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Pseudo Democracy in Local Governments in Israel: Steps for a Reform

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Abstract

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Local Governments in Israel are rated as corrupt and inefficient. Calls for reforms are sent out by the many stake holders very frequently, and also by many writers, researchers and legislators.

One point of view is rarely voiced, namely that of elected council members of the 257 municipalities in Israel today. Based on my initial PHD research findings, and my 20 years of research and activities in the field it seems that the legislative process, professionals, and most other stake holders, all neglect and ignore the council members. Thus, formal conclusions and suggested reforms are biased, decision makers decide based on partial and distorted information, and the role of council members continues to be mistreated. As a result, a democratic deficit is created and maintained. The present article represents an effort to practically contribute to the correction of this situation, but we must also mention the need for more research.

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Key words: Local governments; city council members; reforms; democratic deficit.

1. Introduction

Local governments in Israel are constantly rated as corrupt and inefficient. They are also a major economic player, serving over 8 million people. The same goes to a great extent globally (Jones 1942, Kersting and Vetter 2003).

In the 70', thirty-three percent (33%) of the population was urbanized in the western world, in the 90' it was seventy- five percent (75%), and expected to be eighty-three percent (83%) by 2030 (Denters

and Rose, 2005, pp 2-4). We will see more metropolitans, along megacities such as Beijing, New York, Mexico City, Rio De Janeiro and many more. It has always been the in the urban centers that news happened. Cities are where things happen, big new revolutions, new ideas, reforms. Thus issues to do with local governments are of interest in the urban context.

Local governments are also a most powerful player in the political arena, supported by its own association, (Federation of Local Authorities in Israel - <http://www.masham.org.il/English>) working towards more power, more budgets, mostly lead by mayors on the one hand and high officials, the gatekeepers, on the other. "The domain of local governance will therefore undoubtedly remain the focus of considerable debate – both academic and political – for many years to come" (Denters and Rose, 2005 p. 262).

Investigating and observing the local arena in Israel and overseas, the patterns are not always clear, but they are consistent. Having served as an elected city council member in a central city in Israel, along studying and researching local arenas in the academic world as well as in the actual world, allows me a perspective and perceptions. For the last twenty years (22 to be precise), I have been following, observing, analyzing, investigating, documenting the arena. The point of view I held and still do, has always been primarily the city council member point of view. The reason being that it was rarely held by any other player, elected nor appointed, administrative nor academic. From my own experience, and my analysis, this point of view enables a large part of the explanations of why local governments are considered corrupt inefficient and so on. City council members, (indeed all types of council members), have been weakened and marginalized, excluded from the discussion, given there always is or was a mayor in the picture. The situation goes as far as inviting mayors to panels even about council members, with not one council member around the table. I myself sat in the audience and had to get up and draw attention to it since no one noticed.

When looking at local arena, one aspect in focus is how different are the attitudes of mayors, local bureaucrats and the public from one another, and the other aspect is the effectiveness of councilors in achieving their campaign goals and agendas (Razin and Hazan, 2013). The spotlight is directed onto the councilors as "major, but understudied, actors in the local government reform discourses" (Razin and Hazan, 2013, p 267). The power triangle within the local government puts focus on the councilors and their "Job Description" (Zinger and Dana, 2009) in a way that was not expressed until now.

The explanations lie within the fact that no real democratic processes are taking place on the Israeli local arena, among the local players – mayors – elected city council members – administration/gatekeepers – citizens. And on top of that, most initiatives to try and correct or heal the system are discussed yet again with mayors, coalition members, top administrative personas in the different local governments, or with the representatives of the Federation of Local Authorities in Israel. The common denominator of all of the parties mentioned is that they are all part of the ruling actors in the arena discussed. "...the role of the spectators assigned to the other municipal councilors, and the quasi-exclusion of the opposition members...the type of organization, essentially centered around the mayor, means de facto marginalization of municipal councilors." (Eric Kerrouche, 2005, pp160, in Berg and Rao, 2005).

2. Local Governments in Israel

Local governments are key players in the governance arena. The Israeli system of local governments is based on the British law left by the British after the British Mandate in Israel.

