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Political corruption: The power of the game. The case of Israel

Shiran, Vicki, Ph.D.

City University of New York, 1991

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A

POLITICAL CORRUPTION: THE POWER OF THE GAME

THE CASE OF ISRAEL

BY

VICKI SHIRAN

A dissertation submitted to the Graduate
faculty in Criminal Justice in partial
fulfillment of the requirements for the
degree of Doctor of Philosophy.
The City University of New York.

1991

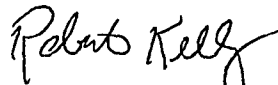
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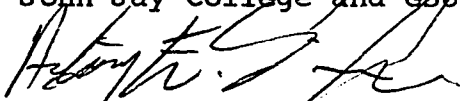
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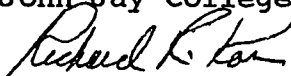
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INTRODUCTION

This study analyzes the relationship between political corruption and the political system. The research entailed an examination of the phenomenon of political corruption in the state of Israel from its founding in 1948 until 1988. The study is based on a systematic collection of all incidents where elected politicians, both in national and local government, have been publicly accused of, and/or legally prosecuted for, political corruption. The data, collected from national press and courts' records, shed a great deal of light on the phenomenon, and thus render speculative issues much more concrete. We learn, for example, the actual known extent of high-level political corruption in Israel; the historical periods when it appears to have been more prevalent (or more frequently exposed); the social

characteristics and political affiliation, of politicians involved; and the scope of both control and sanction.

Although these findings could be the core of a linear descriptive analysis, my analysis and evaluation is conducted from a critical perspective. The analysis revolves around the Israeli political system and its involvement in shaping political corruption; not simply as the obvious creator of opportunities and means, but as a powerful organization that employs consciously self-protective mechanisms to distance itself from the damaging consequences of public exposure of internal deviance. By and large, research on political corruption has overlooked the fact that political systems may have vital interests in, and play an active role in, hindering public scrutiny of corruption. One reason for this oversight may be concern that conspiracy and coverup are the only issues involved and that these could transform research into a sort of detective enterprise.

Such an assumption is unwarranted. All organizations, including political systems, are able to substantially mitigate the negative effects of exposure through very different and more sophisticated methods. For example, through its control of definitional questions and decisions about types and frameworks of investigations, a system can greatly influence the outcome in order to reduce possible damage. Such a

strategy in both private and public institutions is not uncommon¹. Obviously charges of corruption are easier to manage or defuse before they attract public attention, especially when public institutions are involved.

I maintain, however, that whenever the corruption of high-level Israeli politicians has come to light, the Israeli political system has almost always put in motion a process whose purpose is to control the outcome of such exposure to reduce both negative effects and public probing into the issue. This process has been impressively successful, as the following analysis and research intend to demonstrate. This buttresses the idea that political systems have an important role in shaping the concept of political corruption, both in terms of operational definitions and in data available for factual validation.

The basic contention of this study is that the Israeli political system, and political systems in general, significantly control the whole issue of high-level political corruption through a process of politicization and decriminalization. The strategic political purpose of this process is to reduce as much as possible any potential damage by "reshaping" the nature of the alleged act and removing its "corrupt" elements and context.

This is a two-stage process: first political corruption is "politicized". Thus the allegedly corrupt behavior is transposed from the criminal sphere to the political one. This is the critical step, since it affords politicians the power to determine outcomes through control of three key components that shape the social reality of the phenomenon. These are: the way political corruption is defined, the way it is investigated, and the way it is sanctioned. All three components are interrelated since the way a corrupt act is defined (illegal; unethical; immoral; legal) determines the procedures and limits of its investigation, which in turn determine the selection of sanctions.

From the viewpoint of the political system, it is of utmost importance that allegations against high-level politicians be kept within the political arena instead of entering the criminal one. Defining the criminal character of the alleged act in a political context vests politicians with ultimate authority in the resolution of the issue. Otherwise, the issue could quickly slip into the criminal arena where the letter of the law rather than political factors may dominate the judgement.

Successful politicization of political corruption is generally guaranteed since the issue itself, by nature, involves politics and is interpreted within a political

context. Hence, once defined "political", the matter becomes controversial allowing partisan polemics to polarize and confuse the whole question. This paves the way for the second stage: the process of decriminalization.

Controversy, rumors, accusations and counter-accusations of corruption past and present are evoked so that the whole issue at stake becomes ambiguous: "is it corruption, after all?". Consequently everything is thrown open to debate and the media assumes the role of the police, the court and the public forum. When both confusion and the clamor for justice reach their peak the political system reduces the tensions by "succumbing" to the demands for investigation. The investigation, however, frequently turns out to be a sort of "enquiry"; carried out within a political-judicial framework which is rationalized by the political system as indispensable because of the controversy over the (politicized) issue. Here the process fulfills its major aim: investigation through a political 'mechanism' that eventually gives the alleged corrupt act a noncriminal nature and form.

From the perspective of the political system control of investigation is pivotal since the framework, procedures and limits of investigation influence, to a considerable extent, the outcome. In contrast, examination of the issue at stake by the criminal justice

system and particularly by the courts risk escalation to further investigations and, likewise, commonplace practices may be regarded "criminal" rather than "political". More importantly, the criminal stigma may fracture the legitimacy of politicians as legislators and enforcers of law, a situation undesirable for all politicians regardless of partisanship. Hence political parties usually do not object to "special investigations" since they share the same concerns. They content themselves with the immediate political advantages they get from the crisis of the party with which the allegedly corrupt politicians identify.

In stable periods when there is little competition for power this process is carried out by the political system with little interference from the media or political rivals. Therefore, the process tends to be short and to generate little tension, if any, and methods of investigation are likely to be "administrative." The more the system experiences instability and competition for power (as in election periods), the more the process manifests itself in "scandals". Yet the process itself is not altered - since political interests continue to dominate - and therefore does not engender more prosecutions against the powerholders than in stable periods. On the contrary, politicization is much more pronounced, intense and emotionally charged. The battle

over definitions, the kinds of investigative measures and sanctions becomes more crude and brutal; at the same time, political rationalizations for "special" investigation sound more "reasonable".

Noticeably, when exposure of political corruption takes the form of a "scandal" the process of decriminalization is often accompanied by the criminal investigation of a few nonpolitical persons - private business persons and appointed officials, for example - or low-level politicians involved in the affair. Their sensational "fall from grace" and criminalization is communicated to the public as the result of "investigation without fear or favor". This diverts attention from the high-level politicians involved, and/or from the different ways their alleged corrupt involvement is dealt with.

Concomitantly, sanctions against political deviant actors, if recommended, usually would be of a political nature (censure, resignation etc.) which makes the punitive action easier to couch in political or moral terms. In the last analysis it may even benefit the political system by creating the impression that "it has done everything in its power to keep public life pure and honest".

Furthermore, there seems to be a correlation between the political power of a politician and the

decriminalization of his/her alleged crimes. In other words, the more politically powerful the politicians involved, the less likely that they will be prosecuted as criminals. Conversely, the less politically powerful the politicians involved, the greater the likelihood of criminalization. This is symmetrical with the main argument that political systems strive to protect themselves when corruption of high-level politicians is involved. Leading and powerful politicians and parties are the backbone of the political system and protecting them means, in practice, protecting the governing elite. This, however, is not the case when marginally important politicians are involved.

In summary, the concept of "politicization and decriminalization" of high level political corruption offers three propositions to be examined as the main hypotheses of this study:

First, that corruption of high-level politicians which is publicly exposed is not likely to be resolved in the courts. In terms of outcome, allegations are therefore likely to be decriminalized.

Second, that the process of politicization and decriminalization prevails in both politically stable and unstable periods. In stable periods the process is likely to go unnoticed, whereas it is likely to take the form of "scandals" when competition over power is more pronounced.

Third, that prosecution of corrupt behavior by high level politicians is likely to be inversely related to their political power (i.e., the power-position of their party and their own power position within the party) ; the more politically powerful the politicians involved, the less likely that they will be prosecuted as criminals. Conversely, the less politically powerful the politicians involved, the greater the likelihood of criminalization.

If these hypotheses about the existence of a process of politicization and decriminalization are proven valid, their importance cannot be overestimated. The fact that a significant part of political corruption is not dealt with in a judicial framework injects ambiguity and vagueness into the entire issue. Not only is political corruption more difficult to detect, but it makes the public feel helpless since "those in power get away with

corruption", or "that's the way politics works". At the same time, it helps those in power contribute to both the existence and perpetuation of political corruption.

Furthermore, if criminalization of political corruption is more likely to be the fate of marginal and "outsider" politicians than of the politically powerful, this may partially support the contention of disadvantaged social groups such as the Blacks in the United States, or Jews of Afro-Asian origin in Israel, that high level politicians are treated differently. Yet, the crucial factor would be the political marginality of a politician rather than his/her color or ethnicity, although the former often depends on the latter. Likewise, the reasons would be less grounded in the commonly blamed criminal justice system, than in the political system and its interests in activating the process of politicization and decriminalization.

While I am writing in the context of the Israeli system, studies on scandals related to the political systems of Austria, the Federal Republic of Germany, France, Britain, Italy and Japan, to which I refer in Chapter Two, suggest that the same process is at work in other countries. For instance, a recent article by Seymour Hersh on the Iran-Contra scandal² may point to the fact that a similar process is operating in American

politics, probably more at the federal level than at state and local levels.

Therefore I believe it is imperative that research no longer disregard the actions exercised "from above" which deflect and misdirect public concern and interest in eliminating political corruption.

The study is divided into three parts. The first part deals with the conceptualization and perceptions of political corruption. It begins with a critical review of the prevailing literature pertinent to the arguments. The objective is to demonstrate that the long-standing process of politicization and decriminalization of political corruption has affected both scholarship on and perceptions of political corruption. The fact that the field does not yet have a consensus on definitions and related conceptualization has crucially hampered the ability of scholars to counter the ambiguities brought into this field by politicians. Chapter One suggests that on the question of definitions and dominant directions the study of political corruption has reinforced, to a considerable extent, political rhetoric and rationalizations.

Chapter Two reviews the studies which focus on corruption scandals in several Western-European

countries. I point out key-themes that are closely related with the main thesis of this study. I also address the difficulties surrounding the data on political corruption available to researchers. Chapter Three concludes the first part with a presentation of the definition employed in this paper and its methodological approach. "Political corruption" as it is defined in this study subordinates the abuse of political power and office to legal definitions alone; those rooted in laws and defined, practically, by the courts.

Part Two presents the research and empirical data regarding Israel. It contains four chapters. Chapter Four analyzes in detail one recent Israeli scandal (the Weitzman affair 1990) and the process through which an allegedly corrupt act has been politicized and decriminalized. The purpose in analyzing a case which involves an allegation of abuse of office for power-related purposes rather than venality-related advantage is because in the Weitzman case the aspect of 'illegality' is clearly pronounced: neither the accused nor the accuser have denied the violation of law. However, the battle around interpretations of the dubious act was waged in both the public and political arenas rather than in court.

The other three chapters present data and findings, each chapter in relation to one hypothesis. Chapter Five

constructs an "exposure rate" (public allegations) and compares it to a "prosecution rate" (prosecuted allegations). The comparison supports clearly the first hypothesis: most allegations have not been resolved in the courts. The chapter addresses prevalent taken-for-granted justifications which underlay the process of politicization. Chapter Six presents the findings for the second hypothesis that refers to the relationship between corruption and political stability/instability. The reference in this chapter to names and cases, related particularly to the scandals of the Seventies in Israel, may appear to a non-Israeli reader a little obscure, but the period become clearer in Chapter Eleven when I return to it. Chapter Seven presents the findings regarding the likelihood of prosecution and they support the hypothesis that prosecution of political corruption is more likely to involve political "outsiders" and politically marginal politicians.

It is important to note that the study does not deal with questions of the guilt and innocence of those politicians involved and mentioned. I depict a phenomenon and reveal patterns in a process which occurs in public light - from an allegation of political corruption against a high-level politician, made in public and publicized in nationwide press, to its official or unofficial resolution. All members of government,

parliamentarians and mayors who have not been judged and defined as corrupt by the courts are, by definition, considered not corrupt. This clarification is not made merely as protects oneself from a libel suit. What is important and stressed throughout the text is the process through which allegations of corruption against high-level politicians tend to be treated. It is on the basis of patterns that the concept of politicization and decriminalization has been substantiated.

Part Three deals with the process of decriminalization which occurs outside the court. Chapter Eight provides a general exposition of prevalent 'mechanisms' and rationales which are likely to be employed when high-level politicians are publicly accused to be corrupt. The attempt to generalize the process is part of the theoretical effort of this study aiming at shared characteristics in the phenomenon of political corruption, and which therefore may be more familiar to the non-Israeli reader, in terms of associations. This also facilitates the flow of analysis in the next chapters which deal with Israel.

In chapters Nine through Twelve I return to the research findings and relate them to 'mechanisms' employed in Israel in the process of decriminalization. While in Part Two the empirical data are presented within the framework of hypotheses, in this part they are dealt

with from an historical perspective. The specificities addressed are in relation to the phenomenon of political corruption and obviously the task is not to provide a social history of Israel. Likewise, the analysis is not made within the theoretical framework of hegemony although relations of power are addressed and the process of politicization and decriminalization itself is a power strategy employed within the political process. This perspective deserves its own study since it opens up broader questions related to the political system and the power structure in society.

In these final chapters I allow myself more freedom in interpreting and explaining the reasons which have made it possible, in my view, for the governing political power to dominate and determine the "definitions" of political corruption. I particularly address the role of both the political opposition and the press - which are the major definers of political corruption next to those in power. Inevitably, because of the complexity and detailed nature of the issues, which I am expounding in this paper, there will be instances of repetitions. These I have deemed essential both to clarify and to drive home the points I have set out to make.

The study ends with a short summary of observations and conclusions.

Notes:

1. David Ermann and Richard J. Lundman, "Deviant Acts by Complex Organizations", *Criminology Review Yearbook*, Vol. 1, Sage Publications 1979. p. 524-536; James W. Coleman, *The Criminal Elite: The Sociology of White Collar Crime*, St. Martin's Press 1985; Marshall B. Clinard and Peter C. Yeager, *Corporate Crime*, Free Press 1980; Simon R.D. and Eitzen D.S., *Elite Deviance*, Allyn and Bacon Inc. 1986; Knapp Commission: "Police Corruption in New York City", in William J. Chambliss: *Criminal Law in Action*, Hamilton Pub. Co., 1975, p. 137-144; Jonathan Rubinstein, *City Police*, Farrar, Straus and Giroux 1973;

2. The New York Times Magazine, April 29, 1990

PART ONE

POLITICAL CORRUPTION:

CONCEPT AND PERCEPTIONS

CHAPTER ONE:

POLITICAL CORRUPTION; A MATTER OF DEFINITION

There is no doubt that the term "political corruption" refers essentially to deviant and criminal acts of politicians. Yet criminologists have neither researched the subject as a separate category¹, nor gathered systematic and hard factual data, nor developed a general theory of political corruption. Criminology textbooks usually mention political corruption in passing as one manifestation of the general category of "white collar crime".² Whether this situation springs from ambivalent attitudes toward political criminality, or merely reflects the general and well-recognized neglect of the study of "white collar crime", it implicitly

conveys the view that political corruption is more an aspect of politics than a crime.

During my research, I became aware that in everyday discourse political corruption is a negotiable term, particularly when it involves politicians of the highest echelons. By 'negotiable', I mean, that the term is susceptible to a variety of interpretations when used to locate and define an act in a corrupt/noncorrupt, moral/immoral context. As a result, the whole issue of political corruption becomes suffused with ambiguities. Essentially, it is the negotiable aspect that clouds the matter and not the "complexity of deals", or "different moralistic judgments", as conventionally argued in the literature.

Negotiability and ambiguities are useful elements for the "politicization and decriminalization" of political corruption since the redefinition of corruption relies heavily on public confusion over the matter alleged. Actually, when high-level political corruption comes to public light it is common to find oneself puzzled by the differential usage of terms such as "ethical misconduct", "wrongdoing", or "illegal activity". It often requires both an intellectual effort and imagination to understand why a certain act is labeled as "ethical misconduct" yet avoids criminal investigation, while quite similar deeds are labeled

criminal and become the target of judicial investigation.

Similarly, we may find it hard to understand, for example, why the dubious activities of one president of the United States were aggressively and successfully investigated and led to near-impeachment (Richard Nixon, the Watergate affair) while no less serious suspicions against another president evaporated (Ronald Reagan, the Irangate affair). In Israel a similar breach of law by a common citizen and by a cabinet minister eventuated in a prison sentence for the former while the latter continued to serve in the government, untouched by the law (the Ezer Weitzman affair)³.

The negotiability and elusiveness of political corruption is also rooted in the fact that the debate over the "real" nature of an alleged act of political corruption often takes place in the public realm rather than in the courts. The press and media commentators, politicians (deviant actors, peers and rivals) and lay persons offer and negotiate interpretations. In many respects, they behave as the juries and judges before any formal charges are laid. Scandal studies support the existence of this tendency⁴.

Hence, in contrast to the treatment of other crimes, the process of defining the deviant character of political corruption is both "political" and "public". As "political", it is assessed under special rules and

perspectives with the circumstances and consequences being major criteria for judgement. As "public", it is evaluated in terms of the public interest and is thus naturally subject to different opinions. Neither characterization implies that the negative component of political corruption is disregarded. Yet it is diluted by being made, at the same time, debatable. Implicitly, then, the definition of a corrupt act becomes loose; a matter of interpretation.

The main contention of this study, which attributes to the political system the process of "politicization and decriminalization" of political corruption, rests on three underlying assumptions about the prevailing perceptions of political corruption: First, political corruption involves many ambiguities and therefore what constitutes a corrupt act can be negotiated. Second, ethical and moral judgments are involved and therefore the deviant character of an allegedly corrupt act depends largely on one's opinions, values and interpretations. Third, the character of an act (whether it is considered corrupt or not) depends upon the context in which it occurs; i.e. the circumstances which engendered it and its consequences. Thus what one person may evaluate as corrupt another may tolerate, and a third may even praise (for example, Colonel Oliver North's activities in the Iran-Contra affair).

Interestingly, as the following analysis shows, these perceptions are prevalent in the literature on political corruption, particularly when scholars deal with the appropriate ways to define the phenomenon.

