PRIVATE LEGISLATION AS A STRATEGY OF POLITICAL NEGOTIATION

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This article contributes to the perception of the role of the legislator as political initiator in modern parliamentarianism. Most of the research literature relates to the parliament member as a ‘team player’ of their faction and party. This research was conducted into the functioning of the Israeli parliament The Knesset and into private members’ legislation. The article examines in an innovative way the act of legislation, not only as a judicial or procedural process but as a process of political negotiation. The concept and findings that arose from the study of the role of the legislator as initiator of bills and negotiator with the government gives important knowledge and perspective on legislation as a political negotiation process.

INTRODUCTION

This article examines the act of legislation in an innovative way, not only as a judicial or procedural process, but as a process of political negotiation. The article tests the political process of private bills in the Knesset, the Israeli parliament. A private bill is a bill initiated by a member of the Knesset (an MK), without the initial participation of a government ministry. The hypothesis is that private legislation in the Israeli parliament is a process of interaction between a member of the Knesset as private initiator and the government. This point of view gives a new perspective on the legislative process. The tools and strategies that Wildavsky (1964, 1975) and Fenno (1966, 1973) used originally to examine the budgeting process in the legislative body are applied here to the private legislation process.

In this article we will summarize the theories regarding negotiation in general and political negotiation in particular. Then we will study the interests and interactions between the main actors in the political arena, those taking part in the political negotiation of legislation, most especially the government and the members of the Israeli parliament, The Knesset. Finally, we will present the findings on the strategies and tactics used during several legislative processes covering the years 1992–2003. The theories and methods of negotiation strategies, first rate research tools in the fields of diplomacy, work relations and politics, take on a new form in the field of legislation and help us better understand the legislative process as political negotiation.

LEGISLATION AS A PROCESS OF POLITICAL NEGOTIATION

Negotiation is an exchange of goods or things, a give and take, between two or more people. Negotiation is also one of the ways we use to solve a conflict of interest.

As the following list will show, many theories and approaches exist in the research field of negotiation:

- testing the goals and processes (Schelling 1963; Pruitt and Rubin 1986);
- negotiation strategies (Stevans 1963; Milgrom 1990; Brams and Alan 1996; Galin 1996, 2005);

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the influence of culture on the conduct of negotiations (Hofstede 1991; Mead 1994; Bliman-Golick 1996; Galin 1996, 2005; Brigg 2003; Lebaron and Zumeta 2003); testing the magnitude of the importance of the psychological and hidden aspects of negotiation (Ross 1993; Cahanman 2005; Galin 2005).

Most research literature relates to negotiation on peace and war; negotiation between workers and employers; and political negotiation between coalition and opposition or between parties. Doron and Sened 2001 claim that in a democratic regime the most important characteristic of politics is the negotiation process at all its levels: between government and citizens; between government and any other interest groups in society; between parties and their supporters, and so on. The basic political negotiation is first of all about the fundamental commitments of states to their citizens: the commitment to supply scarce resources and the commitment to human and property rights. These commitments of governments are what differentiate between a civil society and a primitive state of nature.

In this study we test the political negotiation of legislation between the members of the Israeli parliament, the Knesset, and the Israeli government. The private legislation process involves several votes in the Knesset: Each private bill must be passed by four votes: preliminary vote, first vote, second vote, and third vote. The most important political player in the field of private legislation is, of course, the member of the Knesset who initiates the bill, that is, the proposal for a law (Marsh and Read 1988; Olson 1994; Mattson 1995). Trocsanyi 1996 emphasizes ‘The Rights of the Legislative Initiative’, something that is controversial since those who support it believe that legislative initiative is one of the basic duties of the member of parliament (as a member of the legislative body), and those who oppose it who believe that legislative initiative is basically the duty of the government, as part of its mandatory duty.