It is being amended from time to time but the principles remain. There are 257 local governments, elections take place every 5 years, the vote is twofold – one vote for the mayor, a direct vote, and the second vote is to the local or political list. It is a strong mayor system, there is always a city or town council, 1 or more appointed deputies with salaries, and the administration is similarly structured, with a few positions appointed personally by the mayor. Other positions are to be appointed by public tenders. Council members are not allowed to be paid, not even reimbursed for any out-of-pocket expenses.

Political parties can run with a list and support or present a candidate for the mayor position, financing the elections is supervised by the state, with very small donations allowed, next to nothing for private local candidates and lists and rather generous donations are allowed for party candidates or lists. After elections, usually very quickly a coalition is built, with very small oppositions, if at all.

Not only are local governments extremely central to the very issues of governments at large, mayors are becoming extremely important actors in the local arena, national arena and global arena. That must not be ignored and should be explained. Globalization is changing the way things work on many levels, one of them being the issues of governments, local and national. In addition, we now have a global arena. Already in 2002, Castells (2002) sees those enlarged metropolitans as multilevel governance structures, and points out these local and regional governances will have more importance as we proceed in time. Cities, urban centers, metropolitans, mega-cities are becoming huge economic factors, actors on the global arena. Therefore, it is important to recognize the importance of mayors and not overlook this aspect.

Hence, French mayors have to find ways to deal with the challenge of the growing Metropolitans of France (Kerrouche, p164, 205) It is on the democratic level of discussion that mayors are over powered and council members are weakened. At the same time, while globalization grows, there is a need for localism. Stiglitz claims (2007), "We may increasingly be part of a global economy, but almost all of us live in local communities and continue to think, to an extraordinary degree, locally" (Stiglitz 2007 p. 278).

Where there is a legal structure of an elected council, presumably serving as part of the "checks and balances" of democracy, it is claimed and shown here that in fact there are hardly any "checks and balances" when the mayor is so strong and the council is so weak.

3. Democratic Deficit, Pseudo-Democracy

As such, calls for reforms are heard often in Israel. Every new parliament promotes some reforms related to the local governments (Zinger and Dana, 2009). A close look into the nature of those reforms, will see they are mostly strengthening the mayors, believing thus they are improving the status and situations of the cities and other local governments. Rare are the suggestions that would improve,

enlarge, strengthen the role or situation of the council member. Council members seem to be transparent. They are there, but are taken for granted, never a real factor to consider, easily manipulated to support the mayor, and are kept weak, weakened and under control. In Berg and Rao (2005) a wide range of options for structures and formats for local leadership and governments is displayed and discussed, examples from different states. There are committees, executive boards, mayors elected by the city councils, and many other forms of governance. Some indeed promote more power to elected council members, and many do not.

The mayor is everything in the Israeli system – it is a system where "winner takes it all". Coalitions are built in no time; the day after elections coalitions are all set to go. This is amazing considering the bitter and sometimes very ugly elections campaigns. It is assumed that the council, being the representation of the public will, indeed represents what the public wanted by acting on the council, each list according to its elections agenda and promises. In actual practice none of this really happens. It is the agenda of the mayor and his close people that is carried out. Council members have very little influence, they become automatic supports of the mayor's agenda, or they cease to matter at all. To understand how powerful the mayor is, one should know that a deputy to the mayor, who is approved by the council in a vote, can be fired, kicked-out by the mayor on the spot, no vote or discussion back at the council is even required by law. That is to say, a statutory function and a person being employed by the local governments, can find himself or herself erased in no time, with no due process. Also, one needs not be a professional nor a politician to be able to state the obvious in this arena: mayors are stronger, influential, powerful compared to state ministers. It is not just clear through analysis and study but also it is the understanding of every person on the street. Kerrouche (p 160 2005) points out that not only are municipal councilors marginalized de facto, "What we are witnessing in fact is a very real marginalization of political opposition within the municipal council. The representatives of the opposition are victims of a particular form of voting...Defeat, confines the adversaries to the de facto role of spectators, inasmuch as they cannot really challenge the mayor himself during his mandate. votes cast against the council majority decisions are purely demonstrative and symbolic..." (Kerrouche p. 160, 2005). This well expresses the situation for the Israeli case just as well.