The task of defining political corruption has been passionately and continuously debated in the literature without resolution. Moreover scholars have almost renounced as futile efforts to reach a consensual definition since they see moralism and diverse opinions as "inherent" in the term. Consequently, there is no agreement among scholars on what political corruption is, or more specifically, what constitutes a corrupt act. Evidently, it is not a matter of pure linguistics but of conceptualization, as Gibbons⁵ states:

...the concept's definition has become a major concern. This concern goes well beyond mere lexicography; it is one of conceptualization - of connotation as well as denotation. Perhaps due to the underlying "moralism" inherent in the general usage of the term, corruption seems to have generated more than its fair share of definitional debate. Perhaps, too, there are other reasons for this conceptual disagreement, but the point stands nonetheless: agreement as to a reasonable definition of political corruption seems, at best, a distant and improbable goal.

This also affects research as Gardiner and Olson⁶ point out:

This definitional paradox is inherent to the subject of political corruption because the subject itself involves fundamental questions of opinions, judgments and values about which there is rarely agreement. Yet the issue of how corruption is defined is highly important because it partially determines how much and what kind of corruption is found.

Political corruption seems to resist a definition. Yet other social behaviors, no less complex, have been defined and scholars have succeeded in drawing acceptable and meaningful boundaries for them. Why, then, is defining political corruption an "improbable goal"? How has this "improbability" become almost a 'natural feature' of the phenomenon? And what are the practical consequences of the theoretical confusion?

The present concept of political corruption has moved away from the "institutional decay" notion that characterized eighteenth century thought and commentary. This perceived the term in a large context of the institutional defaults of a political system⁷. In contrast, contemporary writers link political corruption with individuals who abuse and misuse political office and political power for private or party gain. As the editors of the most up-to-date handbook on political corruption note⁸:

The prevailing definitions of political corruption by recent political scientists have fairly consistently defined corruption in terms of transactions between the private and public sectors such that collective goods are illegitimately converted into private-regarding payoffs.

Research has thus narrowed down to a focus on incidents and individual practices. Both the notions of 'venality' and 'exchange' of power-for-favors parallel popular perceptions and correspond with the presentation of political corruption in the mass media. The three thousand pairs of shoes of Imelda Marcos and the furs of Elena Causeuescu are more likely to typify political corruption than are the obstruction of justice and abuse of power exercised by their husbands.

The abuse of political power and office for one's personal advantage, status, or reelection is, then, how the contemporary term is generally comprehended . So defined, the concept of political corruption seems manageable.

However when scholars attempt to describe the phenomenon within a particular context or to give specific examples ambiguities surface and they find themselves using different terms of reference for various corrupt acts. In a sense, they assess, interpret and judge what should or should not be termed "political

corruption". As a result, the theoretical definition and conceptualization generate enormous disagreement among scholars despite the fact that the term itself seems to invoke straightforward meanings and quite ordinary connotations.

After wrestling with this enigma I have come to the conclusion that scholars have treated the subject of definition in a somewhat "politicized" manner. Rather than focusing on the deviancy and criminality of the power-holders they looked at political corruption as though it were a matter whose meanings and connotations depended on the political context within which it occurred.

Consequently the concept which essentially refers to the illegal abuse and misuse of political power and authority for private or party gain has become subordinate to both political argumentation and personal judgment which have actually reconstructed its definition. In other words, rather than remaining a term whose specific and constant meanings (deviancy and criminality) can be applied to given behaviors or actions, the political context overrides the original meaning and new meanings are assigned to the behavior.

J.Q. Wilson⁹ puts it in this way:

Even with respect to vulgar bribery, there are different social consequences, depending on the circumstances. An emphasis on the moral and legal issues raised by bribery tends to obscure these consequences, not all of which are equally undesirable. On this point it is difficult to avoid being misunderstood. The argument I am making is not that a bribe that produces a beneficial effect becomes morally right - becomes, in effect, a noble way in which to spend one's money. Corruption by definition is wrong. But so are many other public actions (incompetence, for one, and unfairness for another). In evaluating these other ills, we normally take into account the circumstances and consequences. (Was the incompetent hired to prevent a harmful split in the governing party? Did the nominally unfair act nonetheless produce some kind of rough justice?) The same sort of calculation, ought to be made in evaluating the various forms of corruption.

Noticeably, "vulgar bribery" is not compared with theft, burglary, embezzlement or fraud. In this text blatant corruption parallels actions of political unfairness and incompetence which may be justified in their actual context. Thus deviance is no longer a property of the act but becomes a contextual judgement. Accordingly the act of defining political corruption becomes the act of evaluating it; deploring and punishing a corrupt act or justifying and legitimizing it, become connected with its political *raison d'etre*.

Here is another example of the reasoning as to why corruption, or "bribery per se" cannot be evaluated at face-value. Ley¹⁰ argues:

It is natural but wrong to assume that the results of corruption are always both bad and important. For instance it is usually assumed that a corrupt civil servant is an impediment to the establishment of foreign private enterprise, which has enough difficulties to contend with without in addition having to pay bribes. This may be clearly the case, but sometimes also the reverse appears to be true. Where bureaucracy is both elaborate and inefficient, the provision of strong personal incentives to bureaucrats to cut red tape may be the only way of speeding the establishment of the new firm. In such a case it is certainly reasonable not to argue that the bribe per se is an obstacle to private economic initiative. On the other hand the results may be unimportant from any practical standpoint, even if they are not particularly nice.

In a more recent text, Moodie holds that not only context but also motive and intentions determine the definition of political corruption¹¹:

One does not need to go all the way with Plunkitt [who differentiates between honest and dishonest graft] to agree that corruption is not always particularly immoral any more than it is always illegal. "One does not condemn a Jew for bribing his way out of a concentration camp," to take a particularly clear example. Motive, intention and context thus enter into our judgments even about domestic corruption.

Although the author's purpose is to make the point of relativity, the fact nonetheless stands that political

bribery is compared to the act of saving one's life from the Nazi hell. Thus the definition of bribery becomes extraordinarily elastic, and we (the judges) ought to consider motives, intentions and context.

It is through these 'revolving doors' - first, blunting the edges of political corruption by routinizing its deviant elements, and then subordinating it to circumstances - that the term acquires its presumably "inherent" dependence on different value judgments and opinions. Moreover, when scholars maintain that society ought to make "some sort of calculation" in evaluating the various forms of corruption, they open the door wide to political argumentation and reasoning. In a sense, they echo, or follow, political rationalizations and rhetoric which urge the public to consider "motive, intentions and context" when corrupt acts come to light, and thus to redefine them as not "really" corrupt.

This line of thinking with the redefinition of political corruption according to its perceived causes and consequences runs through many descriptions either explicitly or implicitly. This also underlies the general tendency to conceptualize political corruption in countries of the Third World differently from that of economically-advanced countries of the West. In the former settings, scholars conceptualize the phenomenon in terms of cultural mores, entrepreneurship and economic

development¹², while in today's Western countries they place the phenomenon in the context of the norms "indispensable for the maintenance of political democracy"¹³. In this respect, Chambliss's¹⁴ comparison of corruption in two cities, one in Nigeria and the other in the United States, by the same terms of reference stands as an exception.

The argument that an underlying "politicization" rather than an underlying "moralism" accounts for the definitional discord borrows Michel Foucault's¹⁵ theoretical notion that discursive practices, in effect, shape the reality of a phenomenon. It also relies on the phenomenological notion of "seeing our seeing"; how ideas and beliefs construct and reconstruct the 'reality' of actions¹⁶. In addition, it owes much to the Labeling perspective in criminology which sensitizes the field to the role of audiences in defining crime¹⁷.

A detailed analysis of the literature on political corruption is beyond the scope of this study. I highlight the definitional debate, however, to underline the argument that scholars have reinforced and legitimized the negotiable aspect of the concept.

This aspect is crucial for the process of "politicization" by power-holders whenever the subject of corruption becomes acute and concrete. As indicated in my introduction, the process of "politicization" is the

process of relocation and redefinition; to relocate the allegedly corrupt act in the political sphere and to redefine it in political terms. Consequently, and in sharp contrast to other crimes, political corruption tends to be "evaluated" and "judged" outside of the courts. Certainly, there is no a-priori justification for this since most crimes of all types allow for both rationalizations and Rashomon-like interpretations. A short visit to a courtroom reveals that "context, motive and intention" are precisely what any criminal trial is about.

Negotiating interpretations and judgment in the public realm which are convenient to the political system, are for the most part tolerated by the public. The general public is, on the one hand, not aware that these phenomena work in favor of the powerholders, and on the other hand, it has been acclimatized to the notion that political corruption is more an aspect of politics than a crime.

Hence in the following presentation of the definitional debate I emphasize the implications and ramifications of inadequate definitions rather than their limited theoretical efficacy. It should be noted that the critique of definitions does not discredit the overall work of their authors. But definitions in a field of

study are like signs on a route pointing directions which become statements in themselves. In this sense, I stress the practical effects which various definitions might have had on public perceptions about political corruption.

Basically the analysis revolves around the fact that none of the approaches meet the requirement of a distinguishing criterion; i.e., tell what differentiates a politically corrupt act from a noncorrupt one. The distinguishing principal is important particularly when the phenomenon under study represents deviant, criminal and socially disapproved behaviors¹⁸.

The following presentation uses Heidenheimer's¹⁹ well-known analysis of the range of definitions. He divides them into three formulations:

a) the 'public-office-centered' approach defines political corruption as deviations from normative and official rules of conduct. This approach is exemplified by Bayley's²⁰ and Nye's²¹ definitions, respectively:

Corruption, while being tied particularly to the act of bribery, is a general term covering misuse of authority as a result of considerations of personal gain, which need not be monetary.

...behavior which deviates from the normal duties of a public role because of private-regarding (family, close private clique), pecuniary or status gains; or violates rules against the exercise of certain types of private-regarding influence. This includes such behavior as bribery (use of reward to pervert the judgement of a person in a position of trust); nepotism (bestowal of patronage by reason of ascriptive relationship rather than merit); and misappropriation (illegal appropriation of public resources for private-regarding use).

These definitions are viewed as distinguishing political corruption along legal and official criteria. Often this approach is also termed "the legally-based approach" and therefore its definitions are considered "clear-cut" and "operational" (Scott 1972; Rose Ackerman 1978)²². On the other hand, scholars criticize such definitions for being narrow and limited, since the legal criteria exclude many acts which are seen by society as corrupt even if not prohibited by law (Brooks 1910)²³, and since they fail to recognize the power of politicians to legalize corrupt acts (Berg, Hahn and Schmidhauser 1976)²⁴. In short, "all illegal acts are not necessarily corrupt and all corrupt acts are not necessarily illegal" (Peters and Welch 1978)²⁵.

Yet, read carefully, these definitions are far from offering "clear cut" criteria or limiting corrupt acts to illegality. Behavior which deviates from the "normal duties" of a public role (Nye 1967) and the "misuse of authority" (Bayley 1966) need not be illegal, but might

nevertheless be immoral and unethical. Similarly, nepotism and patronage, which Nye includes in his definition, are expressed in a multitude of forms, many of them not covered by laws. At any rate, Nye's definition, which uses legal criteria, could adequately reflect a "legally-based" definition only if political corruption were restricted to behaviors "punishable by law".

The erroneous conception that these definitions are "legally-based" derives from their emphasis on formal rules as compared to other approaches. Yet in practice the difference seems to be more declarative than substantive. Analyses that employ these definitions are usually descriptive and do not systematically pursue the legal and formal rules as an empirical device for defining and analyzing political corruption in the society under investigation. As Lowenstein²⁶, one of the few legal scholars who writes about political corruption, correctly notes:

What is curious, however, is that while Scott and others have insisted on the legally-based definition of corruption because it can be made operational, they have made no visible effort to make it operational.

Generally, studies that employ the 'public-office-centered' definitions tend to mix legal, illegal and

unethical behaviors in a description of political corruption²⁷. This melange engenders elusiveness and criticism based on different opinions and judgments as to what is to be perceived and labeled "corrupt". Moreover, the inadequate application of the legal criteria reinforces both the view that they are ineffective and the contention that the test of illegality cannot reflect the "essence of the concept".

In this context political corruption clearly becomes a matter of interpretation and its meanings become negotiable.

b) The 'market-centered' approach relates political corruption to public office, yet conceives it as a rational economic enterprise subject to the market's mechanisms of supply and demand. Political corruption is a rational choice made by persons who seek private advantages within an environment that facilitates corrupt operations. Although Heidenheimer coined the term 'market-centered' for this approach, the term "functional approach" seems to be more appropriate and both related to the definitions associated with it. Van Klavern's²⁸ and Nathaniel Leff's²⁹ definitions respectively exemplify this approach:

A corrupt civil servant regards his public office as a business, the income of which he will...seek to maximize...The size of his income depends...upon the market situation and his talent for finding the point of maximal gain on the public's demand curve.

Corruption is an extra-legal institution used by individuals or groups to gain influence over the actions of the bureaucracy. As such the existence of corruption per se indicates only that these groups participate in the decision-making process to a greater extent than would otherwise be the case.

These definitions do not provide workable criteria for discovering what political corruption consists of. They seem to be, as Gibbons points out, "really explanations (i.e., perhaps not definitions at all)"³⁰, for the motives of deviant actors. Yet, while these definitions do not lay down hard and fast criteria, they undoubtedly shape the conception of political corruption.

These definitions highlight the major source of debate and disagreement among scholars: i.e., the common tendency in many studies to define political corruption interchangeably with the author's explanation (and evaluation) of the causes, motives or consequences of the phenomenon. As Lowenstein observes:

Social science writings on corruption have centered on such issues as the causes and consequences of corruption in various settings and the connection between corruption and other social phenomena, such as economic development. The typical article or book begins with a definition of corruption and then proceeds to the empirical questions without reference to the definition.

Rather than being a core concept, political corruption has often been only an intermediary concept for the evaluation of other societal phenomena.

In the late 1950s when social scientists began to direct attention to the new nations and underdeveloped countries, the concept of political corruption became useful for grasping the entire political process there. The prevailing concept could properly describe the deceitful and illegal practices manifested in the post-colonial political systems, yet this underlying 'negativity' conflicted with actual "positive consequences". Scholars concluded that political corruption was "integral" and "useful" to the working of these political systems (Leff 1964; Leys 1965; Nye 1967; Huntington 1968). The Mertonian concept of the functions of the urban political machine for Americans, at a specific point of time and development³¹, appeared applicable there.

Hence, the assessment of political corruption as a social phenomenon has been revised. Modernization, political and economic development, political influence, social integration and disintegration have evolved as the core issues of analyses of political corruption. These issues have, in turn, 'reconstructed' the concept of political corruption itself.

Not surprisingly, the new approach has led to a debate over whether political corruption is functional and benefits society both socially and economically, or whether it is dysfunctional, disintegrative, widens existing inequalities and hampers development³². This controversy also set off a dispute over the question of whether political corruption (functional or dysfunctional) can ever be viewed detached from ideas of morality and ethics.³³

Despite the fact that the revisionist school has been praised for "liberating" the concept from its "moralistic" penchant, it has in reality strengthened the propensity to deal with the concept in moral terms. The approach has only reversed the moral evaluation from a negative to a positive one. Ironically, "morality" has become almost an indispensable tool, not only for assessing political corruption, but also for perceiving it.

Thus the concept of political corruption has evolved into that of a "political" behavior whose consequences (seen in different lights by different observers) determine not only the attitude toward it, but more important, the perception of the act itself. The fact that political corruption is a term and a concept aimed at describing political behaviors rooted in illegal and

criminal practices has faded away. Confusion and vagueness reign.

However, the controversy over 'functional' definitions has forced scholars to ask the critical question again: what are the criteria employed in defining and sorting out political corruption in a given context? The 'functional' or 'market-centered-definition' did not offer clear and acceptable distinguishing criteria, but conversely, opened a wide space for interpretation.

c) The 'public-interest-centered' approach, more characteristic of studies in economically-advanced countries of the West, is even broader and less specific than the former approaches, and, in fact, acknowledges the centrality of interpretations based on each observer's view. The approach derives from the 'public-interest' concept. Political corruption is defined as deviant acts that violate social norms and harm the public interest. It is useful to present four examples of this kind of definitions:

A corrupt act violates responsibility toward at least one system of public or civic order and is in fact incompatible with (destructive of) any such system. A system of public or civic order exalts common interest over special interest; violations of the common interest for special advantages are corrupt (Roggow and Laswell 1963)³⁴

The pattern of corruption may therefore be said to exist whenever a power-holder who is charged with doing certain things, that is a responsible functionary or office holder, is by monetary or other rewards, such as the expectation of a job in the future, induced to take actions which favor whoever provides the rewards and thereby damage the group or organization to which the functionary belongs, more specifically, the government. (Friedreich 1972)³⁵

Political corruption violates and undermines the norms of the system of public order which is deemed indispensable for the maintenance of political democracy (Berg and Al.1976)³⁶

[Corruption is all] ..cases, either within or between interest groups and bureaucracies, in which official position is used to secure illegal or unethical terms. (Benson and al. 1978)³⁷

These definitions are so broad that they embrace, potentially, endless behaviors which may be deemed corrupt. "Norms" and "common interest" are general terms and can easily be carried to extremes. For example, one citizen may view raising taxes to benefit special groups as a violation of the common interest and thus political corruption, while to another this would be appropriate behavior and thus justifiable government activity.

The use of remarkably general terms is inevitably coupled with lack of specificity about the nature of political corruption. The definitions go far beyond linking political corruption to the notion of venality by

individual misdeeds. Thus by extending the definitions to any non-normative political behavior which harms the public interest, political corruption may be used to refer to widely divergent behaviors; i.e., the thousands of shoes of Mrs. Marcos as well as Israeli occupation of the West Bank and Gaza; small favors "in expectation of a job in the future" as well as U.S. meddling in Nicaraguan elections; lobbying by Paks as well as lying to the Congress.

While all these actions might harm the public interest, they invoke different characteristic images. Grouping them simply under the "common interest" umbrella can hardly be useful for creating clear understanding. From a theoretical point of view, this lack of boundaries disintegrates the concept and reduces it to polemics. As Williams³⁸ argues:

The looseness of contemporary definitions provides infinite scope for argument. Unethical behavior or behavior which violates "the norms of the system of public order" may include almost anything. The danger here seems to be that clarity and consistency in analysis may have been sacrificed for comprehensiveness.

The looseness of these definitions leads not only to disagreement, but also to the trivialization of political corruption to a point where if almost anything is corrupt, nothing is. More importantly, the fundamental element of deviancy and criminality is absorbed and

dissolved in the comprehensiveness of the definition. Thus, despite the fact that works such as Berg's and Benson's advocate a sterner approach toward political corruption, the definitions lose their usefulness because they are so broadly drawn.

