



Educator's Guide

Why Israel Doesn't Have a Constitution

Resources compiled by Doug Berkowitz

The Israeli judicial reform protests have brought Israel to the brink of social collapse. So what does the lack of a constitution have to do with it?

Although Israel planned to adopt a constitution by October 1948, several factors caused the leaders of the country to indefinitely delay it. Now, 75 years later, the country continues to function without one. Over the years, different opinions have been raised about the importance of a constitution, which continues to be a point of controversy today.

To date, the closest Israel has gotten was creating the Harari Resolution. This resolution has been guiding Israel to build a constitution law by law over time as the country evolves. This started with the creation of the Knesset and continued with essential laws about citizenship and human rights which may eventually become Israel's first constitution.

However, today, because there is no constitutional law regarding checks and balances of power, both pro-reform and anti-reform citizens fear that one institution (the Knesset or the Supreme Court) will gain too much control with regards to the direction the country will take.

Link to Video: <https://unpacked.education/video/why-israel-doesnt-have-a-constitution/>

Big Ideas

1. Israel's founders did not write a constitution, disagreeing over what a constitution would look like and whether Israel needed one at all.
2. In place of a constitution, Israel adopted individual Basic Laws which are meant to serve a similar purpose.
3. Debate persists in Israel over fundamental questions such as the functions of the government, the goals and values of the country, and what it means to be a Jewish state.



Essential Questions

1. Does Israel need a constitution or can the country survive without one?
2. Would it be possible for Israel to create a constitution that would help unify citizens under a national identity?
3. What does it mean for Israel to be a Jewish state?

Review Questions

1. Which type of document lays out how a country will function as well as her vision and goals?
 - National anthem
 - Bill of Rights
 - Torah
 - **Constitution**
2. Israeli society has been debating the government's recently proposed laws on which topic?
 - Military service
 - **Judicial reform**
 - Transportation on Shabbat
 - Kosher food
3. UN Resolution 181, which partitioned Palestine into two states, required the new states to have a constitution.
 - **True**
 - False
4. By when did Israel's Declaration of Independence promise to write a constitution?
 - **October 1, 1948**
 - January 1, 1949
 - May 15, 1948
 - May 14, 1949
5. David Ben-Gurion thought Israel did not need a constitution for all of the following reasons except...?



- A constitution is an old idea
 - Great Britain didn't have a constitution
 - Most of Israel's constituents hadn't yet arrived in the country
 - **It would be too long and difficult to write**
- 6.** Knesset member Yizhar Harari proposed that Israel's constitution be built piece by piece using legislation called:
- Amendments
 - Common Laws
 - **Basic Laws**
 - Declarations
- 7.** How many Basic Laws does Israel have?
- 4
 - 10
 - **14**
 - 24
- 8.** Many Israelis are seeking checks and balances between which two groups?
- The Supreme Court and the military
 - **The Supreme Court and the government**
 - The government and the military
 - The military and the Israeli citizens

Discussion Questions

1. Does Israel *need* a constitution?

Israel's Declaration of Independence promised to adopt a constitution, an act required by UN Resolution 181 which helped lead to the creation of the state. However, Prime Minister David Ben-Gurion decided to put the task of writing a constitution aside in favor of more pressing issues. Israel has survived 75 years without a constitution.

- Do you think Israel is doing well without a constitution? Explain your answer.
- Do you think that an Israeli constitution could help resolve conflicts such as the current debate over judicial reform?



2. Building consensus within a diverse country

Prime Minister David Ben-Gurion argued that the government shouldn't attempt to draft a constitution before many of Israel's inhabitants arrived in the state. Seventy five years later, Israel still doesn't have a constitution and her population includes a diverse group of citizens who differ along ethnic, religious, political and cultural lines.

- Do you think an Israeli constitution would need to be accepted by *all* segments of Israeli society in order to be valid? Why or why not?
- Do you think it's possible to write a constitution that would:
 - solidify Israel as a Jewish state
 - define the functions of the government
 - ensure civil liberties for all citizens
 - create a national identity accepted by the many diverse segments of Israel's population

Explain your answer.

- What role do you think non-Jewish citizens should have in the process of writing an Israeli constitution?
- How do you think you would feel as a non-Jewish citizen of Israel if the constitution reflected Jewish values rather than those of your culture or religion?

3. One step at a time

Israel has adopted 14 [Basic Laws](#), voted on one at a time, which serve as a quasi-constitution.

- Do you think this step-by-step process makes it easier to build consensus and get the laws passed? Why or why not?
- How might this process compare to the Knesset attempting to pass all of the 14 Basic Laws at the same time under one constitution?

4. House of cards?

Israel's first Prime Minister [David Ben-Gurion](#) believed that the rules of the country should be decided by the majority of the time. In step with this idea, Israel's Basic Laws can be overturned by a simple majority vote in the Knesset.

- Do you agree with Ben-Gurion that the majority of the time should decide the laws of Israel? Why or why not?



- Does this leave the country vulnerable to major changes in functioning and values when a new government is elected? Why or why not?
- How might the Israeli government protect the Basic Laws and ensure continuity of the country's vision, values and functioning no matter which political parties make up the government? Be specific with your answers.
 - Would these protections also take into account the will of the people? Explain your answer.