The MK ‘initiator’ can be thought of as the ‘entrepreneur’ of the Bill. Fenno, in his studies on the patterns of actions followed by the members of the US House of Representatives (1966, 1973), found that the variables that affect these patterns are both numerous and varied:

- Perceptions: the premises of Congress members in watching the individual and his views on the world (Putnam 1973);
- Attitudes: how the individual judges the world surrounding him (accept or reject);
- Expectations: the balancing point between the two prerequisites guiding members of any parliament: fulfilling their goals on the one hand, and maintaining their tenure on the other;
- Images: how the political actor is expected to act in given circumstances;
- Behaviour: the way the actor chooses to play according to his perceptions, attitudes, expectations and images.

All these characteristics of MPs influence their behaviour in the legislative process. The government is second actor whose participation in the legislative process is critical. Government support or non-support for private legislation is an important key to the success or failure of any private bill. In the Israeli Knesset, the political negotiation takes place within the ministerial committee of legislative affairs: the committee decides whether or not to give its support to private legislation. If the legislative affairs committee
approves the bill it has good chance of passing because the coalition that makes up the government will support it.

Within the ministerial committee, the Minister of Justice carries special weight thanks to his role as chairman of the committee and the person in charge of legislation in the Knesset. Non formal power is in the hands of the Finance Minister since most bills have financial implications. Thus, achieving the support of the Finance Minister is crucial to the chances of a bill passing. Yet another negotiation point involves the minister to whom the law is relevant; this minister’s opinion is crucial for the committee. During this initial phase of the bill’s progress there are many opportunities for negotiation and compromise regarding both its extent and the content of its individual clauses and the committee approves the bill only after what it considers necessary revisions have been made.

METHODOLOGY

This article is based on qualitative research using a number of research tools. The primary tool is analysis of the qualitative content of the primary and secondary sources: the laws that were passed and minutes of debates in the Knesset plenum; minutes of sessions of parliamentary committees; the official resolutions of the ministerial committee of legislative affairs; government decisions; judgments of the high court of justice that pertain to those laws; documents of the research centre of the Knesset; academic and public seminars; the daily press, and so on. These sources have been analysed in terms of qualitative content, and cross-referenced with the theoretical material.

Secondly, the subject of the research was examined by the case study method: qualitative follow-up on the detailed proceedings. The advantage of this method is that it includes reflections on the events in the contexts and locations in which they took place. Thus it can generate comprehensive descriptive information, providing new insights into the phenomenon being examined (Kenny and Grotkiusheng 1984). The work was based on an in-depth examination of the following three case studies:

1. The law for the absorption of demobilized soldiers, 1994: this bill was initiated by MK Raanan Cohen, Member of Knesset from the Labor Party coalition. It should also be noted that in the examination and analysis of the facts, use was also made of the researcher’s familiarity with processes of legislation in which she had been a participant as a Knesset Member in the years 1992–2003. Although there are advantages here, there is also of course a certain danger of lack of objectivity. Consequently, this insider knowledge was not used as the sole source of information; in addition, the research does not analyse any of the laws in which the researcher herself was involved.

2. The law for the prevention of sexual harassment, 1998: initiated by Yael Dayan, Member of Knesset from the Labor Party coalition.

3. The child allowance law, 1999: initiated by Shmuel Halpert, Member of Knesset from the ‘Yahadut Hatora’ opposition.

The reasons for choosing these particular laws were their central premises: the laws chosen concern either a structural change or a pivotal issue in Israeli society. In addition, the laws were chosen for the following: (1) they affected a large segment of the population; (2) the budget cost of implementing the laws was high; (3) the laws aroused widespread discussion (as well as repercussions) among the media; and (4) they provoked controversy.
Thirdly, we used interviews to strengthen the case studies. The interview supplies the personal and informal aspect of public policy formation and allows us to see respondents’ answers as their personal viewpoint and not just as a response and reaction to questions formulated as part of a questionnaire. Thus the interview allows the researcher to reach emotional and personal dimensions (Zabar Ben Yehoshua 1995: Shkedi 2004). In this study, the purpose of the interview is to deepen the examination of the Knesset member’s perception of his role as legislator and initiator of legislation and as participant in the formation of public policy, to examine the give and take that went on behind the scenes of the legislation process, and to fill in the facts behind the documents. The interviewees were chosen from amongst the participants in the political negotiation of legislation: the MKs who initiated the legislation, former Ministers of Justice, and representatives of the interest groups involved.