The 'public interest' approach almost explicitly recognizes the centrality of the observer in defining what is to be perceived as corrupt. While the underlying assumption is that "the norms of the system of public order" are lucid and shared by all, in practice the absence of any solid criteria leaves it up to the observer's personal judgement to draw the line between corrupt and not-corrupt acts. Senturia's (1968) suggestion that elite representatives "examining the intent and setting of the act"³⁹ are to define political corruption and the harm it inflicts on the 'public interest', is rendered inapplicable, and the criteria become "each observer's judgement"⁴⁰.

In summary, this review of the major approaches indicates that all of them open the door to multiple interpretations and thus subtly fertilize the view that political corruption depends on one's values, morals, preferences and priorities. It is then not at all surprising that political corruption provokes an "infinite public dispute", and has become a confusing

umbrella-term for numerous behaviors, encompassing legal and ethical as well as illegal and unethical acts. In practical terms the literature, as a major source of knowledge, shapes our perceptions of political corruption in ways that legitimize the political practices of negotiation over 'meanings' when corrupt acts come to light. These political practices are at the core of the process of politicization and decriminalization argued in this study.

Notes:

1. There are a large number of studies dealing with police corruption and organized crime which discuss the linkage with corrupt politicians. Important works in these subjects are numerous. See, for instance, John A. Gardiner, *The Politics of Corruption: Organized Crime in An American City*, Russel Sage 1970, and, Chambliss J. William, *On the Take: From Petty Crooks to Presidents*, Indiana University Press 1978. Although the study of political corruption is essential for understanding both police corruption and organized crime, it has not been looked at nor conceptualized as a separate category of crime, as this has been done, for instance, with police corruption.

2. John E. Conklin, *Criminology*, Mackmillan Publishing Co. (3rd edition) 1989; Gersham M. Sykes and Robert K. Merton, *Criminology*, Harcourt Brace Javanovitch Inc. 1978; Harold J. Vetter and Jack Wright, *Introduction to Criminology*, Charles C. Thomas Pub. 1974; Gibbons Don, *Society, Crime and Criminal Careers: An Introduction to Criminology*, Prentice Hall 1968; Robert G. Caldwell, *Criminology*, Theronald Press Co. 1956; This is a random selection. The books published before 1970 (Watergate) mention political corruption under the rubric of "political crime", mixing it with crime against governments.

3. See Chapter Four

4. Lawrence W. Sherman, *Scandal and Reform: Controlling Police Corruption*, Berkeley: University of California Press, 1978. See also Chapter Two.

5. Kenneth M. Gibbons, "Toward an attitudinal definition of corruption", in Arnold J. Heidenheimer, Michael Johnston and Victor T. LeVine (ed), *Political Corruption: A Handbook*, Transaction Books 1989, p. 165-172

6. John A. Gardiner and David J. Olson (ed.) *Theft of The City: Readings on Corruption in Urban America*, Indiana University Press, 1974. p. 5

7. Carl J. Friedrich, "Corruption concepts in historical perspective", in Heidenheimer et al., *Political Corruption: A Handbook*, p. 15-22. Also the introduction, p. 3-5.

8. Heidenheimer and al. *Political Corruption: a handbook*, p. 6

9. James Q. Wilson, "Corruption is not always Scandalous", in *Theft of The City*, p. 29-38
10. Colin Leys, "What Is the Problem about Corruption?", *Journal of Modern African Studies* 3:2 (August 1965) pp. 217-224
11. Graeme C. Moodie, "On Political Scandals and Corruption", *Government and Opposition* 15,2 (Spring 1980) p. 202-222. Reprinted in *Political Corruption: A Handbook*, pp. 873-886. The example originally appears in Susan Rose-Ackerman: *Corruption, A study in Political Economy*, Academic Press 1978, p. 9. I have encountered this citation in, at least, three more texts.
12. Huntington P. S., *Political Order in Changing Societies*, Yale University Press, 1968 ; Bayley H.D., "The Effects of Corruption in a Developing Nation", *Western Political Quarterly*, 19 (1966), p. 719-732; Leff N.H., "Economic Development Through Bureaucratic Corruption", *American Behavioral Scientist*, 8 (1964) p, 10-12; Abueva J.V., "The Contribution of Nepotism, Spoils and Graft to Political Development", *East-West Center Review* 3 (1966) p. 45-54; Mause M., *The Gift: Forms and Functions in Archaic Societies*, The Free Press 1954
13. L.L. Berg, H. Hahn, and J.R. Schmidhauser, *Corruption in the American Political system*, General Learning Press, 1976; G. Benson, S.A. Maaranen, and A. Heslop, *Political Corruption in America*, Lexington Books 1978.
14. William J. Chambliss, "The Political Economy of Crime: A Comparative Study of Nigeria and the USA", in *Critical Criminology*, Ian Taylor, Paul Walton and Jock Young (ed.), Routledge & Kegan Paul, 1975. pp. 167-180
15. Michel Foucault, *Language, Counter-Memory, Practice: Selected Essays and Interviews*, Cornell University Press, 1977; *The Order of Things: An Archeology of The Human Sciences*, Tavistock Publications 1970.
16. Husserl Edmund, *The Idea of Phenomenology*, The Hague, M. Nijhoff 1964; Schutz Alfred, *Life Forms and Meaning Structure*, Routledge & K. Paul 1982; *Collected Papers*, The Hague, M. Nijhoff 1971.
17. Howard S. Becker, *Outsiders; Studies in The Sociology of Deviance*, Free Press of Glencoe, 1963; Kai T. Erikson, *Wayward Puritans: A Study in The Sociology of Deviance*, Willey Co. 1966; Edwin M. Schur, *Labeling Deviant*

Behavior: Its Sociological Implications, Harper & Row
1971

18. An instructive example is found in the obscenity area. Here the law itself does not provide clear criteria to distinguish obscene speech from other protected sex-oriented speech. Supreme Court Justice William Brennan in a recent interview, says: "I put sixteen years into that damn obscenity thing, I tried and I tried, and I waffled back and forth, and I finally gave up. If you can't define it, you can't prosecute people for it". Interestingly, Justice Brennan in 1957 viewed the "public interest" concept to be a fair and reasonable test. Obscene speech will be penalized if: "to the average person, applying contemporary community standards, the dominant theme of the material taken as a whole appeals to prurient interest". Sixteen years later he changed his mind since "...none of the available formulas...can reduce the vagueness to a tolerable level". The New Yorker, March 12, 1990. p. 45-70. See also Kevin T. Mcguire, "Obscenity, Libertarian Values and Decision-making in The Supreme Court", in American Politics Quarterly, Vol. 18, No. 1 (Jan. 1990) p. 47-67.

19. Arnold .J. Heidenheimer (ed.), Political Corruption: Readings in Comparative Analysis, Holt, Rinehart and Winston Inc. 1970, p. 3-9; Political Corruption: A Handbook, p. 3-14

20. Bayley, op. cit.

21. J.S. Nye, "Corruption and Political Development: A Cost-benefit Analysis", American Political Science Review, LXI, 2 (June 1967) p. 417-27

22. J. Scott, Comparative Political Corruption, Prentice Hall 1972; Rose-Ackerman, op. cit.

23. Robert Brooks, Corruption in American Politics and Life, New York: Dod, Mead 1910. The same argument appears in many other works.

24. Berg L. Larry, Harlan Hahn, John R. Schmidhauser, Corruption in The American Political System, General Learning Press 1976.

25. J.G. Peters and S. Welch, "Political Corruption in America: A search for Definitions and a Theory", American Political Science Review, 78 (September 1978) pp. 974-984.

26. D.H. Lowenstein, "Legal Efforts to Define Political Bribery", in Political Corruption: A Handbook, p. 29-38

27. Although works such as Scott's and Rose-Ackerman's (note 26) explicitly used the illegality criterion, this has nonetheless been regarded as one "minor difference" from the works of Berg et al., op. cit, and Benson, op. cit., which use much broader criteria. See Anne Deysine, "Political Corruption: A Review of The Literature", in European Journal of Political Science, 8 (1980), p. 447-462

28. J. Van Klavern, "The Concept of Corruption", in Political Corruption: a handbook, p. 25-28

29. Leff, op. cit.

30. Gibbons, op. cit.

31. Robert K. Merton, Social Theory and Social Structure, The Free Press 1957. p 72-82.

32. Margaret Goodman "Does Political Corruption Really Help Economic Development? Yucatan, Mexico", Polity, Vol.7, No. 2 (winter 1974) p. 143-162; Szeftel M., "Corruption and the Spoils System in Zambia", in Clarke M. (ed), Corruption - Causes, Consequences and Control, Frances Pinter Pub., 1983, p. 161-189

33. Joel L. Fleishman, Lance Liebman, and Mark .H. Moore (eds.), Public Duties: The Moral Obligations of Government Officials, Harvard University Press 1981; Benson Amoral America

34. A.A. Rogow and H.D. Lasswell, Power, Corruption and Rectitude, Prentice Hall 1963

35. Carl J. Friedrich, The Pathology of Politics, Harper & Row 1972.

36. Berg et al., op. cit.

37. Benson et al. op. cit.

38. R.J. Williams, "Political Corruption in the United States", Political Studies XXXIX (1981)p. 126-129

39. Joseph J. Senturia, "Corruption, Political", The International Encyclopedia of The Social Sciences, 1968.

40. Political Corruption: A Handbook, p. 10

CHAPTER TWO:

POLITICAL CORRUPTION; A MATTER OF INVESTIGATION

Another important approach to the problem of political corruption is found in scandal studies. Generally studies that center on corruption-related scandals support, indirectly, the main thesis of this study. The elements of what I have termed "the process of politicization and decriminalization" are evident in the descriptions of such scandals, although scholars do not so conceptualize them. Often studies closely investigate only the incident of one scandal and thus lack the historical perspective which makes patterns identifiable. It also appears that scholars direct conceptual efforts to the effects of scandals on political systems; how systems "react" to, and are affected by a scandal rather

than how they "act on" and control the process of such scandal. Scandal studies assert that competition over power accounts for the fact that political corruption becomes public knowledge in certain periods. But, at the same time, they also point out that corruption scandals usually seem the result of pure accident or simple coincidence¹. Therefore, the question of why political corruption becomes scandalous public knowledge in a particular moment remains partially unanswered.

Muller and Bubendorfer²'s study of rule-breaking in the Austrian cabinet between 1966-1983 indicates that a competitive environment explains why corruption scandals have openly plagued the Austrian political system since 1966. Prior to 1966 "the grand (old) coalition government... was not conducive to bringing rule-breaking at the national level to light", while afterwards "a strong opposition increased the chances of rule-breaking by cabinet members being made a public issue".

Similarly, Blankenburg, Staudhammer and Steinert³ who studied high-level corruption scandals in Germany reveal that "Germans in the Federal republic from the 1950s through the 1970s could pride themselves on living in a relatively corruption-free political system". Yet since the 1980s high-level politicians have been accused of corruption, and scandals have followed one after the other. Rather abruptly the Germans' "self-image of

legality and propriety has been tarnished". In the Federal Republic of Germany, as in Austria, the new phenomenon was strongly connected with the emergence of political challengers. The Green opposition disregarded traditional political loyalties and hence "the established parties have had difficulties in legitimizing their position", particularly on shady and illegal methods of party financing. Other analyses share the idea that corruption scandals owe much to the existence of power conflicts and competition in a given society⁴.

Noticeably, the occurrence of scandals does not serve as a thermometer of corruption in a political system. Scholars neither argue that scandals occur because systems have "suddenly" become corrupt or "more" corrupt, nor that a few unscrupulous characters are responsible for their infamous new image. The question scholars pose is rather: why does corruption come to light now and not before? And they answer: because of political conflict and competition.

Granting that new political interests determine the exposure of political corruption, it still leaves unanswered questions. For instance, in the Federal Republic of Germany dubious and illegal practices of party-financing go back to 1949, yet only in the 1980s did West-Germans discover a political system laden with corruption. Almost overnight the "corruption-free"

country became the "bribable republic". Was political corruption prior to the 1980s not considered as "corruption" by West-Germans, or was corruption a secret unknown to both the media and the public during three decades? Or, was corruption "politicized" and routinized, and in individual cases also decriminalized, so that it appeared not to have existed at all?

The thesis of politicization and decriminalization argues that political corruption is not a dormant phenomenon, nor a secret. In politically stable periods, corrupt practices are tolerated and, in effect, legitimized by both the media and the political opposition. Neither defines these practices as corrupt, each for different reasons. Established opposition parties are usually themselves vulnerable to accusations of corruption, while the role of the media is conditioned by both its self-image vis-a-vis the governing party and its relationship with it. The media's overall legitimation rests on the perceptions discussed earlier, which allow different interpretations of political corruption in different times and which in stable periods tend to favor the reasoning of the political elite. Basically this reasoning presents the particular interest as the general interest.

Further, in stable periods the disclosure of individual cases of corruption is better controlled and

decriminalized by the powerholders. Cases tend to produce minor commentary (some simply vanish from the press) and eventually no criminal stigma. Thus they do not engrave on the "collective memory" of a society an image of the corruption of its political system, nor do they leave any definite proof of their corruptness. It then happens that when certain societies look back into their past the overall impression is that the highest level of the political system is "corruption-free", perhaps with only a few incidents "here and there".

In periods when competition successfully challenges the power composition, corruption scandals erupt. Usually they are triggered by a minor incident or a specific event (such as the bankruptcy of a large firm or bank) which enhances the impression that the uncovering of corruption occurred by chance and good fortune. Nonetheless their "scandalous" character often emerges from and revolves around political practices well established and maintained in the past. While the media, and especially the press which leads in publicizing the scandal, vigorously criticizes these corrupt practices, it is remarkably silent on its own questionable role and lack of vigilance in the past. For example, in Israel, the fact that a banking license worth \$500,000 was, in 1961, granted by the Labor party to a small political party as a return for its parliamentary support, was

publicized in the press as general information, shortly before the bank was founded in 1964⁵. In 1971, shortly after the bank collapsed, the same newspaper "revealed" this same information as outrageous corruption, a secret whispered in "the corridors of power"⁶. The different interpretations for the same information were closely tied with different degree of legitimacy the governing power in Israel enjoyed in different periods (see Part Three). Frogner who speculates on the reasons for the absence of corruption scandals in Belgium since the Second World War, hypothesizes a similar process⁷.

The role of the press in uncovering political corruption is no doubt essential and crucial and it is regarded often as the most influential. Yet, at the same time, the role of the leading press in periods in which political corruption is not "noticed" - not because of the absence of investigative journalism, but due to broad legitimization - should not be overlooked⁸.

Corruption scandals are regarded by Markovits and Silverstein⁹ as a healthy aspect of liberal democracies and as having reformatory effects upon governments. On the contrary, I argue that although scandals naturally shake the system, they are not likely to "reform" it, substantively, since the process of politicization and decriminalization continues to be as active as in less turbulent periods.

The delineations of high-level corruption scandals in the Federal Republic of Germany, Austria, Britain, France, Italy and Japan¹⁰ lend support to this concept. They reveal that despite the fact that allegations create large-scale scandals, criminalization does not follow. Controversy, strategies of defence-attack-counter-attack, public outcry and confusion, are all present in extremely similar ways despite the variety of settings. Likewise, the descriptions make clear that in various scandals the governments succeeded in avoiding a vigorous investigation, while in other scandals the usage of political 'mechanisms' to investigate the allegations was prevalent, particularly through parliamentary commissions of inquiry. In addition, criminal investigation appears more common and earlier implemented for nonpolitical persons involved in the affair. According to my thesis, this is a system-strategy that removes pressure by showing "responsiveness," meanwhile diverts the attention from higher political echelons.

Most studies that conceptualize the scandal phenomenon describe the political system's actions as subordinate to pressures from outside; through the press and public. The reasons for such a conception seem grounded in the tendency to highlight surface phenomena. The emotionalism and sensationalism aroused by corruption scandals create an environment in which the process takes

on the combined character of a thriller and Greek tragedy. The political system, and more precisely the government (since usually in high-level corruption members of the executive branch are involved), comes under enormous pressure. The result is confusion and contradictory statements, moving from initial total denial to concessions toward investigation.

The sudden eruption of a scandal viewed as if it were an accident or a coincidence takes the political system by surprise. Hence studies tend to portray political systems as "reactive", and for the most part unable to control the process. Implicitly, then, these theorists rule out the possibility that through a series of tactics the system, to a considerable extent, controls the scandal itself.

These thriller-drama features, I argue, only obscure both the patterned reactions of the press and public, and the actions of the political system in relation to corruption scandals. As noted, scholars do mention that "concealment" characterizes the system's reaction. They also spell out the outcomes of scandals; for instance, the political punitive sanction of resignation is prevalent, as well as the mechanism of parliamentary inquiry. Both usually substitute for a trial in court. Furthermore, Kuntz¹¹ who analyzes the German Flick scandal, shows that established parties, regardless of

partisanship, share similar interests in respect to the issue of political corruption. Joint-efforts of the government and of political rivals, apart from the Green "intruders", worked there to mitigate the criminality of the allegations: "because the under-the-table contributions had been tolerated for so long, a blanket illegality would have convicted almost the entire governing elite. Not surprisingly, the Federal Republic's main parties scrambled to prevent such an outcome". Frears and Garrigou describe a similar situation in France¹². In Japan's Recruit scandal Kearns points out that "members of every opposition group other than the Communist Party"¹³ were involved. Not a single politician was indicted there.

Furthermore, studies indicate that even when some of the deviant actors are eventually brought to court, it is long after the allegations have been made and this delay is likely to affect the outcome. For instance, in Germany the political defendants in the major Flick scandal were acquitted of all serious charges of corruption because the judge declared that "poor memories on the part of witnesses" had inhibited the assembling of evidence to prove the charges. It is thus not particularly surprising that none of the recommendations of the parliamentary committee which held hearings over two years, were enacted. The report, when publicized, met public

apathy¹⁴. In Japan, the Recruit Scandal which was viewed as the turning point for reform in 1989 found the Japanese in 1990 looking at "politics as usual."¹⁵

On the whole, the political system was not damaged, "...the parties themselves and the political institutions which they ran (both state ones and the party foundations) were not harmed by the affair in any major way whatsoever"¹⁶. Frears comes to a similar conclusion about France: "the legitimacy of the Fifth Republic and of democratic politics has not been undermined at all". The Austrian governments recovered from the political scandals almost without political injury. Kearns notes about Japan that "although some detrimental consequences for the LDP [Liberal Democratic Party - Japan's ruling party] can be seen, one is startled to discover their very limited nature....fourteen politicians implicated in the Recruit scandal [1989] were easily reelected [1990] - among them two former prime ministers".