To be able to grasp the power and the scope, other systems in other countries may be looked into. There are different structures and systems applied globally (Berg and Rao, 2005). There are weak mayor systems, committee system with temporary mayors which rotate yearly. There are councils that are elected with no mayor at all, and once year a chairperson to the local government council is elected, there are the American structures that bring on a city manager, a professional who is not elected by the public, but is chosen through a "job" tender by the council. In Switzerland there were even a few cases where mayors were called for by and add in the newspaper (Andrea Landers in Berg and Rao, pp 108-109, 2005). It is the Israeli case which has this assembly of features resulting in a very strong mayor, and a mayor that is there to stay for as long as he rarely there is a she, wishes. Same is true for the French system where women mayors are still rare (Kerrouche, 2005 in Berg and Rao, 2005).

Looking around to see how long mayors remain, it is clear mayors remain in power for as long as they please. This makes the Israeli democratic aspect in the local governments arena questionable. Mayors stay for 20, 30 and even more years. (Rishpi, 2005). It is a situation where it only seems to be a

democracy, but in fact it is pseudo-democracy. It looks like a democracy, it may sound like a democracy, it may also be seen to act that way – but it is not a democracy. Elections are not really open nor equal, since the mayors run from his or her position as mayor, with the administration supporting them as they are already all on the mayor's side after 5 years together. Financing the elections is complicated for the new comers, easy for the sitting mayor. Easy for the mayor to start marketing himself during the term, hardly any campaign money is needed, all the local government budget is there to promote the sitting mayor. And the same for raising support among the local governments employees who are worried about their jobs. There, people go by the rule of "this is the devil we know". Willingly or unwillingly, they support the ruling mayor and act for getting his re-elected, while he is watching them daily at work.

Important to point out also that in Israel there is no limit of terms, in this the very strong mayor. In this "winner takes it all" system, mayors can stay for as long as they wish. And sitting mayors hardly ever loose they elections (Zinger and Dana, 2009). Therefore, one asks oneself whether elections are really what they are intended to be. It is my understanding that they are not. They are just sessions of going through the motions, signaling movements that seem like elections, but nothing really takes place, and the result indeed are that the mayors sitting in the chair – remain for the most part.

4. City Council Members

Until very recently, elected city council members were not a focal point for research on local governments. For many years, in Israel, the voice, the point of view of elected council members has not been heard (Rishpi, 2005, Razin and Hazan 2013). It was, and still very much is, the voice of the mayor and his assistants that is made heard. Some of it is obviously understood, the mayor is the mayor, nevertheless, the Israeli system offers 2 noted while voting, one for the mayor, a personal direct vote, and one for the local list or party list. That is to say, citizens vote directly for the mayor and for the council members through choosing a local list or party list, thus voting for the city council members. Amazingly enough, the day after elections, the only aspect of the elections to be in the light is the mayor. Israel has the "winner takes it all" situation the day after, and it remains so easily for the whole five-year term, and for a majority of the cases, for 2,3 4 and more consecutive terms. It is safe to say that for the most part, mayors cease to be mayors only when the themselves choose to do so for personal reasons. Mayors on the whole in Israel are not impeached, nor do they lose their elections

Even more amazing is the fact that the day after elections (local elections), overnight there is a wall-to wall coalition in the city council. All the bitter wars and struggles of the campaign are forgotten, erased, and the mayor, almost every mayor, enjoys a strong, almost absolute, supporting coalition. The "miracle" takes place in the majority of the cases, no matter who are the council members, where nor why. It just happens overnight.

This almost automatic coalition situation puts the council members in a very weak position as one finger out of many, all on the mayor's side. The mayor in return can give the loyal council member to chair a committee, a perk that comes with possibly a secretary, hopefully and office and so on. The

most prestigious position is the deputy to the mayor, the job most wanted, as it comes with a nice monthly salary and a pension after 2 terms.

Council members have very limited powers, hardly any power at all. They can vote over the budget once a year. And they can dream of impeachment of the mayor with a large, actually impossible majority in the council, which has never happened in Israel. The necessary majority simply cannot be achieved in the current structure (<http://news.walla.co.il/item/2952844>).

5. Methodology

This paper is a result of more than 20 years of investigations and specialization in the field of local governments in Israel, mainly the power comparison between the mayor and the city council members. It well applies to other council members (In Israel there are town council members and regional governments council members. I focused mostly of cities, but have seen and investigated the two forms as well. The situation is similar, with even more extreme reality in the regional governments (to be researched in the future).