A fourth qualitative tool was participating observation. This methodology is based on the use of this tool in studies of the US House of Representatives (Fenno 1966; Putnam 1973, 1978; Wildavsky 1978). These three scholars applied interviews and participating observation in their comprehensive research into the US Congress, particularly in its method of budgeting and the function of its committees. Fenno (1966) describes this method as one in which the researcher ‘hangs about’ and seeks out the process of interaction, influence, inter-personal relations, power-play, trust, or distrust, and so on, like a hunter stalking his prey. Fenno wrote down this information, together with his reactions and impressions, immediately after his conversations and named the method the ‘over the shoulder’ method.

FINDINGS

The findings on the negotiation strategies of the initiator of a bill with the government are shown in figure 1. First comes the strategy of cooperation and consensus building with the government. All the members of the Knesset who were interviewed stressed that their first strategy was to start the negotiation with issues the government agreed upon, in order to reach common ground and foster a good atmosphere. Only after they had exhausted this strategy did they move on to tactics involving struggle, conflict and the activation of pressure. As Ran Cohen Meretz said:

My first choice always was a constant attempt to reach some agreements with the government as well as extreme readiness to compromise on the wording, depth and completeness of my bills. After that my second tool was to activate force. The main component of power was to recruit as many MKs as possible, and to reduce gradually the majority the coalition had. The trick is to persuade the weaker links of the coalition to join me. That’s how you turn a minority into a majority.

The importance of compromise

In the three case studies, the MKs compromise a great deal when moving from the draft of their original bill to the law that is finally confirmed. In the law for the absorption of demobilized soldiers, 1994, MK Cohen demanded that the allowance for the demobilized soldiers be calculated as 100 per cent of the minimum salary and in law it’s 60 per cent of the minimum salary. In the law for the prevention of sexual harassment, 1998, MK Dayan demanded that the punishment for sexual harassment be 100,000 shekel and she compromised with the Justice Minister on half of it: 50,000 shekel. In the child allowance law, 1999, MK Halpert demanded that the allowance for each child be paid out up to the
age of 21 and that the additional fee for each child would begin from the fourth child. He compromised, in that the law allows payment until the age of 18 and an additional fee from the fifth child. The MKs interviewed estimate that compromises were necessary since they lead to a situation where the two sides are satisfied with the legislation passed. This is a classic model of ‘win-win’. Among all the MKs interviewed the willingness to compromise is found in high amounts: They mention that in order to promote their bills they do not see things in terms of ‘everything or nothing’, but in terms of ‘more or less’. The act of compromise is in fact an essential element in decision making toward legislation. Everyone does their best to avoid brinkmanship. In addition, the central aspect of the compromise strategy is not only obtaining the actual results but also agreeing on the need to compromise. MKs do not see themselves as ‘weak’; nor can they be accused of ‘giving up’; they see their movement towards compromise with the government as political finesse and as demonstrating a point of view that looks first at the needs of the country. In all three case studies, the terms ‘responsibility’ and ‘national’ arose from both the MKs who initiated the bill and the chairmen of the committees who presented the bills for the second and third readings.

**Being prepared to start with partial achievements**

This strategy is directly related to the method of compromise. MKs emphasized that in the process of legislation you need to advance in incremental steps and therefore it is
customary to be satisfied with temporary achievements as a start. Expressions such as 'putting your foot through the door' or 'to advance in baby steps' express this idea. The rationale behind this notion is, step by step, to build a platform that can permit changes and improvements in the bill on the one hand, and to enable acceptance of it on the other hand. For example, MK Raanan Cohen Labor said:

It is important that we pass the 'law for the absorption of demobilized soldiers' today unanimously, and show our support of the demobilized soldiers. This is why I am addressing all the members of this house that submit their reservations regarding the law to withdraw them at once. If some of these reservations will be approved, I fear that we must withdraw the bill. Life is built on compromises.