All and all, scandal studies offer clues to the process of politicization and decriminalization. The impression of a bewildered and weak system reacting to the pressure of scandals underestimates both the strength and self-preserving mechanisms of the political system. Exposure of corruption threatens the very foundations of the governing political elite since it questions both its legitimacy and its legal authority as responsible for the

law and order of a society. It is then unlikely that politicians, who are usually very attuned to the public when their power is at stake, are not aware of the pattern of public reaction during scandals and do not exploit it to their advantage, albeit expressing genuine confusion and surprise.

Another issue which is not isolated and conceptualized in scandal studies is that of the investigation of the alleged political transgressors. Whether or not allegations of political corruption are investigated, and the nature of those investigations which are undertaken, often determine the "facts" of political corruption itself. After all Watergate, which has become a landmark of corruption not only in the United States but around the world, was at first only an ordinary burglary. The allegations that linked the White House to the casual criminal event could be dismissed or interpreted in a way that would not have led to the sort of investigation which eventually took place.¹⁷.

Whatever the reasons, there can be no doubt that the investigation itself was the decisive factor which finally made the linkage between the burglary and the abuse of power by the President of the United States. The investigation was also undertaken within a framework which enabled it to penetrate beneath the surface and thus to discover the underground layers of corruption. In

a sense Watergate and the recent Iran-Contra affair suggest that "political corruption" lies not only within the borders of its factual intrinsic "truth", but also within the borders of its investigation. Or outside of it.

The importance of investigation (often typified by the process of decriminalization) is illuminated by the Austrian study. Muller and Bubendorfer systematically sorted out all these cases that involved rule-breaking by cabinet ministers during 1966-1983, which resulted in motions of no-confidence. These findings reveal that criminal charges were brought against only one of the seven ministers accused of rule-breaking and corruption.

Surprisingly, the authors do not attach importance to the phenomenon of decriminalization. Such attention may put in question the foundations of their analysis. The authors describe a period of almost two decades which, they say, sharply differs from earlier decades on the issue of rule-breaking by Austrian ministers. This is one "reality". Yet, in the same article there is another "reality": in fact, there is no real difference between the periods regarding the existence of political corruption.

In the absence of legal proceedings, rule-breaking by cabinet ministers did not "exist" either prior to, or after, 1966. What existed were only "rumors", because

when there are no persons judged legally guilty of rule-breaking, there are only innocent persons. Thus Muller and Bubendorfer cannot but declare:

It must be mentioned that none of the relevant politicians can be unequivocally called rule-breaker, because none acknowledges his or her guilt and only one has so far been pronounced guilty [his case is on appeal] by the courts. Our cases therefore represent the public discussions and political quarrels over alleged rule-breaking.

In a footnote, probably added under the advice of a lawyer, they say:

We therefore state categorically that none of the material contained in this article is intended to imply that any of the persons mentioned are guilty of criminal conduct.¹⁸

No doubt this is an odd situation. The article is titled "Rule-breaking in The Austrian Cabinet: its Management and its Consequences". Yet the authors "state categorically" that they are talking only about alleged rule breaking. Hence they discuss a phenomenon which may never have existed. Given the lack of legal convictions, there is always a possibility of alternative interpretations: Perhaps the corruption scandals were fallacious and victimized innocent people? Perhaps the forced resignation of some high-level politicians threw out honest people? Perhaps public uproar had been

manipulated by interested parties? After all, weren't those ministers who resigned again nominated to serve the public?¹⁹

It is easy here to miss the fundamental point of decriminalization by arguing, as critics of the "legally-based" definition of corruption probably would argue, that legal criteria are "too narrow and limited". Yet even the broadest "public interest" definition is not relevant to the Austrian phenomenon since there is no decisive "proof" (the allegedly corrupt ministers and parties deny it) of norm-deviating or ethical misconduct on the part of the accused Austrian ministers. Therefore without formal basis neither definition applies.

These remarks bring us back to the problem of definition from a different and intriguing perspective. A question arises as to what constitutes the data and facts upon which research relies both for defining and conceptualizing the phenomenon. Can it be that the elusiveness and lack of boundaries which characterize the definitions owe much to the scarcity and "softness" of available data rather than to the complexity of the phenomenon?

In contrast to the debates over definition, discussion on the nature of the data is conspicuously absent in the literature. As a matter of convention, scholars acknowledge the scarcity of relevant materials,

lack of hard factual data and the necessary reliance on sporadic information and secondary sources. Scholars admit that the field is, to a large extent, descriptive and impressionistic, and that relatively few studies systematically and empirically explore the subject of political corruption. Often analyses are based on a handful of examples or interviews. However, in general, scholars do not critically address the causes of this state of affairs, although it has seriously affected the character of the field²⁰.

The problematics discussed in relation to the Austrian study put in the foreground the critical question of data for studying political corruption. As noted, though the researchers set themselves the goal of systematically and empirically studying high-level corruption in Austria during an appreciable period of time, corruption did not legally "exist" and had rather been reduced to "public discussions and political quarrels". The data, of course, are extremely revealing and valuable as indicators of public opinion on corruption. Yet, at the same time, they inevitably reinforce the belief that political corruption "exists" mainly in the eye of the beholder. In terms of the public interest this means that political corruption will continue to prevail in the thick air of vagueness and remain difficult to eliminate.

The underlying assumption of the thesis of politicization and decriminalization maintains that there is a relationship between the absence of hard factual data regarding political corruption and the absence of distinguishing criteria in defining the phenomenon. Thus far it has been argued that both factors have worked against theoretical and practical efforts to both define political corruption and treat it as a crime rather than as a political phenomenon. The next chapter suggests a definition which draws boundaries to political corruption and which explicitly views the phenomenon as a crime.

Notes:

1. Moodie, op. cit.; Erhard Blankenburg, Rainer Staudhammer and Heinz Steinert, "Political Scandals and Corruption Issues in West Germany", in Political Corruption: A Handbook, p. 913-932. The same idea is implied in most scandal studies cited below.
2. Wolfgang C. Muller and Heidemarie A. Bubendorfer, "Rule Breaking in the Austrian Cabinet: Its Management and its Consequences", Corruption and Reform 4 (1989), p. 131-145
3. Blankenburg et. al, op. cit.
4. Sigward Neckel, "Power and Legitimacy in Political Scandal: Comments on a Theoretical Framework to the Study of Political Scandals", Corruption and Reform 4 (1989) p. 147-158;
5. Ha'aretz 23.11.64 (opening of the bank Ha'aretz 9/7/65);
6. Ha'aretz 18/1/72 (collapse of the Bank, Ha'aretz 14/1/72)
7. A.P. Frogner, "Corruption and Consociational Democracy: First Thoughts on the Belgian Case", Corruption and Reform 1 (1986), p. 143-148.
8. Several studies point out the limited or/and self-censured or distorted role of the media in specific scandals; John Frears, "Not Sex, The Abuse of Power: Political Scandal in France", Corruption and Reform 3 (1988), p. 307-322; A.P. frogner, "Corruption and Consociational Democracy: First Thoughts on the Belgian Case", Corruption and Reform 1 (1986), p. 143-148. See also, David Morgan, The Politics of Image: Scandals in American Political Life, Corruption and Reform 3 (1988), p. 247-259
9. Andrei S. Markovits and Mark Silverstein, (eds), The Politics of Scandals: Power and Process in Liberal Democracies, Holmes & Meier 1988. Introduction, p. 1-12
10. In **Austria**: Muller and Bubendorfer, op. cit.; Pelinka Anton, "Austria: The Withering of Consociational Democracy?", in Markovitz and Silverstein, op. cit. p. 167-189; in **West Germany**: Neckel, op. cit.; Anthony Gles, The Flick Affair: A Hint of Corruption in the Bonn Republic, Corruption and Reform 2 (1987) p. 111-126 ;

Kuntz Aline, "From Spiegel to Flick: The Maturation of the West German Parteinstaat", in Markovitz and Silverstein, op. cit, p. 151-165; in **France**: P. M. Williams, Wars, Plots and Scandals in Post-War France, Cambridge 1970; Frears, op. cit.; Alain Garrigou, "Strategic Analysis of a Scandal: 'Carrefour Du Development', Corruption and Reform 4 (1989) p. 159-179; in **Britain**: Geoffrey R. Searle, Corruption in British Politics, 1895-1930, Oxford University Press 1987; Fennel Phil, "Local Government Corruption in England and Wales," in Clarke M. op. cit., p. 11-23 ; Alan Doig, "The Dynamics of Scandals in British Politics", Corruption and Reform 3 (1988) p. 323-330; in **Italy**: F.D. Marengo, "The linkage between political corruption and political scandal," Corruption and Reform 4 (1989), p. 65-79 in **Japan**: Ian Kearns, The Recruit Scandal and Corruption in Japanese Political Life," Corruption and Reform 5 (1990) p. 63-70; Jon Woronoff, Politics the Japanese way, Basingstoke: MacMillan, 1988

11. Kuntz, op. cit.

12. Frears, op. cit., Garrigou op. cit.

13. Kearns, opp. cit.

14. Blankenburg et al., op. cit.

15. New York Times 28/4/89 (A8); 30/4/89 (E1); 1/5/89 (A8); and Kearns, op. cit.

16. Anthony Glees, "Political Scandals in West Germany", Corruption and Reform 4 (1989) p. 261-275

17. Athan G. Theoharis and John S. Cox, in their book The Boss: J. Edgar Hoover and The Great American Inquisition, Temple University Press 1988, cite John Dean's and Richard Nixon's remarks in February 1973 that the case would have been treated differently if Hoover were still alive. p. 4

18. note 3.

19. In both Austria and West-Germany those who did resign were nominated again either to the government or to head other national institutions :Muller and Bubendorfer, op. cit; Anthony Glees, "Political Scandals in West Germany", op. cit.

20.

CHAPTER THREE:

POLITICAL CORRUPTION: A MATTER OF CRIME

The definition I use in this study aims to avoid the drawbacks of former approaches and to disentangle the phenomenon of political corruption from both individual viewpoints and political contexts. The definition disregards causes, consequences or circumstances of political corruption. It attempts to be both simple and applicable and to explicitly address the illegal character of the phenomenon. The definition is:

Political corruption refers to law violations, abuses of political power and office, and misuses of authority, exercised by politicians, for private or party gain (money;status;power) which are punishable by law and are defined as such by the courts.

This definition uses two interrelated distinguishing criteria; the law and the court's judgements. First, the act in question must be not simply "extra-legal," or "deviation from formal rules," but specifically "punishable by law." Second, the definition recognizes that an act perceived as illegally corrupt still needs to be defined as such "by the courts." Therefore, the definition, on the one hand, emphasizes that the 'illegality' of an act is not absolutely evident unless it is also so defined by the courts. On the other hand, this also makes clear that a corrupt act cannot be detached from the judicial process. Implied in this is the assumption that an act which is widely considered as "punishable by law," yet is not brought to court, might be a question of law enforcement rather than a noncorrupt act.

The definition refers specifically to "politicians." It is, then, not simply "corruption" which might refer, as it is often the case, to all kinds of corruption within apparatuses of government. Rather, it refers to corruption by politicians, those who are elected by the people to govern these apparatuses and exercise power at the top. "Political corruption" is, then, only a sub-category within the category of crime that has come to be termed 'corruption'. "Administrative corruption" or "police corruption" are other sub-categories. The latter

is a good example of corruption which has been defined, conceptualized and characterized within the boundaries of its specific features. The same should be done with "political corruption" since the tendency to mix up diverse levels of governmental corruption within the concept and term of "political corruption" only obscure its core-essence.

Acts and behavior which public opinion defines as politically corrupt may be, according to my definition, only interpretations or opinions on corruption. Such acts would become "political corruption" only if they are brought to court and defined there as lawbreaking. In other words, in dealing with the concept and practice of political corruption, morality needs to be not only ethically but also legally defined. Otherwise, the term serves as an "adjective" rather than a "noun" and this inevitably opens the door to infinite negotiability. Simply put, if the majority of the public holds an act to be corrupt it should seek to have it legally defined.

Are there difficulties with this definition? Obviously there are, but I will argue that there are fewer than with those arising from former definitions, whereas this definition has considerably more advantages.

First, there is the problem of the "narrowness" of the law, raised by critics of the "public office approach" who argue that many corrupt acts may escape

being labeled as such. This is true but the burden need not be on the definition. Rather, the public should meet this concern. The public may mobilize a campaign and insist on converting activities which are "not illegal," yet deemed corrupt, into "criminal" ones. In other words, the public should "bring into" the definition corrupt acts, rather than opening the definition up to cover also "legal corruption". Those who prefer that the definition of corruption be broad enough to cover the latter, altogether lose the ability for the term to clearly define "illegal corruption." Too much is nothing.

A second problem concerning the 'legal' part of the definition is raised by Lowenstein¹. He warns us that the law does not provide any definition of what "corruption" is. For example, the bribery law which is held to cover the most obvious instances of corrupt conduct and to have "fixed, clear boundaries", does not however offer a clear 'legal' definition of corruption itself.. In practice, Lowenstein notes, "meaning must be assigned to the word 'corrupt'".

In order to resolve this difficulty, a different methodological approach can be used, one which the proposed definition reflects. Instead of searching in vain for the 'legal' definition of corruption in the statutes, it is possible to look for the 'practical' definition, in the ways statutes are applied. In

practice, the legal system's actions through various prosecutions and convictions of politicians constantly characterize political corruption and thus, in fact, do provide a legal definition. As Lowenstein notes, the bribery law has been applied "to situations that occur on an everyday basis in [American] politics". Many other laws have also been found useful for the prosecution of politicians who have abused their political power for private or party gain. Recently, a "dormant" banking law which had never been used since its enactment in 1936 was activated for the prosecution of a state senator in the United States².

Research that directs attention to the 'practical' definition made by the courts will reveal important facts such as the characteristic offenses which politicians tend to exercise, or to be prosecuted for; political office, party affiliation and social background of offenders; the level of government where corruption is most prevalent, and so forth. Such research might be able to analytically present corrupt politicians as a deviant group whose characteristics and backgrounds can be analyzed and categorized as is done with other groups of offenders.

A third problem related to the criterion of legality arises from the fact that courts may acquit corrupt politicians on the ground of insufficient proof. This,

for example, may have been the case in the major Flick scandal in the Federal Republic of Germany discussed earlier. Hence, despite the fact that corrupt practices might be affirmed by knowledgeable observers, they would not "exist" by definition. This is a difficult problem to resolve since acquittal by court essentially says that no convincing evidence for charges of corruption has been found. Not only does it clear the defendants from any charge of corruption; it also upholds their contention of honesty and victimization by the press and other adversaries. In my view, and in line with the cherished concept that a person is innocent until proven guilty, an acquittal indeed clears the political defendants.

Research, however, can look at other dimensions of this phenomenon. Patterns of both conviction and acquittal of political corruption can be compared and analyzed in relation to the social and political characteristics of defendants, and the circumstances of their trials. Such research also would highlight how the legal apparatus works, including the courts, and put the decisions in political corruption cases under close scrutiny.

A further problem may arise from the fact that political corruption which is defined solely by legal convictions may reflect offenses such as tax evasions, foreign currency violations or even only low level

violations. One may rightly argue that these reflect more the difficulties surrounding the demanding process of proof than the phenomenon of political corruption. This is true, but I would argue that if these violations are found to make up the body of legally defined political corruption, one should research the reasons for such state of affairs since obviously there are many other corrupt acts and the public is well aware of this fact. After all, studies and analyses are based not on what is hidden, but on what the public knows.

Therefore, a legal definition of political corruption and related research are bound to teach us whether political corruption as the public generally conceive of it, is a phenomenon which has resisted legal definitions, or whether is it largely not covered by the law, or whether is it not brought to the courts. Likewise, if research finds, for example, that politicians are likely only to be prosecuted for tax evasions and the like, as usually are top members of organized crime, this may provide a valuable insight in terms of power to avoid the law. In general, research according to indictments and convictions would highlight the character of the phenomenon as it is both reasoned and practically defined by the State prosecution and the courts.

However, one may then argue that the kinds of acts for which a legal definition might find as the core of "political corruption, do not reflect "abuse of political power and office." Evasion of taxes is indeed for private advantage, but, as this argument goes, it can hardly be seen as "abuse of political power." I do not agree with this. An illegal activity exercised by a high-level politician for his/her private benefit, which has been concealed from the public, may have been made possible by the abuse of political office and authority, or by relying on the prospects of their abuse.

Those politicians who violate tax or foreign currency laws are, after all, those who in the name of society prosecute ordinary citizens for such violations. In this context, it is no doubt a clear expression of abuse of power.

A different kind of argument against a legal-oriented definition of political corruption contends that such a definition would not be applicable for different countries and periods. For example, an act which was legal in one period, as the buying of public office in 16-Century England, became illegal in a later period. Similarly, an act which may be illegal for American politicians, may be legal for politicians of another country. But there is nothing in the proposed legal definition to contradict such facts or to frustrate their

understanding. It is the task of research to look at different manifestations of political corruption in different periods; to probe into whether practices were indeed legal or only practiced as though they were legal; to describe and explain the change in values, perceptions and laws; to delineate any possible difference between the definitions of the law, the courts and the public. In sum, the objective of research is to trace changes and to provide us with knowledge and insights about processes and causes. For all of these tasks the definition which is proposed is a very serviceable tool and can be apply to any period or society.

A related argument contends that the legal definition would not reflect the fluidity, evolution and changes in public values and opinions. Definitions of political corruption do change across time, among cultures and countries as do many definitions of other social behaviors, including crime. Laws also change and vary, though generally there is similarity between the legal codes of different societies and regimes, regardless of their actual application. This is less the case in regard to the perceptions the public holds of various forms of corruption.