It is a case study longitudinal qualitative case study, with materials and interviews being conducted with a wide range of possible interviewees across the country, during town and city meetings, conferences, at university classes of relevant courses.

The research population is wide, as I interviewed my own students at different academic institutes while teaching or studying: while running for election myself: while consulting other candidates and lists running for their elections and while conducting my PHD research. The transcripts were analyzed immediately after the interviews. This paradigm was chosen as it allowed me to continue collecting materials by observations, open ended interviews, documentation reviews and analysis. Documents of a wide variety have been reviewed. Amongst them are laws regulating local governments in Israel and in other states, EU materials, researches in the field, Israel Parliament work documents, journalistic review and articles, minutes and protocols of city meeting of over 50 local governments, election brochures, local newspapers articles and other documents.

The main research question revolves around the local power triangle, mostly focusing on the mayor and the council members. Interviews included discussions about the other actors in the field, the administration of the local government, and the citizens. Mostly open ended questions and open discussions about what is right to do, how to do, what are the implications, perceptions, feelings, wishes of the interviewees were brought up, along observations and presence in meetings of all kinds.

To the best of my knowledge, no research in the field has focused on the elected city council members and their perceptions and understandings in Israel. Furthermore, the implications and analysis presented here look deeply into the feeling of the actors with regards to the democratic game that is supposed to take place on the local level, within the local governments itself. Looking at who are the interviewees and actors in many other researches and events, leaves the point of view of the city council members untold, for the most part, and so here it is made possible, and what they have to tell is fascinating and crucial for the local governments and their structures and qualities, let alone the

democratic aspects of local governments, assuming we are all looking to understand how to create good local governments.

6. Calls for Reforms in Local Governments in Israel – Different Bases

Calls for reforms are sounded from time to time. "Debates over local government reforms are almost perpetual...the voice of local councilors, however, seems to be rarely heard..." (Razin and Hazan 2013, p 265). Often, before elections and right after elections changes are promised or suggested by candidates to the Israeli Parliament (Knesset).

When opting for more personalized electoral systems offering councilors new management tools or conversely introducing more direct modes of citizen participation that lessen the significance of representative democracy, reforms have an impact on the status of councilors (Kersting and Vetter 2003.) "Major reform discourses concern intergovernmental relations (divisions of tasks, political autonomy and local finance) and territorial-structural reconfigurations (amalgamations, cooperation mechanisms, etc) (Razin and Hazan 2013, p 265).

The basis and justifications for the changes and reforms promised or suggested vary.

One basis for changes and reforms suggested in financial basis. Ideas and reforms are geared to solve financial issues such as budget deficits to certain municipalities or types of municipalities, sometime sectors. Typical to this is New Public Management in England, the Maud Committee of 1965 "to consider in the light of modern conditions how local government might best continue to attract and retain people of the caliber necessary to ensure its maximum effectiveness" (Maud, 1967 p 43, un Rao 2005 in Berg and Rao 2005 (XXX), to mention but a few.

The Dutch Royal Commission on Local Government Reform from 1998 was asked to advise the government on a new model for municipal government that would be based on a clear separation of powers between the council and the BMA (Board of mayors and aldermen) (Denters, B. and Rose, L E. (Ed.) (2005...p 23 in Berg and Rao 2005).

Another basis for changes and reforms is power basis, geared to allow more power to mayors or cities or other stake holders. Often it is the Federation of Local Authorities in Israel that promotes legislation, changes and reforms. Most of the time the changes strengthen the mayors, or the richer and stronger cities.

A political basis is a third type of change suggested for the local governments over time, looking at the past years in Israel. Political motivation of the political parties suggests different ideas for the local governments and those may result, at least theoretically in more power to mayors, but also less if it serves that specific political party at the specific point in time.

A different type of motivation is the aspect of democratic aspect. "...reform agendas that more directly concern local councilors are changes in democratic mechanisms and in the local government power triangle: mayor, elected council and the senior bureaucracy (Marcou and Wollman 2009 in Razin and Hazan 2013). Changes suggested are aimed at making the local democracy more democratic and lessen the democratic deficit is seems to be suffering from. One interesting observation is the point of view of actors seems to clearly change along the change in that person position in the local arena,

For instance, a person who felt that the mayor in his city was being a dictator, suddenly adopted the same kind of dictator behavior when as soon as he himself became a mayor, He even went as far as telling me that he now holds a different opinion from that while he presented dot me while he was a council member. In other words, the manifestation of "where you stand depends on where you sit".

