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Israel's 'Purloined Letter'

By EMMANUEL NAVON
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Right-wing politicians have always felt intimidated by the Left. That's why Likud-led governments fail to enact Likud policies.

Edgar Allan Poe's short story "The Purloined Letter" provides the perfect allegory for understanding why so many people get so fooled for so long. The story tells the tale of a letter said to contain compromising information that has been stolen by a brilliant thief. The police meticulously search the thief's home, using even microscopes, but to no avail. How did the thief fool the police? By displaying the letter instead of hiding it. It is precisely because the police expected the letter to be hidden that it couldn't see it.

For decades, many people in Israel have been wondering why right-wing governments are generally unable to implement their policies and often end up adopting the rhetoric of the Left. Witness the fact, for example, that Prime Minister Binyamin Netanyahu has officially endorsed the establishment of a Palestinian state against his own party's platform, that his government might be toppled in a few months if it complies with the High Court of Justice's injunction to dismantle outposts, and that some Likud ministers and MKs are speaking in unison with the Left on the need to preserve the system that guarantees the Supreme Court's ideological uniformity.

The answer to this riddle was provided by Tel Aviv University Law Professor Menachem Mautner in his book *Law and Culture in Israel at the Threshold of the Twenty-First Century* (Tel-Aviv University Press, 2008): The Israeli Left lost its monopoly on power with the electoral victory of the Right in 1977. Since then, it has successfully tried to keep its influence via the judicial system, academia and the media.

At the Supreme Court, judges are selected and appointed by judges, and they have granted themselves the right to repeal laws deemed "unconstitutional" (regardless of the fact that Israel has no constitution). Hence the judicial activism epitomized by Justice Aharon Barak: if the majority does not legislate according to the will and worldview of the "enlightened ones" (to use Barak's own words), then laws must be repealed by self-appointed judges who know better.

In academia, it is virtually impossible for conservative-minded academics to get tenure in the social sciences and in the humanities outside of Bar-Ilan University. As for "dissident" journalists, there is hardly a payroll to be found outside of Makor Rishon and, more recently, Israel Hayom. The recent legislation advanced by the Right and condemned by the Left (e.g. on boycotts, on the funding of NGOs, on the appointment of Supreme Court Justices, or on defamation) suggests that the Israeli Right has finally noticed where the "purloined letter" was displayed, and is taking action according to the will of its voters. But this is only half-true.

FOR A start, some of the legislation recently initiated by the Right is counter-productive. The fact that boycotters can now be sued for financial damage was meant to deter the Left from taking part in the BDS campaign and from boycotting settlements.

But according to the same law, Ben-Gurion University (BGU) can now sue the student movement Im Tirtzu for asking BGU's donors to keep their money away from this university until its Political Science Department respects pluralism.

Likewise, the new legislation meant to increase, six-fold, fines for defamation is more of a threat to a small and conservative newspaper like Makor Rishon than to a powerful and liberal newspaper like Yediot Aharonot. As for the law limiting foreign government funding for Israeli NGOs, it will certainly hurt the likes of Peace Now and Adalah in their pockets, but it will hardly make fundraising easier for Im Tirtzu or for My Israel.

Besides shooting itself in the foot with counterproductive legislation, the Israeli Right is hopelessly absent from the intellectual arena. The Shalem Center was supposed to produce conservative thinkers but it has virtually withdrawn from Israel's intellectual scene because of its focus on starting a new liberal arts college.



Shalem is even ending the publication of Azure, Israel's only high-quality conservative journal. The Shalem College might be successful in producing another type of intellectual leader, but it will take a couple of decades to tell.

Another Israeli conservative journal, Nativ, closed two years ago. The only conservative journal around today is Hauma. Published by the Jabotinsky Institute (itself located at the Likud headquarters), Hauma has a small circulation and preaches to the converted. As for the Institute for Zionist Strategies, its research and papers are mostly kept away from the public by the media.

The Israeli Left is up in arms, but in truth it has little to worry about.

Besides doing a pretty good job at holding on in the judicial system, in academia and in the media, the Israeli Left has one asset that is both as obvious and as unnoticeable as the "purloined letter": it intimidates the Right.

Likud's former "princes" have grown up with an inferiority complex vis-à-vis the Left. They are petrified by Haaretz and by the accusation of not respecting "the rule of law."

They are imbued with the idea that people who read Haaretz and who live in Tel Aviv are smarter, and that you need their seal of approval in order for your IQ to be declared above average.

Haaretz has recently canonized Menachem Begin as Israel's most impeccable democrat and peacemaker, but three decades ago it decried him as a warmonger, a bigot and a fascist. Why? To make sure that his son gets the message: Continue to be a good boy and keep your hands off the Supreme Court.

Kadima leader Tzipi Livni is the ultimate example of an intellectual lightweight easily intimidated by the Left. She has become a spokesperson for Haaretz not because she suddenly discovered that there are Arabs in the West Bank, but because she lacked the intellectual backbone to stand up for her own beliefs.

What the Israeli Right needs to do is to produce intellectuals. This is what institutions and movements such as the Jewish Statesmanship Center, Im Tirtzu, the Tikva Fund and the future Shalem College are trying to achieve. But those important initiatives are emerging nearly 40 years after the electoral victory of the Right. For all its kicking and screaming, the Left can relax: surely if it took 40 years for the Right to find the purloined letter, there is no reason to panic.

The writer is an Israeli academic currently running in the Likud's primaries.



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