However, as argued, this is a matter for research not for the definition of corruption. By comparing the 'objective' criteria of the law against the 'subjective'

criteria of public values and opinion³, the boundaries of political corruption are identifiable. Obviously, like the legal system, public opinion constantly defines and conceptualizes political corruption. The public provides its own definitions of corruption not simply in opinion polls but also in the press, in social reform movements, and sometimes even in revolutions. What the majority of the public labels as politically corrupt can be traceable and has been analyzed by researchers. It can be studied through attitudinal data (Gardiner 1970; Peters and Welch 1978; Gibbons 1985; Johnston 1986; Dolan, McKeown and Carlson 1988)⁴; through qualitative analysis using Heidenheimer's typology of "white/gray/black" corruption (Heidenheimer 1970)⁵; through the analysis of slogans and goals of both reform and revolutionary movements; and through the analysis of reportage and commentary in newspapers and television. All this knowledge can be compared to the legal definition of corruption and provides us with enlightening information as well as explanations for agreement or disagreement between the beliefs and opinions of the public and the making of such opinion a legal "fact" of political corruption.

The suggested definition and methodological approach are useful and offers new directions to research. Yet, what happens if the legal system does not define, in practice, political corruption? If there are no

indictments, trials and convictions of political corruption? The approach may appear unpractical in repressive regimes and dictatorships. Similarly, how can it be applied to such a situation as appears to be the case regarding high-level corruption in Germany and Austria during almost three decades?

In my view, rather than problematic the legal definition would be a very useful analytical tool for these cases. By employing this definition research can learn what has been the legal record of political corruption in a given society, or in a given period, and this record can be compared to what the public knows (or have later come to know about the society or specific period under analysis).

My research addresses this and other questions raised thus far. In order to acquire a broader understanding of the phenomenon of political corruption in Israel, I have adopted a methodological approach which works with and compares two frames of analysis: One, political corruption as it has been defined, in practice, by the courts in Israel. This provides the definition of "political corruption" as it exists in the Israeli political system. Two, political corruption as it has been defined in the public forum and, for this purpose, the press provides me with the public definitions of corruption. The second frame of analysis depicts

"allegations of political corruption" as they have been known in Israel. Thus, the comparison between "political corruption," and what has been alleged to be political corruption, during the entire history of Israel (up to 1988) highlights the difference between what the public holds to be politically corrupt and what has been brought to court and conclusively defined as such.

The empirical research traced all instances in which allegations of political corruption have been voiced against high-level politicians. The general category of "high-level politicians" refers to the highest level in national and local politics: that is, members of the executive branch of governments, parliamentarians and mayors. "Allegations" are those which had been publicized in the national press during 40 years. In Israel the circulation of the press is nation-wide and there are only three independent daily newspapers (private ownership). Therefore one major newspaper provided me with all the empirical data. The daily newspaper **Ha'aretz** which is the oldest (founded in 1919) and is regarded as highly credible by Israeli and International observers was scanned through all its daily issues and pages. Each instance of exposure was compared with reports in the other two newspapers.

All events that involve corruption on the part of high level politicians are located in "rates"⁶; the

exposure rate consists of those incidents which had been publicized in the press, while in the prosecution rate are placed only those incidents which were actually brought to the courts. These rates are analyzed horizontally and vertically.

I analyze incidents horizontally according to: the content of the allegation; the political post of the politician involved; his/her political affiliation; the ways in which allegations were investigated; the result and sanctions, if any. Then I analyze them vertically according to historical circumstances, in relation to three political periods; The Labor Party's power holding rule during Ben Gurion premiership (1948-1963), during that of his successors (1965-1977) and during Likud's (1977-1988). The analysis of data enables me to examine the three hypotheses previously introduced; that most cases of high level political corruption are not likely to be dealt with in the courts; that in unstable periods allegations of corruption produce more "scandals", yet no more legal prosecutions; and that allegations which are brought to resolution in court are related to marginal politicians.

The findings, whether in rates, tables or descriptive narrative, are an integral part of the analysis outlined in all three parts of the study. The

theoretical concept and ideas, as well as the data are interrelated and one supports the other.

Notes:

1. Chapter One, note 27
2. New York Times, 18/4/90
3. Michael Johnson indicates these two facets of political corruption: "Corruption, Inequality and Change" in Peter M. Ward (ed), Corruption, Development and Inequality: Soft Touch or Hard Graft, Routledge 1989, p. 13-37
4. John A. Gardiner, The Politics of Corruption: Organized Crime in An American City, Russel Sage Foundation, 1970; Gibbons op. cit.; Johnston op. cit.; Kathleen Dolan, Bruce McKeown and James M. Carlson, "Popular conception of Political Corruption: Implication for the Empirical Study of Political Ethics", Corruption and Reform 3 (1988) p. 3-24.
5. Arnold J. Heidenheimer (ed.) Political Corruption: Readings in Comparative Analysis, New York: Holt, Rinehart and Winston Inc., 1970
6. The idea of constructing "rates" was influenced by the article by Arnold J. Heidenheimer, "Political Corruption in America: Is It Comparable?", in Abraham .S. Eisenstadt, Ari Hoogenboom and Hans .L. Trefousse(ed.), Before Watergate: Problems of Corruption In American Society,. Brooklyn College Press, 1978.

PART TWO:

POLITICAL CORRUPTION IN ISRAEL

CHAPTER FOUR:

"PUBLIC DISCUSSIONS and POLITICAL QUARRELS"

The Weitzman Affair

This chapter examines a case which, on surface, may not look like "political corruption" since the acts alleged were seemingly not carried out for personal or party advantage. Nevertheless, the case can properly be discussed under this heading. First, because Weitzman was accused of breaking a specific law and thereby of abusing his office. Second, because the way in which the government and the parties accused handle the affair bears all the hallmark of corruption.

On New Year's eve, 1990, Prime Minister Itzhak Shamir unexpectedly appeared on television and

dramatically announced that he had just fired Science Minister Ezer Weitzman from the government. Based on secret Intelligence information, the premier hinted that Weitzman was guilty of treason. The Israeli public was stunned. The accused, a Labor senior minister who participated in the inner cabinet, the highest forum of the National Unity Government, was among the most prestigious members of Israel's politicians. Weitzman was a brigadier-general and former Chief of Staff of the air force and had served as defence minister in the Begin government. It was, no doubt, a bombshell¹.

Shamir told Israelis that the General Security Services (GSS) discovered that the minister had met in Geneva with a Palestinian Liberation Organization (PLO) member and had secretly maintained for some time direct and indirect contacts with the headquarters of the PLO in Tunis. He accused Weitzman of collaboration with "the worst enemies of Israel" for the purpose of advancing his political goals aimed at thwarting the government's peace initiative and negotiating positions. Justice Minister Dan Meridor (Likud) asserted that Weitzman's offense was "extremely serious." In the moment of shock that enveloped the country one fact, however, went unnoticed: despite the severe charge neither Shamir nor Meridor mentioned that Weitzman had been arrested, interrogated or that any judicial procedure was in process.

The next day Shamir invited the National Religious Party's (NRP) ministers, who participated in the coalition, and disclosed classified information in order to assure them the allegations were factual. They left the meeting extremely worried. Though the meeting was "strictly confidential" information leaked. Newspapers quoted "security sources" which affirmed that the minister's deeds were uncovered by means other than tapping his telephones.

Weitzman was besieged by a press hungry for his reaction. His initial response was confused. First he said that "if the Shabak (the GSS) succeeded to penetrate into my hotel room in Geneva they did an extraordinary job," and that he "had nothing to hide." Although he refrained from answering whether he had met with the PLO (an illegal act under Israeli law), he unequivocally denied impairing Israel's interests in any way. All he did, he contended, was to enhance the peace process by justifiable political means and, moreover, both the Deputy Prime Minister and Defence minister (Labor) were privy to all of his contacts. Obviously the tension increased since the scandal glided toward the top leadership of the Labor Party.

Then it became known that Shamir also relied on a PLO internal report that referred to its relationship with Weitzman, but Weitzman declared such a document, if it

existed, an Israeli agent-made forgery. Nonetheless, Labor circles blamed the premier for exploiting the GSS by publicizing information which exposed to Israel's enemies the Intelligence investigative techniques.

However, in a later interview Weitzman admitted that he had met once with a PLO official but that only a judicial body could judge the innocence of his intentions. Confidants hinted at a diplomatic secret operation. Concurrently, the Labor Party claimed that Shamir's "real purpose" was to undermine Labor's position on the peace program due to Likud's interparty struggles and that not Weitzman but "peace versus hard line" was the real issue at stake. Therefore the party refused to approve Weitzman's dismissal from the government. A political crisis was unavoidable. The government, a bizarre coalition between the two largest rival parties, Likud and Labor, which had been created because neither could form a majority government alone, was about to collapse.

Within 48 frantic hours, during which the rival parties fervently accused each other while conducting intense consultations with all other parties (for coalition purposes in case the government fell), Prime minister Shamir announced to the public that he had decided to annul Weitzman's dismissal and instead to suspend him from the inner top cabinet for 18 months and

to remove him from the Security Committee of the Knesset. Weitzman and the Labor Party complied. The penalty of "political probation" was to take effect immediately.

The juridical aspect of Weitzman's deeds was raised from the outset since at the same time a ordinary citizen, Abie Nathan, was serving a six-month sentence in the Ayalon prison for meeting with PLO leader Yassir Arafat in Tunis. Nathan, known as the "peace pilot," met openly with the PLO as part of his widely publicized efforts to promote the peace process between Israelis and Palestinians and as an act of protest against the 1986 law under which he was charged, that bars any meeting with PLO members. Three other peace activists who met in Romania with PLO officials were, too, on trial. Obviously Weitzman's alleged offense was much more serious since he was accused of sharing with the PLO secret information from Israeli top cabinet discussions.

After the political compromise between Likud and Labor was reached, Yizhak Rabin, the Defense Minister (Labor), explained the problem at hand. Shamir, he said, had two alternatives for resolving the issue: political and judicial. He rightly chose the political resolution, said Rabin, since Israel faces severe problems concerning the upcoming Russian immigration, the Intifada (Palestinian two-year upheaval) and a failing economy

which only a unity government could effectively deal with. Underlying his explanation was the message that a different treatment of Weitzman would have led to the fall of the government and to early Knesset elections. He added that in his view the Israeli public was satisfied with the way the issue had been resolved.

Shamir was then interviewed and maintained that he was responsible for "each word" about Weitzman's offense, yet his decision to handle the issue politically was in the public interest since "I was alarmed by the grave consequences of dissolving the government." He was implying that he had to choose between a guilty man (a particular interest) and the welfare of the nation (the general interest). Besides, he added, "Weitzman got severely punished." However, to Likud colleagues who vehemently criticized his decision Shamir defended his last move in different wording. He told them that he had to negotiate a compromise since he learned from a "verified source" that the Labor Party was able to form a narrow-based government and thus strip the Likud of power and "endanger Israel."

Nonetheless, facing reporters' questions the Justice Minister reluctantly averred that the judicial process would begin soon. He explained that he had just handed over the classified material to the Attorney General (termed in Israel: The Government Justice Counsel) who

would review the case and "undertake the necessary procedures." Labor Party leader Shimon Peres reacted immediately, declaring a judicial investigation unwarranted since the affair had reached a reasonable solution; as the Prime Minister demanded, Weitzman would no longer be privy to secret knowledge of cabinet discussions, though he would stay in the government as Labor insisted.

The media did not follow up the Attorney General's investigation. Then, six weeks later, the Attorney General announced that no judicial process would take place. When a reporter asked him why Weitzman got different treatment than citizen Nathan, he angrily responded, "It is not the same," without offering further clarification. Within six weeks the whole affair was over. Ezer Weitzman, the man accused of near-treason, remained in the government and another Labor minister replaced him in the inner cabinet.

The Attorney General's statement that there is "no case" for the prosecution of Ezer Weitzman raises three questions: one, if nothing happened why did Weitzman agree to be punished? Accordingly, was Shamir guilty of making-up false accusations in order to cunningly remove the most dovish Labor Party minister from the cabinet? Or, if Weitzman was blameworthy, was the government of Israel, including the Attorney General, guilty of a

coverup and obstruction of justice for political purposes?

As noted in the beginning of this chapter, the Weitzman affair presents a clear case of politicization and decriminalization of political corruption. First, a top politician is accused of a criminal offense and of abusing his political office and the public trust (like citizen Nathan he sought to advance his goals illegally). Subsequently, interested politicians politicize the criminal offense and decriminalize it. The politicians virtually took over the judicial process. They tried and punished Weitzman outside the justice system, and at the same time, removed the criminal component of his deeds. Noticeably, the illegal aspect of the Minister's alleged deed was dealt with by politicians and was "negotiated" according to political interests.

The critical stage of politicization was established the moment the Prime Minister circumvented the criminal justice system and addressed his allegation to the public. There is no ground to believe that this circumvention was a careless step or merely a delaying action rather than a calculated move since Shamir obviously knew that suspicions of crimes should be brought before the criminal justice system. Yet, only through politicization could Shamir legitimately control and influence the outcome of the event and the related

benefits, or injuries, of its exposure to his own political power. By placing the allegedly criminal act in the public arena he transformed it into a "political indictment" that predictably invited both political adversaries and bystanders to react and make their own moves before any legal procedures were undertaken.

As soon as the act was exposed to public light, politicization was similarly convenient to the party accused. The Labor Party, like Shamir's Likud, could affect the outcome of the alleged offense only as long as it remained in the political realm. Were the allegation under judicial review it is certain that both parties' political involvement and tactics would have been strongly constrained and the outcome could not have been controlled.

By politicizing the alleged crime, it became subject to unquestionably different rules of investigation and sanction than those of the justice system. The transposition of the allegation from the justice domain to the political one explains what seems almost an inexplicable phenomenon, namely, how what was straightforwardly pronounced "a crime" (a matter to be examined and resolved judicially) had become overnight "a scandal" (a controversial and equivocal matter). Evidently, it is only in the context of a political scandal that emphases could be conveniently changed by

politicians, policy related controversies could be mingled with allegations of personal corruption, "confidential sources" could replace witnesses and charges could be dropped.

Consequently, in judging guilt and innocence, political considerations and reasoning appeared as not dissonant with the letter of the law. Eventually the whole process rendered the political resolution of what had become "the dispute" appropriate and defensible. The related decriminalization appeared marginal as a common side effect.

Politicization, which was sought by both political rivals, had another important aspect: it allowed the details of the alleged offense to be cloaked in vagueness. While the "tip of the iceberg" had been exposed only enough to instill sufficient suspicions in the public mind, the process enabled both accusers and defendants to shift the emphasis to the political battle rather than to the necessary further exposure of the facts. Through the media, which eagerly cross examined the parties, the politicians controlled the flow and leaks of information.

The controversy then revolved around definitions of the act ("was it treason or was it secret diplomacy?"). Focus was shifted to the larger context, intentions, motives, consequences, all which rapidly flashed and

often contradicted one another. In contrast to the loud and hostile dispute, however, the public learned that behind the scenes the parties held meetings where cards were silently put on the table and political benefit and damage to both were appraised and negotiated.

The "hidden iceberg," meanwhile, played a major role in the public arena. The aspect of 'illegality' existed underneath the political brawl as a latent threat that fueled the debate and charged with emotions the reactions of the adversary parties. With emotionalism prevailing over information, the attention of the bewildered public inevitably shifted towards the "heroes" whose behavior was supposedly transparent enough to disclose where the "truth" lay. Questions like, "Who looks reliable? sincere? frightened? suspicious?" became the most important questions which were passionately speculated on and debated. Thus concealment on the part of politicians was, in effect, tolerated as "natural" and people were preoccupied with guesses.

Not surprisingly, when the political adversaries had successfully bargained a settlement the tension abated; without villains the whole affair lost its *raison d'etre*. Obviously people had not suddenly forgotten that criminal behavior and abuse of power rather than political infighting were the issues that precipitated the whole scandal. Yet they were at the same time subjected to the

effects of the process in which they had participated: i.e., it had marginalized and defused the allegations of criminal behavior upon which it was first based.

In retrospect, many would probably "see" the Weitzman case as a political balloon or simply a political manipulation, common to the vocation of politics. They would believe that a criminal offense never existed. Others would "view" it as a coverup of a severe criminal offense by an unscrupulous politician. As might be expected, enveloped in these ambiguities the affair was quickly forgotten.

The social reality of any event of political corruption is shaped by an ensemble of four major elements that interact one with the other: the political system, the criminal justice system, the media and the general public. A major feature of the phenomenon of politicization and decriminalization is the leading position of the political system. In the Weitzman affair politicians dominated the event and, to a large extent, determined the role of the other factors.

Noticeably, the justice system was all along passive. The police, the investigative arm which is required by law to independently initiate investigation when any suspicion of criminal offense comes to its attention, did not react. The Attorney General entered

the scene only at the request of politicians and after they had already concluded "the case." This event has illuminated the common yet little-considered fact that the judiciary, and generally the criminal justice system, usually do not "search out" for cases. All the more when high-level politicians are involved.

Thus, prior to consideration of important questions - particularly relevant in the area of political corruption - such as the supremacy of law and the independence of the judiciary, two preliminary questions should be addressed. Firstly, whether or not "cases" are transferred to the justice system and, secondly, when they are what form they assume. In the Weitzman case the criminal justice system was activated by politicians on cue and the timing decided by them. Hence, even without considering what offense the Attorney General was asked to examine, or what criteria guided his decision, it is certain that his role was performed within - and thus shaped by - boundaries drawn by the political system.

The media, by contrast, was extremely active during the Weitzman affair. Information was provided hour by hour. Israeli broadcasting and newspapers covered almost every word of the parties involved and confronted them with sharp and embarrassing questions. However, when the affair was over for the politicians it was also over for

the media. In substance, the role of the media was directed by politicians, as was the role of the criminal justice system, though in a different and less palpable way. The media voluntarily merged into the process of politicization and, in the long range, this fact dictated its inferior position vis a vis the political system.

Both journalistic functions, reportage and commentary, were enthusiastically carried on during the whole affair. When the story erupted it promised a gigantic sensation and the press obviously rushed into it to unveil the hidden plot and bring down the "powerful bad guys." Nevertheless the media's role terminated when the political system agreed to wind up the "affair" although neither the plot nor the bad guys were uncovered. True, information which usually comes from the rival circles was cut off, yet journalists frequently overcome such attempts at concealment. More decisive was the fact that the "crime," which through politicization became a "political conflict," had been "settled" and the media realized that it could not retrace or revitalize the former criminal scenario. Moreover, the anti-climactic finale blew away any interest left among the confused and exhausted audience. Apathy, however, the often criticized public reaction in such events, was closely tied with the role the media had played in the event.