MK Poraz said in the interview that

Always when I stand before an option of 'take it or leave it' I choose the first option, although it's not a perfect one. It's better to be with one bird in the hand than with two birds on the tree.

Reliance on knowledge and data

Initiating a bill is not only a process of political negotiation but an issue that covers many professional and judicial elements as well as financial and social aspects. MKs emphasize the great importance of acquiring knowledge about the meaning of a specific bill and also understanding its financial affects and cost. In one of the case studies, a big part of the success was the MK's 'political-financial struggle': In the law for the absorption of demobilized soldiers, 1994, MK Cohen was not frightened by the 'frightening data' that the Treasury Minister presented to the welfare committee: MK Cohen and his economic advisers prepared opposing economic data, and convinced the members of the welfare committee that their data were more convincing. It's interesting to note that while I asked the then Treasury Minister MK Sochat about this debate, he gave a diplomatic answer: 'The staff of the Treasury Ministry was and is very professional but it can happen that sometimes their budget evaluation is too high because of the need of public responsibility'. This example is important since it emphasizes the important role of independent knowledge. This enables us to challenge 'so-called facts' that, for example, a Finance Ministry may bring in order not to be dependent on jurists or government or committee experts. In the law for the prevention of sexual harassment, 1998, the strength of MK Dayan and the status achieved by the women's committee lies in the possession of lots of data and expertise about the subject based on international comparative analysis. This kind of deep knowledge that academic expertise from parallel laws in other countries brings was a key point in convincing the members of the Israeli Knesset to adopt a progressive and modern law for the prevention of sexual harassment. The so-called 'chauvinist' MKs such as Zaavi and Zandberg were 'ashamed' to present their resistance to the professional arguments as they were brought to bear as the law advanced.

Direct negotiation with ministers as the aim

Formal meeting points between MKs and ministers are few; however, MKs have created many informal negotiation paths. In the case study of the law for the absorption of demobilized soldiers, 1994, MK Cohen decide from the beginning that the influential target was the then Prime Minister himself, Yitzchak Rabin. He could meet him personally, because he was a member of his party, the Labor party. Other personal ties that MK Cohen
evaluated as able to influence Prime Minister Yitzchak Rabin were, because of Rabin’s background as the Head of the Israeli army, the IDF, the former Generals of the IDF. MK Cohen built a civic coalition of former Generals and Mayors, and their direct meetings and informal ties with the prime minister were extremely important in ‘weakening’ his resistance to the law. MK Cohen believe that this was the most important step in the path towards advancing the law. When the Prime Minister was convinced, he in turn convinced the Minister of the Treasury and thus the whole coalition could support the law.

With regard to the law for the prevention of sexual harassment, 1998, MK Dayan mentioned that she built a friendly relationship with the Minister of Justice, David Libayi, during the legislation process. At the beginning he didn’t understand the deep importance of the law, but during the formal and the informal meetings, he adopted it warmly and his support influenced other male MKs a great deal. With regard to the child allowance law, 1999, MK Halpert did not succeed in arranging a personal meeting with the then Prime Minister (Ehud Barak). From a participative observation, it was found that one of the best ‘secret tools’ for meeting ministers face to face is in the plenum. Instead of ‘running’ after the minister’s secretary, ‘begging’ her to arrange a 15-minute formal meeting with her ‘boss’, you look for the right situation in the plenum, when all the MKs and ministers are waiting to vote and they are ‘bored’; you then grab a ‘short talk’ with the minister you need. It is relatively easy to find such situations and generally the ministers are friendly and the MK can achieve the cooperation he needs better than in a formal meeting. A good MK is like a ‘good hunter’ of the minister’s time and willingness.