I have interviewed hundreds of people (mostly council members and administrators in the arena) over the past 20 years, and the shift in opinion following the shift or change in position is not rare. Often, an opinion well expressed complaining on lack of tools to act for council members disappeared as soon as that person became a deputy to the mayor. All of a sudden that person no longer thought something was lacking for the part of the council members. On the contrary, that person voiced discontent from "too much power and time wasted on having to listen to council members from the opposition".

7. Calls for Reforms recently in Israel

An overview on the past 20 years shows major motivations for calls for reforms.

A very central one is financial, looking for ways to enlarge the income of cities and other types of local governments. These types are for example calls or demands for more financing by the central government, demanding larger support for national programs to be carried out by the local governments. It may be requests for larger central governmental support for emergency or security programs, in times of war or near war, support by governments for ecological initiatives, where local governments ask for a budget to get started with recycling programs or bicycle projects in the cities.

Another typical category of calls for reforms and changes is by suggesting and promoting new legislation. Endless number of legislation initiatives is suggested year by year. By suggesting law to support change ideas, the players expect to achieve a permanent change or reform, a stable restructuring. The content of these legislation ideas varies over a wide range of issues. For the context of local governments, anything from more authority to the mayors, more power and protection to the administrative "gatekeepers", preferred rights to certain local governments according to geographic locations, amount of new immigrants absorbed by the cities, the extent to which a local government is a border locality and so on. By legislation, structural changes are expected to be earned.

The need of political parties to ensure power on the local level motivates calls based on seeking improved political power on the local level. Currently, political parties enjoy improved conditions for running on the local level, and initiatives to limit this power are constantly and aggressively blocked in the parliament or before it gets to the parliament.

Another type of reform sought often is change of geographical borders of a local government. By changing the geographical borders of a local government larger population may be gained, often and well yielding industrial and employment area is added to the city, thus bringing more tax money to the city. Sometimes tourist attractions are aimed for, natural resources and so on. (Razin and Hazan 2013).

Often, it is non-governmental organizations that initiate the calls for reforms and changes, structural or legislative changes. Aham (Elected council members of the local governments of Israel forum) is one good example of a line of ideas, legislations suggested and called for, that have matured, developed

and arrived to some realization these days in Israel. It is the call for wider authorities for council members and financial compensation to them. Currently, elected council members of local governments are almost powerless. They have the authority to vote on the budget of the local governments once a year, and other than that very few and limited tools to act with, such as a limited number of questions to the mayor per session, he right to certain documents, a limited ability to raise a discussion subject. There is also a significant difference of power and ability to act whether one is on the coalition or opposition side of the council. Opposition side lacks tools to act and demand significant information or motions, opposition has hardly any dedicated abilities to act as such. The coalition side enjoys being hosted under the warm umbrella of the mayor and his loyal administrative aids, the city's "gatekeeper" often and other top administration. Also, it is not rare to see the city's "civil servants" actually taking as a rule the side of the mayor, and acting as servants to the power, to the mayor. In many local governments it is agreed amongst the citizen of that local governments that the mayor is "a sheriff" "a bulldozer" and so on. One very in testing observation I can make is that all interviewees state clearly that "our mayor is an exceptionally strong mayor, you have no idea how strong and powerful and vindictive he is". (Most cases the mayor is a "he").

Other than Aham, there is the Israeli Institute for Democracy which relates from time to time to the local governments issues. Mostly, issues are raised by the mayors themselves, and even when there is a panel on council members, hardly any council members are invited, if at all. Even that discussion often goes on with mayors, and other stake- holders representing the forgotten council members.

8. The Local Power Triangle

Traditionally the local power triangle related to the 3 parties: 1 - mayor, 2 - council members and 3 - administration (Zinger and Dana, 2009).