Right from the start the subordinate position of the media was determined. By not challenging the authority of politicians to politicize the issue, rather than refer it to the criminal justice system, the media actually vested politicians with the authority to resolve the case the way they deemed fit. The unrivalled power of politicization lies in the fact that it rationalizes the leadership role of politicians and legitimizes their authority as decision-makers in what is perceived "political." As a result, the media, which participated in the process of politicization, not only reinforced this authority, but became itself subject to the process's rules and effects.

The media was not coerced by politicians either directly or indirectly. Rather, its own fascination with its self-assigned powerful roles as "detective" and "moralizer" in this dramatic game of "catch-the-thief" paradoxically resulted in helping transposing the issue from the criminal sphere to the political one. While the media was preoccupied with "revelations," "scoops" and "cross examination" - in a quasi criminal investigation and trial - actually it overlooked its serviceable role not only in politicizing the issue but also as being the agent of both information and disinformation controlled by, and passed from, politicians to the public.

Hence once the media took an active role in the investigation and judgment processes, it became an "interested party," hungry for information from, and reactions of, politicians who were interested as well in offering the public their definitions and interpretations of "the case." Rather than inherent or unavoidable, the related confusion which crippled the public's ability to control the event was a direct result of the unfitness of the media for the roles it traditionally and uncritically took upon itself.

When politicians' maneuvers became "crystal-clear," as most editorials pointed out, the delayed criticism was ineffectual. Shamir and Weitzman were powerful politicians whose parties stood by them and the personal allegations had already been articulated by their many MKs as "political" (i.e. against the party). Thus any attempt to refocus on "personal guilt" was bound to fail. From the moment the allegations became "political" the criticism of the press was just a familiar voice in the tumult of politics. Noticeably, the media did not follow up the criminal investigation (by the Attorney General), nor challenge the reasoning of his final decision, and so neglected its most effective role as watchdog of the political apparatus.

The Israeli public, a principal actor in the political rhetoric, did not have an observable influence on the event. The outburst of the affair was first met with shock. That no specific quarrel preceded Shamir's accusation against Weitzman and that he relied on Intelligence information made the charges entirely credible. Soon, however, the public was inundated by contradictory information over which it had no control. At the same time, politicians and journalists articulated "public opinion" and spoke on behalf of its interest, often with conflicting argumentation. The public, addressed as though it was the jury, split along "gut feelings" which, by and large, corresponded to partisan preferences. Generally, confusion eroded the public trust in its ability to make a definite judgment, not to mention the lack of direct outlets to express it.

The end of "the affair" was met with public relief as Shamir and Rabin rightly predicted. Both latent anxiety which any serious turmoil of the political system arouses, and confusion turned into a mute approval: i.e. a public readiness to say, "That's all politics," and to ring down the curtain.

However, from the public perspective one fact has been irrefutable: to this day Israelis remain ignorant as to the facts of this affair. Neither the Prime Minister nor the Justice Minister retracted their accusations nor

did they clarify them. As one editorial pointed out: "What exactly that case was remained a bit nebulous, almost a state secret, and Mr. Shamir kept refusing to divulge it on the ground that it was, well, a state secret, actually."² Ezer Weitzman, too, did not contribute to illuminating matters.

Nonetheless, by declining to prosecute Weitzman the Attorney General indirectly vindicated him. In effect his statement has sealed off the issue from further public probing and officially confirmed the enigmatic reality: i.e. what was once a "corrupt" act has become "noncorrupt," despite and regardless of the fact that in the process of conversion the facts of this "noncriminal crime" have not been uncovered.

As already argued, the decisive factor that conclusively determines the nature of a politically corrupt act is a legal resolution. Ezer Weitzman, who neither acknowledged his guilt nor was proven guilty, is, therefore, innocent of any lawbreaking and abuse of power related to this incident. Similarly, the allegedly corrupt act has been reduced to "rumors" and "allegations of corruption", nothing which can be a basis of a clearly defined and tangible phenomenon. For the student of political corruption, therefore, this event remains as many others, a "political quarrel." In the Israeli record of "political corruption" it would leave no trace.

Is the Weitzman affair a typical example of the ways Israel deals with political corruption, or is it an aberration? Does the gap between initial accusation and final outcome, as reflected in the Weitzman incident, represent a pattern in the area of political corruption in Israel? Did Weitzman's power-position make a difference regarding the process of decriminalization?

The empirical research presented hereafter attempts to answer these questions by examining the phenomenon of political corruption within a perspective of forty years of Israeli statehood. Actually, the concept of this study grew out of my work on this research.

Notes:

1. The analysis of the Weitzman affair relies on its coverage in the newspapers Ha'aretz, Yediot Aharonot, Maariv and Jerusalem Post between 1/1/1990 to 15/2/1990. Also on the coverage of the affair by the Israeli Television and radio between 31/12/1989 and 8/1/1990.
2. Jerusalem Post 6/1/1990

CHAPTER FIVE:

POLITICAL CORRUPTION IN ISRAEL:1948-1988

In the aftermath of the Weitzman affair, one columnist wrote that it was the Likud powerholding that corrupted the judicial and ethical norms of Israeli society. Never in the past, he added, could things like that have happened. He actually implied that 1977, Likud's triumphant year, was the turning point for the worse in Israeli politics. A Labor Party minister, the lawyer Moshe Shahal, averred that years ago David Ben Gurion, a founder of Israel and its first Prime Minister, fought for the principle that politicians would not substitute for the court in judging their peers. From Shahal's statement people could infer that during the long period of Ben Gurion's premiership (1948-1963) allegations of lawbreaking against politicians were

resolved by judges and not by interested politicians as under the Shamir government.

It was not the first time in the post-Labor era that publicists and politicians alike blamed the right-wing Likud of corrupting basic values and political norms of Israeli society. Were Likud politicians more corrupt than Labor's?

Not really. Throughout the history of Israel there is indeed no legal proof that either Labor's or Likud's high-level politicians were ever politically corrupt. From the foundation of Israel in 1948 to the present, not a single parliamentarian affiliated with the Labor Party, and only one freshman MK affiliated with the Likud Party, have been found legally guilty of political corruption. The legal record of the highest political class would make it seem that the Israeli political system is remarkably corruption-free.

Over the years, only in one instance was a Labor mayor prosecuted for corruption, tried and acquitted (Berman 1953). Similarly, during forty years of statehood only one mayor (who was also an MK) affiliated with the Likud party was accused, tried and found guilty of political corruption (Rechtman 1978). Allegations, however, were frequently voiced and dealt with throughout the years. The exposure rate (figure 1) reveals that 89 such instances, related to 67 politicians (some were

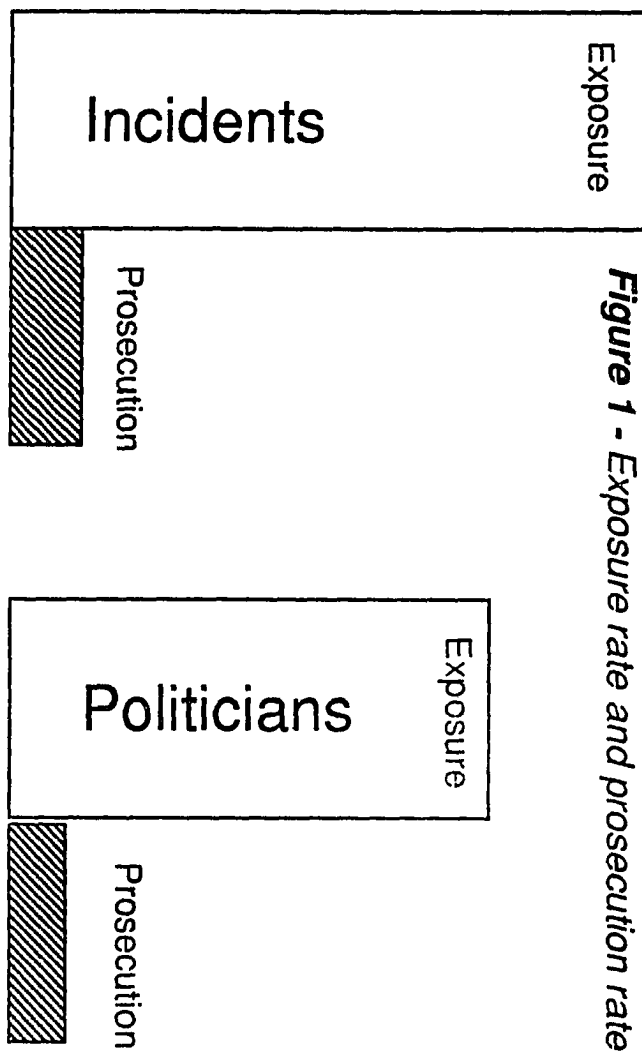
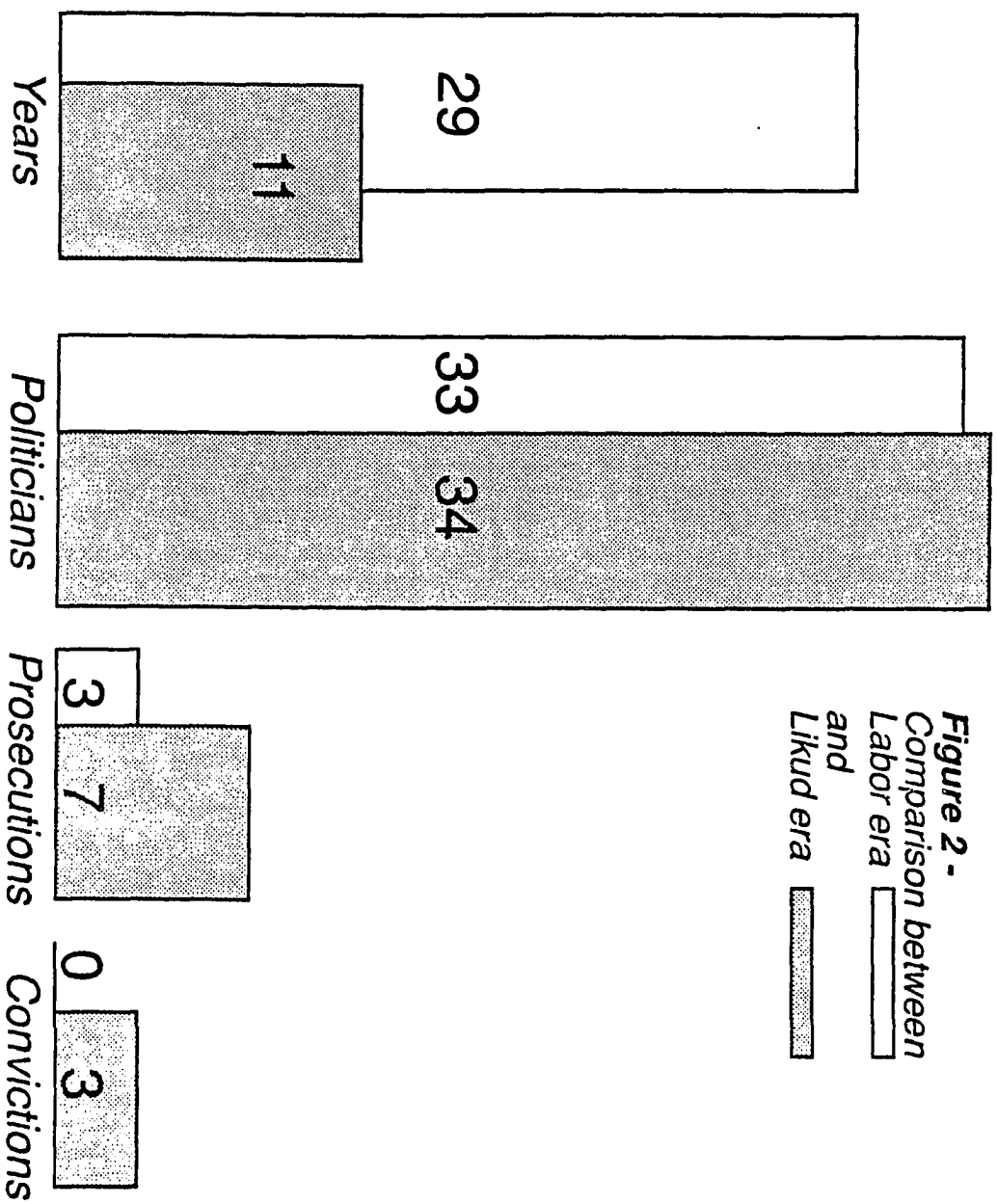


Figure 1 - Exposure rate and prosecution rate



connected with several incidents), were publicized in the press. By contrast, the prosecution rate reveals that only ten (11.23%) incidents related to eight (11.94%) politicians, were brought to trial.

Given the fact that Likud was in power less than half as long as Labor, relatively more allegations were publicized during the Likud era. In twenty nine years of Labor governance (1948-1977) forty-six incidents (51.68%) involving thirty-three politicians (49.25%) became public knowledge, while during eleven years of Likud leadership (1977-1988) forty-three incidents (48.31%) related to thirty-four politicians (50.74%) were publicized (**figure 2; table 1**). The difference may mean that under Likud governments corruption was more pervasive, or that competition over power in the Likud era made corruption a public issue more often than in the past, or that after 1977 the media was more intensively exposing corruption. Relatively, in the Likud era also more politicians were prosecuted.

Table 1: Politicians publicly accused versus prosecuted
1948-1988

1948-1977			1977-1988	
	accused	prosecuted	accused	prosecuted
mayors	15	1	9	2
MKs	18	2	25	3
politicians	33	3	34	5
incidents	46	3	43	7

During the whole period (1948-88) the majority of politicians prosecuted for corruption (75%) were not members of the Labor or Likud governing parties. When we examine the political affiliation of the politicians tried for corruption, an interesting picture arises (table 2)

Table 2: Politicians prosecuted 1948-1988

name	affiliation	office	year	verdict
Berman	Labor (Mapai)	Mayor	1953	acquittal
Rosenberg	NRP	D/Minister	1954	acquittal
Raphael	NRP	D/Minister	1965	acquittal
Rechtman	Likud (Liberals)	Mayor*	1978	guilty
PlatoSharon	Fash	MK	1979	guilty
Aloni	Mekomi - KS	Mayor	1980	acquittal
AbuHazira	NRP	Minister	1980	acquittal
AbuHazira(2)	NRP (Tami)*	Minister	1981	guilty
Amar	Yahad	MK	1988	on trial
Amar(2)	Yahad	MK	1988	on trial

* Mayor Rechtman was elected to the Knesset several months before his prosecution. Since his prosecution was related to his mayoral power he appears in this study under the category of "mayors".

Three of eight politicians prosecuted for corruption (37.5%) were members of the National Religious Party (NRP) which from 1948 has participated in almost all governmental coalitions. Another third (37.5%) consists of members of small independent parties, and only two politicians (25%) were members of the leading parties. Since these two politicians came from local government, it follows that no Labor or Likud national politician was ever prosecuted for political corruption.

In the whole period five politicians at the national level (government members or MKs) were prosecuted for corruption: three politicians (60%) were affiliated with the NRP - one minister and two deputy ministers - and the other two were MKs in their first term, affiliated with small non-coalition parties. Therefore, the only state politicians ever accused of corruption while in executive office were those affiliated with the National Religious Party although this party has never exceeded 10% of the total vote.

Yet, since two of these three NRP politicians were acquitted, and the third was tried and found guilty for an offense related to his activities in a voluntary organization he chaired before he joined the government, it appears that in Israel no politician responsible for a national post was ever found guilty of political corruption. It might seem therefore that political power in Israel does not corrupt.

Conclusions based on the prosecution data appear, however, extremely problematic in light of the exposure data which indicate that a large number of accusations of corruption were voiced throughout the years, and particularly against members of the leading parties. The concept of politicization and decriminalization suggests an explanation for this gap. The main contention is that

the phenomenon of high-level political corruption is largely controlled by the political system whose purpose is to circumvent the harmful process of criminalization (the examination of charges in court) by activating a process of politicization and decriminalization.

The comparison between both the exposure and prosecution rates supports the first proposition of this concept: most allegations of political corruption were not resolved in the courts.

Yet, one could argue that the fact that allegations of corruption against high-level politicians have not become legal indictments does not entail straightforward conclusions about the role of the political system since this can be explained in different ways: allegations were groundless; they were difficult to prove in court; they were less severe in terms of political corruption than those brought to court.

The validity of the concept does not depend on any of these arguments since its purpose is to depict and explain a phenomenon without probing into the question of individual guilt or innocence. Nevertheless, in the following pages these three arguments are addressed since they are, essentially, the main justifications the political system promotes, explicitly (formally) or implicitly, in decriminalizing allegations of political corruption. In general, it is impossible to refute these

arguments in a conventional manner since the official documentation that substantiates decisions to decline to prosecute high-level politicians is not available to the public. Part Three looks at the patterns the phenomenon of decriminalization displays, as well as at the 'mechanisms' employed in the process. Yet, these three arguments are also promoted implicitly as societal premises since, otherwise, the implication would be that "law and justice" in society are permanently obstructed. Therefore, it is useful to address the taken-for-granted reasonability of these prevalent assumptions in light of some of the data gathered in this research.

Hence the purpose of the discussion is not only to support the first proposition of the thesis of this study and the implications drawn from it, but more importantly, to highlight the provocative significance of the finding that nearly 90% of allegations of lawbreaking and corruption against high-level Israeli politicians were not resolved in courts.

"GROUNDLESS ALLEGATIONS?"

Political debates frequently involve exaggerations and lies promulgated by and directed against politicians.

Political persons in Israel, as elsewhere, commonly contend that they are vulnerable to slander and false accusations made deliberately and for political purposes to ruin their reputation. Yet, contrary to what politicians would want us to believe, the Israeli press has not been quick to publicize defamatory allegations against high-level politicians*.

Despite the wide immunity MKs in Israel enjoy, only in one instance (Modai/Hashai 1982) did an MK exploit this privilege: he accused a minister of corruption and escaped a libel suit due to his immunity. As for the press, the libel laws in Israel are broad and impose on the media serious restrictions. Unlike sensational or partisan newspapers which politicians might prefer not to bother with, **Ha'aretz** has always been considered extremely influential. Yet, no politician ever pressed charges against **Ha'aretz** for the publication of the allegations which constitute the data of this study. In one instance, a politician who was prosecuted and acquitted in court filed a libel suit against **Ha'aretz** since the paper launched a smear-campaign against him (Raphael 1965)¹.

The category of "allegations" (Appendix A) in this research consists of accusations which meet three

* "the press" refers to the independent daily newspapers (see Chapter Three).

conditions: first, they refer to alleged abuse of political power and office, including alleged lawbreaking for private advantage. Second, they were publicized in the press as a separate item and not as part of an election discourse. Third, all incidents entailed an official reaction. These requirements have significantly limited the category which otherwise would have comprised countless allegations. The category, therefore, may suffer from omission rather than over-inclusion.