Awareness of patterns of decision making

Another important strategy was found to be giving maximal attention to the known patterns of decision making in the Knesset and using them wisely. Intelligent use of these patterns takes two forms: the procedural level in the plenum and the procedural level, together with the informal process in the committees. The procedural level refers to using the tactics derived from the Knesset regulations: delaying the vote until you have an adequate number of supporters; filibustering; taking part in underhand opportunism, and so on. In the case study of the law for the absorption of demobilized soldiers, 1994, for example, MK Cohen decided to differentiate between the act of discussion on the law for the first call in the plenum and between the act of voting. The political rationale for doing so was that on one hand he didn’t want to postpone the discussion in order to keep the issue ‘hot’ on the public and political arena but on the other hand he did not yet have the majority to pass the law. In the case of the law for the prevention of sexual harassment, 1998, MK Dayan succeeded dramatically in improving the context of the law between the pre-first call and the first call itself. She did it under the ‘umbrella’ of Knesset regulations, which give the committee the chance to change the draft bill until other MKs reject further changes and claim that it’s a ‘new issue’. The sexual harassment law in Israel is an extremely radical one, mainly because of the fact that at the first obstacle, when it’s easier to reject a law, it wasn’t so radical. These tactics and many others that the initiator takes in the form of decision-making patterns within the complexity of parliamentary procedures give them advantages in promoting their bills.

The intelligent use of timing

The intelligent use of timing is also crucial to whether a law succeeds or fails. Timing appears to be just a ‘technical’ issue; it is, however, very helpful to identify the right
political or procedural timing and to make use of it. In the case studies, three different kinds of intelligent use of timing were found:

1. In the case study of the law for the absorption of demobilized soldiers, 1994, MK Cohen thought that to recognize a public that was warming to an idea was the key point in succeeding in influencing the then Prime Minister Yitzchak Rabin. As mentioned above, MK Cohen postponed the vote and in the meantime organized civil demonstrations and public outcry that called on the Prime Minister to pass the law. He waited until he found the right time on the public agenda to bring up the bill.

2. Another kind of intelligent use of timing is found with regard to the law for the prevention of sexual harassment, 1998. MK Dayan decide to bring up the bill for voting at a symbolic time; the bill was brought up in proximity to International Women’s Day. Its chances of success went up, because the discussion on women’s rights on the same day enlarged the MKs’ awareness of and obligation to women’s issues. Moreover, the committee on women’s status took care to invite the leaders of women’s organizations and many feminist activists to the plenum, so the ‘Chauvinist’ MKs were careful not to go against that influential forum. The choosing of a symbolic day helped the women’s status committee to place opposing MKs in what amounted to a ‘political trap’.

3. In the third case study, the child allowance law, 1999, MK Halpert choose the best time from his point of view: a government crisis. Although the government rejected the law, the SHAS Party, the orthodox religious party which was part of the government, voted for the law and, thanks to their votes, it passed. During a government crisis, the coaltional discipline is loose and this enables the rejection or passing of private bills.

Yet another kind of intelligent use of timing is to raise a bill towards the end of the Knesset term. Here again, the coaltional discipline is usually looser. In addition, it was found that when a bill is raised when an issue is a ‘hot’ one in the media and close to a prominent public event the chances of its being passed go up.

The intelligent use of location
On the subject of ‘location strategy’, the significant element regarding private legislation is the attempt to influence the particular committee the bill will be discussed in. After a bill has passed the preliminary vote, the initiator has the privilege of offering the bill to the committee of their choice. If the government or another MK suggests a different committee, the issue is decided by the Knesset Committee. The involvement of the MK who initiates the bill in this debate is critical, as a comment by MK Abraham Poraz Shinuy illustrates:

> After the bill passes the Knesset plenum, it is necessary to assure that it go to the right committee; otherwise it could be buried for months. I was very active in the Knesset committee and made sure that my bills got to the suitable committee. If you fail you can kiss your bill goodbye, it all goes to waste.

Another element of location is the place where the political negotiation takes place. The formal meeting place is the Minister’s chambers; this, however, requires early coordination and making an appointment can take days or even weeks. There are, however, two informal arenas that are open to the MKs: the Knesset plenum and the Knesset cafeteria. The plenum, the hall of the Knesset, is a place with many meeting points: in the seats during general deliberations; at one of the corners of the hall; or near the couches behind
the exit. The combination of many places to meet and a lot of waiting times between sessions creates the potential for gathering, discussing and tying up ‘loose ends’. The cafeteria is another good informal place to casually meet other MKs and ministers.

