well as any other matter which the State Comptroller deems necessary.
86. Any body subject to oversight of the State Comptroller shall without delay, upon the request of the Comptroller, provide him with information, documents, explanations and any other material which the comptroller deems necessary for oversight.
87. The State Comptroller shall investigate complaints filed by the public regarding bodies and individuals, as determined by statute or in accordance with the statute; in this capacity, the State Comptroller shall serve as the Public Ombudsman.
88. The authority of the State Comptroller, the particulars of the method by which he is elected, the method by which his term is

ended, replacement of the State Comptroller, his immunity, and other matters relevant to his status and activities, shall be determined by statute.

## **The Status of the Constitution and Other Legislation**

89. The Basic Laws are void.
90. No statute shall contravene the Constitution.
91. No statute shall be determined to contravene the Constitution unless its purpose is blatantly inappropriate, or its violation of the fundamentals of the Constitution and the basic freedoms therein is beyond that necessary in order to realize the purpose, to a blatantly unreasonable extent.
92. Should the Supreme Court determine that there is a conflict between a statute, or a clause therein, and the Constitution, to the extent determined necessary by the Court, the statute or the clause therein shall be deemed voided ninety days following the decision of the court, unless if within said period the Knesset should affirm the original version, or an edited version, of the statute.
93. Should a court besides the Supreme Court, or any authority which holds judicial authority, determine that there is a conflict between a statute and the Constitution; the issue shall be transferred to the Supreme Court for its determination.
94. No constitutional authority, obligations or rights, may be limited or rejected, nor may any be added, by virtue of constitutional authority, obligations or rights found outside the Constitution; constitutional authority, obligations or rights which were in effect prior to the enactment of the Constitution are void to the extent that they are not in agreement with the Constitution.
95. The requirement that a super-majority is necessary for the amendment of a statute or clause shall be enacted only in the second and third readings of the Knesset, and only by a majority of Members equal to or greater than the number proposed for the specified super-majority; no statute, nor clause thereof, may contradict another statute, or clauses thereof, which require a special majority for amendment. The hierarchy of preference among statutes shall be determined by the size of the majority required for amendment.
96. With the exception of the hierarchy of statutes emanating from super-majority provisions delineated in the preceding paragraph, preference of one statute above another is determined according to the date of the passage of its third reading; the statute passed at the later time is preferred.
97. The Knesset shall oversee the enactment of regulations, as shall be determined in the Knesset By-laws; a regulation, with the exception of an Emergency Regulation as determined by statute,

shall not contravene any statute.

98. Any statutory provision, notwithstanding, Emergency Regulations are cannot amend the Constitution, temporarily suspend its validity, or impose conditions upon it; this paragraph shall not be amended except by a two-thirds majority of the Members of Knesset.

### **Ratification and Amendment of the Constitution**

99. This Constitution shall take effect upon its acceptance by the Knesset, in a roll-call vote. Prior to the second and third Knesset readings on acceptance of the Constitution, a public referendum shall be held, including the presentation of the Constitution to the citizens of the State.
100. No change, addition, or deletion may be made to the Constitution, and no change may be made to any clause of the Constitution, except by a majority of the Members of Knesset in a roll call vote; prior to the second and third Knesset readings on amendment of the Constitution, a public referendum shall be held, including the presentation of the proposed amendment to the citizens of the State.