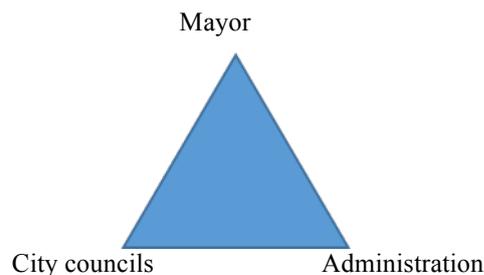


Fig. 1. Local power triangle – traditional version

Based on finding in my study, the local power triangle consists of these 3 parties: 1 - Mayor + administration; 2 - council members; 3 - citizens. First, it is clear from all the interviews that across the board, the administration takes the side of the mayor almost 100%, full heartedly and it is not a separate entity on the local arena. Secondly, it is impossible to leave the citizen out of the equation at this time and age. Therefore, one of the conclusions in my research is that the local power triangle is as follows:

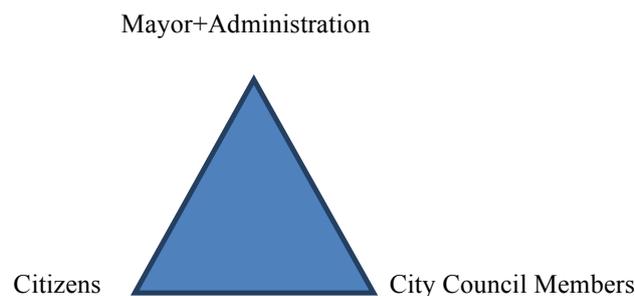


Fig. 2. Local power triangle – new version

9. Conclusions

The first written document by city council members was present at the first local governance summit at Tel Aviv University in 2005 (Rishpi, 2005) as part of the Aham activities. Following briefly are the 2 main issues requested by them. **1 - Limit of terms** is one major suggestion brought by many, and very often seems to be a central issue for the city council members. Some of them have run against the mayor in the past or plan to do so in the future, and as it is so clear in Israel that you do not beat a sitting mayor, it is a priority to most council members. For those who try to go into structural and legal issues, legislation issues, it is also a matter of good democracy, a fair democracy, and an important aspect of the arena they are acting in. Looking beyond a specific case, limit of terms opens the leadership to new people, makes the elections open and fair and on an equal basis, and give hope and a sense of a real chance to get elected. **2 - Defined and Enlarged Authority and Rewards for Council Members** is called for. It is clear to the stakeholders that city council members have in fact no power, no tools. When they leave the office, they really leave nothing behind. Mayors are very pleased with the weak, powerless council members, while council members themselves are frustrated, disappointed and often find no reason to stay on their position for the whole five-year term or to run for a second term. Those who run for more terms are few and rare or they run within the mayors list, protected and safe and with very high stakes to be re-elected along with the mayor being re-elected. In addition, a very painful and critical issue is the financial rewards to city council members. Israeli law forbids rewarding the elected council members, and even reimbursements of out-of-pocket expenses such as parking while in city hall meetings is not allowed. This is a very extreme situation, indeed weakening the council members and making it even more difficult and unbalanced, compared to the power and tools mayors and their top administration have.

To give a vivid example I can report that as chair of Aham, whenever I participated in Parliament discussions relevant to city council members' status, it usually was me vis-à-vis a crowd of well-paid mayors and their administrators, representatives from the different bodies serving the mayors, other well-paid officials, and the only representative to the council members would often be myself. All costs of that day on parliaments come out of my own pockets, none of my city council colleagues can actually afford to lose a day's work on top of all the work days lost while serving the public council members, so it is a double difficulty – council members have a hard time to come to such discussion, if

at all invited, and when they do, they are the only ones around the table paying for it is work days and out of pocket money.

Other reforms and changes wanted by council members are: **legal status and tools to the opposition**, as indeed is the situation for example in the Israeli parliament, where opposition has exposure and special rights to make sure it is heard. Another significant change required is **new election financing laws**, in order to make election more fair and accessible to people who are not necessarily rich or getting impossible funds. These issues surely can be tackled in the near future, as they really should be.

While considering the role of formal institutions arrangements, one should consider the role of leadership, social capital and political culture. Putnam's study in Italy, (Putnam, 1993) of institutions put into place, showed that the variable leadership qualities, value systems and behavioral styles of individuals operating within these institutions might result in different outcomes even if, say, electoral arrangements and party systems are identical in two different settings. At the same time, what matters is that councilors are "major, but understudied actors in local government reform discourses..." (Razin and Hazan 2013) and this study is an effort to modestly contribute in correcting this situation, while more research is called for.

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