The importance of reliability and fairness
This strategy was also mentioned by all the interviewees. It seems that MKs make a distinction between the political aspect of their work and the act of legislation. In the political aspect they see controversies and struggles as legitimate and therefore there is tolerance for political manoeuvres and opportunism, so long as they are performed according to regulations. The act of legislation itself is seen in terms of being both ethical and professional: MKs treat it with more respect and feel the weight of responsibility that is in line with justice and the public good. Thus the element of fairness is preserved despite all the opposing interests. The basic rules of decency are considered to be very important and every MK tries both to maintain his good reputation and to appear reliable in the eyes of his peers. Indeed, this is why verbal compromises reached in negotiation, although not put in writing, are honoured by both sides.

The importance of decisiveness and persistence
The qualities of decisiveness and persistence were mentioned many times and in many different ways by the MKs interviewed. The act of legislation is a complex one; in addition, it is a relatively long process that requires cooperation, stamina, coordination, persuasion, and more. Indeed, this dedication to the goal of passing a bill can sometimes become too extreme. Some of the initiators become fanatic devotees and the three case studies represent good examples here. In the case study of the law for the absorption of demobilized soldiers, 1994, MK Cohen, answering the question about the most important tool in his success, summarized it in these words:

The Prime Minister and the Minister of the Treasury understood that they have a struggle with ‘a Crazy MK’. When they found that I could be a strong ‘Political Troublemaker’ they decided that ‘if you can’t beat it, join it’. From that moment they tried only to minimize the cost of the law and I, in order to achieve my vision and goal, co-operated with them. I mentioned I compromised a lot.

In the case of the law for the prevention of sexual harassment, 1998, MK Dayan seemed to be a ‘Jeanne d’Arc’ of Women’s Rights. When she feared that male MKs would succeed in defeating the bill, she asked them personally to give her the chance to continue the process and she promised them that she would listen to their comments later. And she succeeded!

So, the findings suggest that in order to pass a bill a MK needs to be both decisive and stubborn. Nonetheless, the MKs make a distinction between persistence and ‘knocking your head against the wall’. Every MK needs to know how to fight the battles he knows he can win. For the legislator, perseverance is not the opposite of compromise, but a complementary tool. The 10 strategies and tactics outlined above have great importance since they determine the fate of bills: whether they will pass or whether they will be rejected.

CONCLUSION
This research reported here examined private legislation as a process of relations of power and relations of negotiation between the private initiator – here, the individual member of the Israeli Knesset – and the government as a powerful player. The article
deals with private legislation that members of the Knesset initiated during the years 1992–2003. It presents the players in the Israeli legislation arena, and displays the findings on the strategies used to promote a private members’ bill. We examined private legislation through three case studies of major laws: the law for the absorption of demobilized solders, 1994; the law for the prevention of sexual harassment, 1998; and the child allowance law, 1999 (now the National Insurance Law Amendment No. 41 aid for large families 2000). Interviews were conducted with members of the Knesset and other persons connected with the legislative process.

The article’s main conclusions are as follows:

1. *The importance of political negotiation in the legislative process*: the findings show that the legislative process is not only a judicial or procedural one, but a process of political negotiation. As such, it has rules and characteristics, and the sides involved use strategies and tactics in order to improve their chances of success. Private legislation represents a process of interactions and the balancing of power between the initiator of a bill and the government.

2. *Choice of main strategy*: according to the theoretical literature, there are two main categories in terms of strategy: (1) the strategy of ‘mutually profitable adjustment’; or (2) the strategy of ‘win-win’ (with the opposite being ‘struggle to the death’ or ‘high conflict’ (Schelling Thomas 1963; Galin 1996, 2004). The main strategy of the MKs was compromise, and the findings regarding the relations between the initiator MKs and the government show that the leading strategies were cooperation and consensus building rather than debating style. The MKs universally adopted the policy of ‘mutually profitable adjustment’ and rejected, theoretically and practically, the strategy of ‘high conflict’.

