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## A dangerous coalition

By Ze'ev Sternhell

A new, interesting but dangerous coalition is forming. It's true its members have many differences, but they are united by a similar approach to what constitutes a desirable regime. Thus we can see how academic leaders, politicians with cans of worms and attorneys, and the advocates of unbridled economic liberalism are standing united to defend the government from its "destroyers."

They are all singing the same tune: Let the Knesset legislate, let the government rule, and release the two institutions from the terror of the High Court of Justice and the state comptroller. That is the common denominator in the arguments against High Court intervention in the separation fence route; against the State Comptroller's terror against government officials and politicians, who have become accustomed to treating the law with "flexibility"; and of the familiar demand by the strategic affairs minister to put an end to the "arrogance" of the law.

And in fact, underlying the battle against the High Court, as well as the repeated attempts to destroy academic independence and the trade unions, is the effort to break nongovernmental centers of power. These are the first signs of a destructive trend destined to bring about a de facto change in Israel's system of government.

The second aspect of the campaign is the claim that the High Court and the state comptroller are

undermining the authority of the elected authorities. That is demagoguery. Democracy is not based on the right of the elected majority to rule undisturbed, but its ability to implement human rights.

This means that the government system must have checks and balances. Since, as we know, force can be checked only by counterforce, democracy needs a court of law that will carefully examine both legislation and government decisions. If any complaint could be made against the High Court, it is that it is not tough enough with the other two branches. But in principle, the court fulfills a role that has no price and no substitute.

In recent years, other independent centers of power have been targets of destruction attempts. The trade unions on the campuses, in the schools, in the ports and in industry have become anathema to the advocates of unbridled capitalism, because they are based on solidarity and try to block exploitation. The same logic also prevails in the cynical multi-year battle against the universities.

And in fact, the true objective here is privatizing higher education and transferring financial responsibility from the state to the students ("the consumers"). The attempt to eliminate the independence of academic institutions and to subordinate them to the state is accompanied by a desire to destroy higher education as a mandatory public service. The students will pay a high tuition, which, although backed by loans, will further increase the gaps between rich and poor.

Loans must be returned one day, and not everyone who becomes a high school history or Bible teacher will be able to return them. Thus, under a false cover of promoting excellence  $\rightarrow$  a desirable and essential objective in itself  $\rightarrow$  the academic community will lose its independence and will fall

apart.

The new justice minister and his patron, the prime minister, would do well to devote some thought to the warning of one of the greatest liberals of modern times, Alexis de Tocqueville. Tocqueville knew in the 19th century that autonomous bodies that bring together individuals can comprise a force capable of confronting the government and preventing its expansion, and that this is essential for the preservation of freedom.

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