In general, in many instances in which allegations against politicians had been publicized, basic details were not denied. Mayors, for example, who were accused of transactions which involved private enrichment as a result of their political decision-making did not deny the facts but explained and interpreted them differently. Ministers who violated the laws of foreign currency did not deny it, nor did ministers deny the fact that contributions from politically dependent institutions, or persons, found their way to party-related institutions. Likewise, politicians who used for their private or party advantage public resources of institutions they headed, did not disprove the facts but disputed the imputation of corrupt relationship or intent. Generally, what politicians without exception rejected was the definition of the acts as illegal.

Ten cases (11.23%) have been dealt with by the courts. By contrast, for the majority of the cases, the final resolution of the alleged matter and the interpretation preferred was made by politicians or by politically appointed functionaries. This subject is discussed in Part Three.

Evidently, the vast majority of incidents (96%) and politicians (95%) cannot be defined as lawbreaking or politically corrupt, since they were eventually not legally nor officially defined as such. Yet, rather than being groundless from the start, most accusations (88%) became so not as the result of a judicial judgment. The point here, of course, is not to insinuate that this fact by itself indicates that allegations were true yet covered up, but rather to highlight the peculiarity embodied in it; i.e. throughout forty years suspicions of political corruption had tended to find detours around and away from the courts.

In respect to the phenomenon we deal with, this observation is of no small importance. Political power is tremendously puissant and potentially corruptive. Therefore for both restraining and controlling it, the democratic system sets the law above the people and presents the judiciary as the shield against abuse and misuse of this power. That is why the autonomy of the judicial arm is so dear and safeguarded. However, if the

judiciary does not examine suspicions of political corruption because cases are not transferred to its review and judgment, its deterrent power is useless although its independence is untouched. In this course political power may considerably enlarge its territory without attracting attention and protest: while its rhetoric highly values and praises the supremacy of the judiciary, its "passive" constraints over it (i.e. not referring cases to its judgment) are likely to go unnoticed since they do not invoke the symbolism attached to "active" constraints (i.e. coercion by force; intimidation).

Rather than the court, it is the public who is often asked to provide "verdicts" on guilt and innocence regarding high-level politicians. Obviously it is not for the public, or the press, to provide the "grounds" for accusations of corruption because the public does not have either legitimate power or devices to do so. This is precisely a question the court ought to determine, particularly in regard to people in power, not only because of its skillful practitioners but, mainly, because of the power the public has vested in it. Simply put, the court alone has the power to examine the grounding of accusations, and the duty to so in the public eye. Could, for example, "the public" provide the grounds of Weitzman's alleged offense?

From this confusion of roles springs the characteristically powerless feeling and cynicism the public expresses in relation to political corruption. Since the general public cannot provide the grounding for allegations, it presumably follows that they are groundless.

"...DIFFICULT TO PROVE IN COURT?"

Revelation of political corruption, as of other crime, comes to public light in the form of accusations and suspicions. Yet, the road from suspicions to proof in court is laborious and, in corruption cases, is considered very demanding. Therefore the public might well assume that the reason for the significantly small number of incidents brought to trial by the Israeli state prosecution, as compared to those which were not, is because the former were based on solid grounds.

The data reveal that the State went to court not always absolutely certain of convictions. Actually, in the majority of cases (62.5%) the prosecution did not succeed in proving the charges and the defendants were

acquitted (table 2). In fact, in only one case, that of the mayor of Rehovot, Samuel Rechtman, did the police have unequivocal evidence: the defendant was recorded trying to cover up the unlawful transaction and in so doing provided the evidence necessary to convict him.

In the cases of the two other politicians convicted for corruption, Samuel Plato-Sharon and Aaron AbuHazira, the prosecution was far from presenting clear-cut evidence to the court. AbuHazira was acquitted on the severe counts of his indictment, and Plato-Sharon's prosecution relied mostly on his paying people to "get out the vote" and promising financial support for the local campaign of a political group in return for their votes. As the press, politicians and citizens recognized², with this mix bag of evidence the State would have had no problem prosecuting several dozen politicians, though it did not.

Were other allegations against high-level politicians more unchallenged in terms of evidence? Three cases throw some light on the question of whether "provability" in court was the decisive determinant in declining to prosecute high-level politicians. In two cases the politicians involved afforded a workable basis for prosecution by publicly acknowledging their involvement, nevertheless the State declined to prosecute them.

In 1966 the press revealed that the former General Director of the Ministry of Transportation obtained a loan from Dan, a public transportation cooperative, for election purposes of Achdut Haavoda (a faction of the Labor Party) whose ministers headed that Ministry from 1956³.

The cooperative depended on the Transportation Ministry for public loans, subsidies and the setting of government-controlled prices. Soon it became known that the loan was actually a "contribution," and the Justice Minister confessed in the Knesset that an earlier decision of the District Attorney not to prosecute the ex-Director General was an "error."⁴ The next day the alleged offender appeared in public and denied any responsibility for the suspicious transaction⁵. As the scandal was growing, Yigal Alon, then Minister of Labor and the leader of Achdut Haavoda, disclosed in a letter to Ha'aretz that he was the man responsible for the contribution⁶. He rejected the imputation of corruption, though he gallantly added that his immunity would not be an obstacle for trial⁷.

Nevertheless, Alon was not brought to trial. The Justice Minister, who weeks earlier declared the decision not to prosecute the ex-Director General to be an error, promised this time to "personally" investigate the case. He never publicized his findings, nor did the court have

the chance to verify Alon's claim of innocence. Indirectly, however, the court had a say in the event. Yair Kotler, the journalist who made the revelation about Alon's involvement, was then accused of lying by La'merhav, the minister's partisan newspaper. He pressed legal charges against the paper and the court decided the journalist had not lied⁸.

The second case refers to Yizhak Rabin, the former Prime Minister of Israel and presently a prominent leader of the Labor Party. In 1977, a journalist encountered Rabin's wife in an American bank and discovered she had a foreign bank account there, an illegal act under Israeli law. Although the information made headlines, the scandal was nipped in the bud by the explanations provided by both the Prime Minister and his wife. They contended that they had carelessly forgotten to close the account which was opened during Rabin's ambassadorship in the United States, and that its small amount of 2,000 dollars was left to pay utility bills⁹. Under the currency regulations such a sum could be dealt with administratively.

Three weeks later the press revealed that the Prime Minister lied and attempted to deceive the public (a sensitive point in the 1970s after Watergate) since the couple concealed the fact that they had another active

account in the United States which amounted to 18,000 dollars. Under the foreign currency law this sum was a criminal offense¹⁰. Moreover, unfortunately for the Rabins, two weeks earlier the State prosecutor won its appeal to the Supreme Court against a contractor for a similar offense¹¹. The Rabins could not avoid a trial. During the whole affair the Prime Minister declared publicly that not only was the account a joint account but also both were responsible for and enjoyed it¹². He nobly vowed that he would not let his wife stand trial alone.

Nevertheless Lea Rabin stood alone and was convicted for a criminal offense while her husband was not. The Attorney General explained that Yizhak Rabin was a "dormant partner." The court did not have the chance to verify this.

However, Yizhak Rabin who was required to pay a token fine provided an opinion on the Attorney General's decision by writing two years later: "To this day I cannot understand the legal justification for drawing that distinction [between himself and his wife]"¹³.

Finally, for the purpose of illustration, there is the well-known case of Moshe Dayan. In 1971, Dayan, then Minister of Defence, was accused by Uri Avneri, an editor of a weekly sensational journal and an MK, of a long-

standing and blatant abuse of his political power and misuse of his office for personal enrichment¹⁴. Avneri claimed that Dayan, as the Chief of Staff of the Israel Defence Force (IDF) from 1953 to 1958 and as Defense Minister since 1967, had been illegally digging and appropriating archeological treasures in areas where the army was the first or only authority allowed to enter (i.e. closed areas for military purposes or occupied Arab territories).

The Association of Archaeologists supported the allegation. Furthermore, Yigael Yadin, who was the first IDF Chief of Staff and a famous archeologist, declared that Dayan's behavior had been known and tolerated by the Governmental Antiquity Authority since 1959¹⁵. The distinguished archeologist, Prof. Shmouel Yevin, who was then its director contended that Dayan's offense was well known prior to 1959. He further explained that he himself discussed the matter with Dayan who promised to stop digging illegally, and that "because of the good name of Israel" he acted secretly¹⁶. Avneri also claimed that Dayan had illegally exported antiques for commercial purposes by using the governmental export company **Maskit** chaired by his wife, as well as a joint Israeli-American foundation¹⁷.

Despite the fact that prominent and knowledgeable persons asserted the basic allegations, Prime Minister

Golda Meir announced in the Knesset that the Attorney General examined the allegations and "did not find any illegality."¹⁸ Thus the suspicions against Moshe Dayan were never examined in court. After his death, family quarrels over his will revealed that Dayan, a son of modest farmers who was all his life a "servant of the State," left an estate of millions of dollars. Ironically, the state of Israel bought from Dayan's widow unique artifacts from Israel's ancient past for a "very considerate price" - one million dollars. The Association of Archaeologists boycotted the exhibition in protest and declared it a "cynical celebration."¹⁹

These three cases, or the Weitzman case, do not remove the doubts that "insufficient provability" in courts had determined the decision to decline to prosecute these prominent politicians. Noticeably, the fact that state authorities are not required to disclose information for declining to prosecute a case, makes it impossible for the public to scrutinize the resolution: neither the process of investigation, nor the process of decision-making, nor the bases of discretion. In many other incidents even the concrete content of the allegation the Attorneys General declined to prosecute is not clear. After all, what alleged offense did the Attorney General examine and decline to prosecute

concerning Ezer Weitzman? - treason? illegal meeting with the enemy? unauthorized clandestine diplomacy?

In general, the public has actually been required and expected to have blind faith in the authorities and their statements, or juridical decisions, regarding high-level politicians, though a major philosophical tenet of justice is that its processes be heard and seen in public.

Thus, regardless of whether various cases had, or had not, "sufficient provable basis" for court action, the question still remains why in Israel was the court rarely asked to adjudicate this?

"...OR, SIMPLY NOT SEVERE?"

Lastly, people might assume that because most allegations were not severe they have not been taken to court. The judicial process is costly and time-consuming and the criminal justice system often exercises its discretion in this regard.

The data show that the majority of the cases which the State prosecuted involved misdemeanors (**table 3**). The light penalties imposed on two of the only three

politicians convicted indicate that "corruption" did not have to be severe to be dealt with by the courts.

Table 3: type of offense

name	type of offense	court	penalty
Berman		preliminary hearing	none
Rosenberg	misdemeanor	preliminary hearing	none
Rephael	misdemeanor	low	none
Rechtman	felony	district	3.5 years
Plato-Sharon	misdemeanor	low	90 days
Aloni	misdemeanor	low	none
AbuHazira	felony	district	none
AbuHazira (2)	felony	district	90 days
Amar	misdemeanor	low	on trial
Amar (2)	misdemeanor	low	on trial

Were the allegedly corrupt deeds which were not prosecuted even less severe? The aspect of "severity" is the most difficult to weigh, and actually the most intriguing, since the severity of allegedly corrupt acts strongly depends on their interpretation which, in turn, redefines them. Basically, politicization trivializes the "severity" of an act while criminalization amplifies it.

Generally, the main purpose of the process of politicization is to reduce the severity of the activities in question in order to decriminalize them. By the invocation of the context, motives and consequences

their meaning becomes negotiable and equivocal. Then often trivialization of severity follows; the process weakens and lessens the severity of alleged acts so that criminalization appears superfluous. What is often left are petty deeds, or "unethical" behaviors, that can be either treated in a nonjudicial way, or simply overlooked. By contrast, in the process of criminalization what often looks petty (a small gift, flight tickets, a loan, a free vacation) is the center of a scandalous trial which by itself amplifies the severity of the acts involved.

The difficulty of weighing "severity" is reflected, firstly, in the trouble in classifying the allegations in regard to their content. Except for those few cases that materialized into legal indictments the analysis of allegations suffers from a constant uncertainty about the details. It is not merely a problem of credibility of data since we clearly deal with a category of allegations which is by no means proof of actual deeds. Neither is it a problem of availability of data. While there are cases for which there is scarce information in the press, there are others with an abundance of it due to the scandal they created. Nonetheless, in both situations vagueness rather than clarity prevail. As pointed out in the analysis of the Weitzman affair, uncertainty about the facts is an inevitable and functional result of the

process of politicization which shrouds a case with ambiguity.

Secondly, the fact that allegations remain in the form of rumors prevents a researcher from evaluating the "severity" of the corrupt behavior involved without involving her own judgement. For example, the accusations that an exchange of political favors stood behind the relationship between the Deputy Prime Minister Shimon Peres (Labor) and the financier Aaron Balas who gave him a gold watch and assisted financially the political alliance of Peres's party with the Yahad Party²⁰, were politicized and evaporated from the public arena. Similarly politicized were the allegations that Industry and Commerce Minister Ariel Sharon (Likud) received a generous private loan from his friend, businessman Meshoulam Riklis, and later assisted him in bettering some of his business interests related to the Ministry Sharon headed²¹. Now, how can we weigh the severity of these alleged deeds? Are they "casual favors between friends" or are they the "tip of the iceberg?" Do we judge them by the interpretation both politicians offered, namely, as "small favors between pals," or by the interpretation of their accusers who described them as "severe corruption?" Are they less severe, for example, than the foreign-currency violations Deputy Minister Rosenberg was prosecuted for?

Whatever was involved, the fact that accusations against both Peres and Sharon did not engender a vigorous criminal investigation has virtually defined the favors as "nothing really severe." Therefore, if a researcher defines the deeds as "severe corruption" he/she is likely to appear as making subjective or even slanderous statements. By contrast, in the case of Religion Minister Aaron AbuHazira "small favors" in the form of modest loans and fellowships which a charity foundation he chaired legally distributed, though mostly to his acquaintances and supporters, were presented by the prosecution as large-scale corruption²². In his case "small favors" led to thorough investigation and trial and this immediately redefined them as severe and intolerable political corruption. In this case, therefore, researchers stand on solid ground in describing "corruption". Yet, they do not merely follow their own judgement about the nature and severity of the deeds involved, but the path paved by legal proceedings.

A third major problem regarding the aspect of "severity" is related to the historical periods in which allegations of corruption are voiced. There are years in which allegations were publicized briefly while in others they provoked loud scandals. Substantially, allegations which are not followed by fervent "public discussions and political quarrels" project the impression that much less

severe behaviors are involved. Yet, is a scandal evidence of the "severity" of the corruption exposed, or does it indicate a state of competition for power which leads to certain acts being more thoroughly exposed and debated and thus appearing as "more" severe? Scandal studies support the latter assumption.

For instance, the allegation in 1958 against then Commerce and Industry Minister Pinhas Sapir²³ that he used state officials in acquiring contributions for the Labor Party, sound petty and trivial, mainly because both the accusation and the motion of no-confidence of the Opposition were barely discussed in the press. By contrast, allegations against Minister Sapir during the scandals of the Seventies²⁴, which revolved around contributions and misappropriation of public funds for party ends sound extremely severe, though unmistakably connected to that "tip of the iceberg" revealed in 1958 and disregarded. The different reaction toward the allegations in the 1970s resulted in more exposure which affected the degree of "severity" attributed to the alleged acts. However the latter event appears more tied to the different degree of legitimacy the governing Labor Party enjoyed during post-Ben Gurion governments, rather than to the quality or severity of the acts involved. This subject is discussed in chapters Ten and Eleven.

The above difficulties suggest trying a different approach in order to weigh the severity of allegations. People tend to react more severely against corruption for private ends than against corruption which involves party ends. Political corruption for personal advantage might be, then, a feasible indication of "severity." A rough classification of the allegations during 1948-1988 reveals that most incidents involve accusations of private advantage (47.18%), fewer incidents raise allegations of corruption for party gain (26.96%) and in the remaining cases the question is difficult to determine (table 4).

Table 4: politicians' motive: private versus party ends

motive	1948-1977		1977-1988	
private end	18	20.22%	24	26.96%
party end	15	16.85%	9	10.11%
not clear	12	13.48%	10	11.23%

It is clear that even if all ten cases that were prosecuted are considered as motivated by the more severe "private ends", still the majority (75%) of similarly

severe allegations was not prosecuted. Six of ten prosecuted cases, however, were at first related to "party ends," though the process toward criminalization had gradually individualized the alleged motives as eventually reflected in the legal charges. This interplay between "private" and "party" ends of political corruption highlights another dimension of the aspect of severity and its (functional) elusiveness.

In reality, the differentiating line between private and party ends is often superficial since, substantially, what is regarded as "party ends" is also personally beneficial. Two cases provide a clear example. Mayor Abraham Aloni of Kiriat-Shmona and MK Samuel Plato-Sharon were prosecuted for offenses related to their parties' election campaigns. Both ran under the ticket of a party which they have founded solely as a necessary formal structure to serve their personal election. In these cases it is easy to notice that corruption for "party ends" equals what is termed "private ends."

When it concerns politicians of large parties this observation is somehow defused although it is clear that activities for the benefit of the party also empower the personal position of those who are able to provide for party needs. Such a position not only fulfills personal ambitions related to status and power, but it is also commonly accompanied by privileges of material comfort.

Nonetheless, political corruption for "private advantage" is perceived as much more severe and unscrupulous than corruption for "party advantage."

This perception seems entirely illogical. Is there a reason why a politician who channels public resources to the party is less corrupt than one who increases a private bank account? Or, why a sum of \$ 100,000 to a party institution pales in face of \$1,000 personal cheque in terms of "severe" corruption? From the victimized public interest viewpoint the loss from the former is greater. The damage to moral standards is doubtlessly similar.

There is, however, a constant rhetoric that conveys subtly the view that corruption for party purposes is only an unsympathetic aspect of politics, or at most, a detour to meet "real needs of particular constituencies", whereas corruption for "personal" benefit is "rightly" considered a criminal behavior and thus is the "real" corruption. In many respects, the strong negativity related to corruption for private ends, as compared to party ends, is convenient to the ways politics is practiced. Therefore, in the process of politicization and decriminalization, political corruption is likely to be generalized. In the process of criminalization it is likely to be individualized.