3. *Variety of strategies and tactics used*: an examination of the case studies, protocols and interviews leads to the conclusion that the initiator of a bill uses a variety of strategies and tactics – not just one. In each case study, a different ‘main’ strategy was chosen: in the law for the absorption of demobilized solders, 1994, the main strategy adopted was the use of relationships with ministers, especially the Prime Minister (strategy No. 5). In the law for the prevention of sexual harassment, 1998, case study, the main strategy adopted was to rely on the knowledge and assistance of academic professionals (strategy No. 4). In the child allowance law, 1999 (the National Insurance Law Amendment No. 41 aid for large families, 2000), the main strategy adopted was to introduce the law during a political crisis, a strategy that relies on intelligent use of timing (strategy No. 7).

4. *Priorities between strategies*: the findings from the interviews indicate that MKs believe three strategies constitute the most important tools:

(a) The importance of compromise (strategy No. 2): as mentioned, the main strategy of the MKs was compromise. Although political life is characterized by strong political debates, the MKs differentiate between the political level and the legislative level. In the legislative arena the relations between MKs and ministers were characterized by fairness and honesty, as well as by decisiveness and persistence. A lot of direct negotiation occurred between them. There were many cases where political rivals cooperated in mutual trust and took responsibility for agreeing to compromise in the legislative process for the sake of the ‘public welfare’.
(b) The role of decisiveness and persistence (strategy No. 10): this strategy was chosen as second in importance. MKs emphasized that contrary to many other political fields in which the most important thing is to be quick and smart – as, for example, when you work in the media – legislation is a long-term process and decisiveness and persistence are key points, as well as the ability to work hard and work with passion.

(c) The intelligent use of decision-making patterns and timing (strategies No. 6 and 7): the MKs involved emphasized that these strategies are not just technical ones but have the ability to improve the promotion of bills dramatically.

5. Can these negotiation skills be learned? The findings show the importance of knowing the skills of political negotiation in order to promote private legislation. This importance could influence future training programmes for MKs since it seems that both acquiring knowledge and knowing about the skills of negotiation are extremely helpful. It is worthwhile for scholars to examine if and how much of these subjects can be taught in advance, or if they are mostly acquired with experience.

6. The importance of the cultural and the psychological aspects: other findings of the research, discussed elsewhere, are that negotiation about legislation is mostly political, the reason why political interests and manoeuvres are so prominent within it. However, the cultural background of the negotiators also has a decisive impact on the perceptions of the two (or more) sides. In addition, hidden psychological aspects sneak into ‘so-called’ rational negotiation and have an important affect on the process. Knowing and mapping the variety of influences on and obstacles to negotiation does not neutralize them, but it helps us better understand this complex discipline.

There are of course other aspects which remain untested. In the Israeli parliament, as in other parliaments, there are members from the governing coalition and members from the opposition. How much this fact changes the dynamics of ‘political bargaining’ with regard to the initiation of new laws, is an important aspect. A further point is the need to continue research which will test the problem of the implementation of private members’ bills once they become law. We know that legislation isn’t a guarantee of actually delivering on policy, in Israel as well as in other countries. It is advisable therefore to allocate resources to go on to examine the success of otherwise of how such laws are implemented.

This research contributes to characterizing and discerning the way decisions on legislation are taken. This includes political negotiations between members of parliament and government, together with the involvement of various interest groups. The present research has centred on private legislation in Israel. A major contribution to strategic and tactical analysis was made by Wildavsky (1964, 1975) and Fenno (1966, 1973) with regard to budgetary procedures in the US House of Representatives. Negotiation theories relating to labour relations between employer and employees, peace and war, and coalition and opposition were used to promote innovative understanding of the legislation process as a process of political negotiation between the main political actors: the initiating Knesset member and the Israeli government.

REFERENCES
PRIVATE LEGISLATION AS A STRATEGY


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