Learning Activities

1. Lesson plan

Lesson plan on Israel's constitution conundrum - Use our ready made lesson plan on Could a Constitution Save Israel [HERE](#).

2. Getting familiar with Israel's Basic Laws

In small groups or individually, have students read or research one of Israel's 14 [Basic Laws](#). Ask students to summarize the Basic Law and present it to the rest of the class. When all groups have presented, ask students to answer the following questions:

- What major values and goals do you see reflected in Israel's Basic Laws?
- Do you think there are any areas of concern that are not covered by the Basic Laws? What legislation might Israel adopt in order to fill this perceived void?
- Are there any laws that Israel might borrow from your country that are consistent with the current Basic Laws? Why do you think they would be good laws for Israel?

3. Creating a classroom constitution

Students will create a new classroom constitution by splitting into three groups, each of which will contribute one section to the document (one section regarding students, one regarding teachers and another regarding visitors). In these sections, students should detail the functions, goals, and standards of behavior for their assigned segment of the classroom population (e.g., use of devices, speech, movement in the classroom, homework, etc.).

Groups will present their section of the constitution to the class. After each presentation, students will debate, challenge, question or voice agreement with



the standards each group decided upon for their section. If agreed upon, changes can be made to the sections at this time.

Students will vote on whether to ratify the new classroom constitution - this can be done individually by section or by considering the proposed sections as a whole constitution.

Discussion following presentations and voting can include prompts such as:

- What were the challenges your group faced in building your individual section? How did you attempt to overcome them?
- How did it feel presenting your section to the class and hearing their feedback?
- If the constitution was ratified - do you think there could have been an easier method for creating a constitution? Explain your answer.
- If the constitution was not ratified - what were the challenges you saw that led to the constitution not being ratified? What could have been done differently to help it pass the vote?
- How do you think this process would change if the classroom constitution were presented to the entire school?
- Following this activity, can you more easily understand the feelings of Israeli government members who didn't want a constitution? The ones who wanted to/still want to write a constitution? Explain your answer.
- What do you think would happen without a set of fundamental guidelines for the functioning of a classroom? What specific challenges do you foresee?

4. Understanding the judicial reform roposal

Have students learn more about the proposed judicial reform and the protests in Israel by reading this [article](#) and watching this [video](#).

- Divide students into small groups and have them write down a brief summary of the three major parts of the government's judicial reform plan.
- Next, have groups list reasons Israeli citizens are protesting. (What don't Israeli citizens like about the proposed reform? What are their fears? Why do other Israelis support the reform? What are their concerns?)
- Using their knowledge from the previous steps, students will develop proposals for Basic Laws that they believe would clarify the



roles of the government and the Supreme Court and help ease or resolve the social tensions and uncertainty occurring in Israel.

- Each group will present their Basic Laws to the class, explaining the rationale for their proposed legislations.

5. Kahoot: Play our [Kahoot](#) about Israel's constitution conundrum!

Reflection Questions

1. Torah as the Jewish constitution

The Torah is like a constitution in that it clarifies the vision, moral principles and obligations of the Jewish people.

- How does the Torah help create a unified identity for Jews around the world?
- What might happen if Jews could vote on whether particular commandments should be followed or not? Explain your answer.
- How might your observance of and feelings towards Jewish rituals, traditions and laws change if the commandments in the Torah were able to be changed or nullified by a popular vote?
- Does your connection to and identification with other Jews vary depending on their level of observance? Explain your answer.

2. Personal constitution

Write down your personal constitution. What morals, values and goals guide your thinking and behavior every day? Share and discuss your personal constitution with a partner.

- Did you notice any overlapping themes between your personal constitution and your partner's? What were they?
- Did your partner share something that you want to add to your personal constitution or that made you reconsider any of the ideas you wrote down? Explain your thinking through this process.

3. How will we play?

Think about a time you played a game (e.g., card game, board game, sport) that required rules to be set on how to play (because rules might vary by location/group/etc.).



- How and when were the rules set (e.g., by majority vote/one person's decision, before the game started/in the middle of the game)?
- What happened if players couldn't agree on the rules of the game?
- Do you find that particular methods for choosing rules work better than others? How come?
- What would happen if you didn't set any rules for the game at all?

4. What makes a place Jewish?

Think about the Jewish places and institutions you know of or have visited.

- What makes these places Jewish?
- How are you or others made aware that these are Jewish spaces?
- As a Jew, how do you feel in these places?
- How do you think non-Jews would feel when visiting these places?
- Do non-Jews work in these places or could they?
 - How do you think they feel about working in a Jewish space?
 - How do you think they would feel if they weren't allowed to have any input into how they did their job or how the institution functioned?
 - Explain your answers.

Further Learning

1. Unpacked for Educators:

- [Why doesn't Israel have a constitution?](#) (article)
- [Why doesn't Israel have a constitution?](#) (video)
- [Why is there a crisis over Israel's judicial reforms?](#) (video)
- [We answer your burning questions about Israel's judicial reform](#) (article)

2. The Knesset, [Basic Laws](#)

3. The Knesset, [Declaration of Independence](#)

4. The Knesset, [Constitution for Israel](#)

5. Jewish Virtual Library, [Israel Government & Politics: Constitution](#)