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The Knesset's Power to Set the "Rules of the Game"

This Article discusses the doctrines set by the Israeli Supreme Court regarding the limits of the Knesset's powers to adopt and amend Basic Laws. It points out that recognition of the Knesset's authority to determine "the rules of the game" and change them is a matter of judicial interpretation, which also delineates the limits of this power. In particular, the Knesset is subject to three types of limitations: (1) those established in the Basic Laws themselves; (2) limitations regarding the purpose of changing the rules of the game (the prohibition of "abuse of the constituent authority"); and (3) limitations regarding the content of the amendment, based on Israel's constitutional identity.

The Article offers justifications for the establishment of these restrictions and their judicial enforcement, and their implementation in two seminal 2024 decisions. It also examines the compatibility of these doctrines with the doctrine established in the 1995 Mizrahi Bank decision.