In the former process the objective is to generalize and collectivize the offense: i.e. to depict it as ordinary (general) behavior, or as a policy-related and/or public-oriented (general) activity. Thus to present the behavior as "political." The underlying purpose is to defuse the criminal character of the act, and to broaden the range of parties accused as well. While the target of the former is general public opinion, the latter sends a message to political rivals. In these instances the public is urged, explicitly or implicitly, to assess corruption through the aspect of its "functionality" to the public interest.

By contrast, criminalization of political corruption aims to individualize the alleged act and confine it to one or a few identified persons. "Morality" is then the primal public interest. Hence "crystal-clear" personal motives (greed, lust for power etc.) of the accused are emphasized on the one hand, and on the other there is a belittlement of the sum, if small, or practice, if trivial, for "it is morality and purity of public life that really matter." Obviously, by presenting the corrupt deeds as "personal" and therefore "nonpolitical" the notion of the 'rotten apples' is reinforced, not to mention that in doing so the political system is able to keep the barrel a secure distance from them.

The different reaction toward personal corruption is similarly reflected in the eagerness of politicians who are criminalized to break through the "personal" boundaries and collectivize the allegation against them (everybody does it, why me?; it is a common political practice, why me?).

The data reveal that in all incidents which caused scandals such interplay between "private" and "party" gain prevailed. Generally, however, the more negative factor of personal gain does not appear as a determinant of criminalization. Leaders like Moshe Dayan and Yizhak Rabin (Labor) who were accused of lawbreaking and corruption for private ends were not criminalized while Yizhak Raphael (NRP) who was accused of corruption for party ends was - as was Aaron AbuHazira (NRP) whose cases in court revolved mostly around motives of political gain. Although in both cases, as mentioned, the process of criminalization involved a gradual focusing on private advantage, in the cases of politicians like Joseph Burg (NRP), against whom periodic allegations of corruption for party purposes were voiced, or Pinhas Sapir (Labor) who was accused of corrupt practices for party ends, such a process did not occur.

On the whole, the data do not support the assumption that the severity of allegations, as revealed by the

alleged motive, had determined the decision to prosecute certain acts and not others.

In conclusion, the finding that the majority (88%) of allegations of political corruption have not been resolved in court cannot be overlooked nor easily dismissed. It points to a pattern that characterizes the phenomenon of political corruption in Israel: allegations against high-level politicians are not likely to be resolved in the courts. In the last analysis, however, the outcome of allegations is the only substance that legitimately both represent the phenomenon of high-level political corruption and define acts and perpetrators as either corrupt or noncorrupt.

Many let scandals write the history of political corruption and define its character. Scandals also make people believe that society has acted severely against corrupt politicians. The next chapter looks at the relationship between corruption scandals and prosecution and it shows that scandals do not produce prosecutions of high-level politicians.

Notes:

1. MK Yitzhak Raphael (NRP) was acquitted in 1965 (see Chapter Seven) but Ha'aretz continued to discredit his personal stature and honesty. In 1970, Raphael filed a libel suit against the journalist Silvi Keshet from Ha'aretz. The trial opened on March 15, 1970, with a few sessions in June (coverage in Ha'aretz 16/3/70; 1/6/70; 17/6/70; 18/6/70; 19/6/70; 24/6/70). The trial concluded with a compromise agreement under which the journalist was acquitted but issued a strong apology (25/6/70).

2. Ha'aretz 3/6/79; 13/6/79; 20/6/79; 6/7/79; 29/7/79

3. Ha'aretz: February 1966 - 25, 28; March - 2,3,4,6,7,9,13,14,15,16,18,21,23,24,27,28,30,31; April - 3,8,19; May - 11; June 2

4. Ha'aretz 2/3/66

5. Ha'aretz 6/3/66

6. Ha'aretz 10/3/66

7. Ha'aretz 24/3/66

8. Ha'aretz 16/11/66.

9. Ha'aretz 16/3/77. See also Chapter Six. For Rabin's pointview see Yizhak Rabin, Rabin Memoirs,

10. Ha'aretz 8/4/77; 10/4/77

11. Ha'aretz 11/4/77; Ha'aretz Magazine 15/4/77

12. Ha'aretz 21/3/77; 8/4/77

13. Yitzhak Rabin, The Rabin Memoirs, Boston: Little, Brown, 1979. p. 311

14. Ha'aretz 8/12/71

15. Ha'aretz 17/1/72

16. Ha'aretz 27/1/72

17. Ha'aretz 13/1/72; 23/10/72

18. Ha'aretz 19/1/72

19. Ha'aretz 13/4/86

20. Appendix A; Peres 1986
21. Appendix A: Sharon 1987
22. Appendix A: AbuHazira 1981. See also Chapter Seven and Twelve
23. See Appendix A: Sapir 1958
24. See Appendix A: Sapir 1971; 1973; 1974. Also Chapter Six and Eleven.

CHAPTER SIX:

ISRAELI SCANDALS: "...CLOUDS AND WIND WITHOUT RAIN"

(Proverbs 25:14)

In any society, the phenomenon of political corruption is associated with particular names and specific eras which, in turn, become its symbols. Prolonged scandals and prosecutions of certain individuals make up the memory of a nation as to when the political system appears (suddenly) laden by corruption, and who are its villains. In Israel, for example, references to political corruption in the press in 1991 still mention, almost as a literary convention, the representative names of "Zur, Yadlin and Rechtman", two high-level officials and a mayor (and MK) prosecuted in

the Seventies, the decade of political corruption scandals in Israel.

As research on scandals reveals, in periods where political competitors challenge the ruling party and strive to injure its legitimacy, the issue of political corruption emerges as the banner of many political battles. However, rather than the extent and nature of political corruption, corruption-related scandals measure the cohesion of a political system and both the legitimization a governing elite enjoys and challenges it experiences.

The observation, discussed in Chapter Two, that competition over power is a major force behind revelations of political corruption implies that the phenomenon of exposure greatly depends on initiatives that come from within the political arena. It follows that rather than the criminal justice system, or the press, or the general public, political forces are likely to be "active" while the others "reactive." The nature of reactions depends on the extent of legitimization; when legitimization declines the press is more likely to react favorably and the general public more ardently to allegations of corruption made by political informers - challengers and intruders who are likely to appear in such instances. The criminal justice system, too, may feel less constrained to react independently.

Consequently, political corruption suddenly appears serious and allegations grow into scandals, regardless of their original "severity."

The second proposition of the concept of politicization and decriminalization holds that although corruption scandals seriously agitate the political system in politically unstable periods, both politicization and decriminalization continue to be as pronounced as in stable periods. The difference is that in the latter the process is short and noiseless due to broad legitimization, whereas in the former it is activated within political crises and scandals.

This chapter does not analyze the Israeli scandals, nor probe into power relations among competing parties. I elaborate on these subjects in Part Three of this study. The purpose here is to support the hypothesis that prosecution of high-level politician alleged of corruption does not occur, regardless of scandals.

Nineteen seventy seven is considered in Israel as the year that opened an era of incessant competition between the large rival parties, Labor and Likud. In that year the right-wing Likud swept from power the Labor Party which led the State of Israel for twenty nine years, and which since then has tried, unsuccessfully, to undermine the Likud and regain leadership. Yet,

corruption scandals indicate that competition over power began much earlier. According to the data, the issue of political corruption caused scandals from 1965 onwards. However, during the Likud powerholding (1977-1988) corruption was more likely to be reported as scandalous news than to provoke large-scale scandals (**figure 3**).

It appears that from 1948 to 1964, with the exception of 1954, incidents of corruption did not spur any scandal. These years overlap the period of the most prominent founder of Israel and its first Prime Minister, David Ben Gurion (1948-1963). In 1954, Ben Gurion resigned from the government and Foreign Minister Moshe Sharet replaced him. Fourteen months later, Ben Gurion returned to the government. It happens that the same year he was absent was the only year of agitated high-level corruption during the entire fifteen-year period that the charismatic Ben Gurion was premier.

Although the era between 1948-1964 does not display scandals related to political corruption, nor were allegations publicized as scandalous news, nineteen politicians (28.35%) were reported to be allegedly involved in corruption incidents (**table five**).

Table 5: alleged corruption - politicians and incidents

Ben Gurion Era		B.G.'s Successors		Likud Era	
1948-1963		1964-1977		1977-1988	
politician/incidents		politician/incident		politician/incident	
28.35%	21.34%	20.89%	30.33%	50.74%	48.31%
19	19	14	27	34	43

Moreover, during 1948-1964 two prosecutions of high-level politicians occurred, whereas in Israel's most scandalous era of political corruption, between 1970-1977, a single prosecution took place. In the latter, then, scandals were likely to defuse, or substitute for, the exigence of prosecution.

The appearance of scandals in 1965 was strongly related to political instability and new challenge. The year of 1965 was the first year of Levi Eshkol's elected government, and was influenced by the political crisis of 1965. In 1965, David Ben Gurion broke with the Labor Party and founded a new party together with the party's young leadership but not before he accused the Labor's old guard of obstruction of justice and corruption. Although the electoral success of Rafi, his new party,

was modest (ten seats in the Knesset), it assumed a lot of prestige and seriously undermined Labor's legitimacy.

The crisis of the Labor Party, furthermore, changed significantly the political map and introduced a whole new composition of power. In the election of 1965 the right-wing Herut Party united with the Liberals and together formed the Gahal Party. Thus the Opposition presented for the first time a real challenge to the ruling Labor.

Despite Labor's victory in the 1965 election, without the authoritative Ben-Gurion, the Eshkol government was weaker, less confident and much more vulnerable to the attacks of the strong and determined Opposition. The Lavon affair¹, which triggered Ben-Gurion's charges against his colleagues resulted in a more critical press. The economy, too, was regressing to a dangerous point due to the termination of Germany's restitution payments. On the whole, in 1966 the authority of the ruling Labor was profoundly questioned. Analysts even attribute Egyptian president Abdel Nasser's warlike initiative against Israel in May 1967, to both the fragmentation of the Labor Party and to the weak authority of the Eshkol government.

The scandals were, however, abruptly dropped from the public agenda by the 1967 war. Perhaps more decisive was the fact that in May 1967, the Opposition's major

party, Gahal, joined the Eshkol government due to the state of emergency and the principal challenger, Menahem Begin, became a minister without portfolio. The scandals reappeared in coincidence with Gahal's quitting the government in August 1970, and the ceasefire negotiations between Israel and Egypt.

Corruption scandals that evolved in 1965 reemerged in 1971. Allegations exposed much of the same practices that surfaced in 1966. Actually, 1971 opened the era of corruption scandals on the largest scale Israel has ever experienced, an era that came to its close only six years later with Likud's victory.

Nonetheless, a whole decade of political corruption scandals did not produce prosecution of any high-level politicians. The scandals of "Somerfine", "AutoCars", "Vered", "Netivey-Neft", "Bank Erez-Israel Britannia", "Keren Sapir" and "Hachevra L'Israel"² to name the most thunderous, uncovered dubious transactions between private business persons, the government of Israel and Labor Party-related institutions. Most of the scandals developed after a financial collapse or bankruptcy of a firm or bank, and questioning then revealed both an imprudent governmental involvement with private businessmen that caused a loss of millions of dollars to the public, and various advantages to the governing Labor Party.

All scandals were followed by public outcry and an outraged press coverage, and most terminated in criminalization of some of the participants, either a private businessman or an appointed executive. The names of Asher Shovinski, Moti Friedman, Yehosua Ben Zion and Michael Zur, are still very well remembered and occasionally surface as landmarks in the history of political corruption in Israel. Yet, as appointed officials or businessmen, none of them was at the top of the political hierarchy, though all were political proteges. In contrast to their prosecution, the involvement of the ministers and deputy ministers associated with the "affairs" was not examined in court.

Those politicians were all in a position of leadership. Minister of Labor and Deputy Prime Minister Yigal Alon, Justice Minister Y.S. Shapira, Deputy Finance Minister Zvi Dinshtein, and above all, Finance Minister Pinhas Sapir, who was also the Labor Party's treasurer, were eminent politicians and pillars of their party. Innumerable strings linked Sapir, the man who proclaimed he had made "two thousand millionaires" and was reputed to control Israel's economy from his "small black pocketbook", with intricate arrangements that sustained and nourished the complex network of Labor-related institutions. Nevertheless, corruption was politicized and the economic debacles were presented as unfortunate

events disclosing "maybe a few mistakes, inevitable in the course of national construction and creativity."

The accusations that pointed to political abuse and party profit were rejected as "lies and nonsense" and the Labor majority in the Knesset blocked all Opposition attempts to thoroughly inquire into them. In the press, countless articles presented the unprecedented revelations of political corruption as a product of a "system," but the persons who pulled the strings and steered the wheel of that system, though criticized, avoided the shameful imputation of personal corruption since allegations of private advantage were played down and, conversely, "personal honesty" was emphasized. Most of the public efforts and press' ammunition were concentrated on the already exhausting campaign to obtain concessions from politicians in regard to police investigation and trial for the nonpolitical participants. Such concessions were presented by the press as the victory of both the public and the "rule of law" while their assistance in relieving pressure and diverting attention from eminent politicians was, though mentioned, largely overlooked.

The 1973 war momentarily halted the scandals. Egypt's surprise attack had wounded Israelis' confidence and pride and the public was determined to demand a reckoning from the political leadership. However, the

political demise of the old Labor elite in the aftermath of the war did not signal the end of corruption scandals whose epilogue was still to be heard in the party's last three years in power. Nevertheless, as under the Levi Eshkol and Golda Meir governments, neither of the scandals under their successor, Yizhak Rabin, between 1975 and 1977, eventuated in prosecution of high level politicians although they reached the dangerous edge of "personal corruption."

In the aftermath of the 1973 war, as the result of public demands for accountability at the political level, followed by large demonstrations, Prime Minister Golda Meir resigned and Yizhak Rabin was nominated Prime Minister as the last resort of the deteriorating Labor leadership for reconciling the enraged public. Rabin was a native-born Israeli, the victor of the 1967 War, and most important, a newcomer to the Labor Party. Blessed by nature with the traits of the Israeli Sabra image - handsome, blue eyed, a shy smile - Rabin looked stainless and the public loved him.

Twelve hours before his nomination in the Labor convention Rabin was accused by Ezer Weitzman, himself a noted warrior, of "chickening-out" on the eve of the 1967 war, and by Foreign Ministry sources of corrupt practices during his ambassadorship in the United States³.

Rabin's momentarily failure of nerve in June 1967 could hardly harm him simply because he nevertheless had led the victorious war. Also, to a public tired of "giant leaders," such a revelation could only contribute to popularity for it added a flavor of sensitivity and humanity to the image of the nation's new leader. Corruption was much more problematic.

He was accused of exploiting his office as Israel's ambassador in the United States for private enrichment by charging high fees for what was his (paid) duty to do - explaining Israel's policies to American audiences, particularly to Jewish congregations. Furthermore, the press revealed that Rabin avoided any payments to the American IRS because the unauthorized enterprise was not taxable (ambassadors are not allowed to work in the host country) as well as to the Israeli IRS under whose regulations such an income earned by Israeli citizens in foreign countries is not subject to taxes⁴. Foreign Minister Aba Eban, Rabin's political rival, confirmed that as a civil servant ambassador Rabin was not authorized to, and did not acquire, permission for paid work⁵.

The political system, including the Opposition, overlooked Rabin's alleged corruption. The press did not protest. Each assessed the political circumstances and apparently preferred to play down the affair.

Consequently, allegations vanished from the press as well as from the political debate and Rabin became Prime Minister as forseen. Three years later, when public hopes about Rabin's leadership was at the nadir, and coalition allies threatened to dissolve the government, accusations of corruption against him resurfaced and now his actions were deemed unpardonable. Next to the charges of illegal bank accounts and concealment, the sum of 90,000 dollars he allegedly earned as ambassador in the United States reappeared, this time as "blatant corruption." Nevertheless, as noted earlier, Rabin was not legally charged for any of these accusations.

Rabin's weak government generated in its last year the most injurious scandal that bolstered the growing popular view that the Labor Party was "rotten to the core."

A prominent young Labor executive, Asher Yadlin, who had just been nominated as the chairman of Israel's National Bank, was surprisingly arrested and charged in an unexpected move by the police. At first, it seemed that he was accused of unlawful transactions for the Labor Party, but then the press contended that the police suspected that Yadlin had personally benefitted from certain land enterprises⁶.

Yadlin professed innocence and, facing his party's icy distancing, threatened to bury "many brothers." He

charged the top leadership of the Labor Party with persistent corruption which mainly revolved around misappropriation of public resources from various public institutions, among them the Health Fund [Kupat-Cholim] he headed, for party and election purposes. While Yadlin admitted he had taken part in the unlawful deeds, he directed an accusing finger toward the men who were, as he claimed, the driving forces behind it: the powerful ex-Finance Minister Pinhas Sapir, then current Finance Minister Yehoshoua Rabinowitch, and Education Minister Aaron Yadlin in his capacity as Secretary General of the Labor Party. They were, Asher Yadlin said, the top team responsible for financing the expensive campaigns of the party⁷.

Suddenly, rumors began to spread that it was Housing Minister Abraham Offer who was suspected of "personal corruption." Offer, one of Sapir's proteges and a very influential member of the Labor Party in previous years in both the areas of housing and elections, was accused in 1971 of distributing apartments to ineligible young couples, particularly those close to his party's circles. These allegations were subsequently politicized and Offer advanced up the political ladder until nominated by the Rabin Government as Minister of Housing. The same allegations broke again, yet this time the focus was on suspicions of private advantage Offer allegedly acquired

from certain land transactions. The rumors said that, in channelling commissions from various government-related transactions to the Labor Party for election purposes, Offer had taken a portion for himself⁸.

Offer, who previously protested the criminalization of Yadlin and "the way the party deserted him," was witnessing, furthermore, how long-rooted practices for "party ends" were dangerously centering on a personal target. He killed himself the night he learned the case had been handed over to the police for investigation.

His suicide shocked the country. The weakness of the Rabin government coupled by the alienation Abraham Offer, like Asher Yadlin, had experienced from a paralyzed party were presented by the jubilant opposition as "corruption joined by immorality." Like the prolonged Lavon Scandal that caused Labor's political split in 1965, the scandals between 1971 and 1977 resulted in a further fragmentation of the Labor Party. Within weeks a new party, The Democratic Movement For Change (Dash), founded mostly by former Labor members and proponents, challenged the Labor domination and vowed to eradicate corruption from political life. The Opposition took advantage of the new constellation and united its forces into a larger and stronger party - the Likud.

Both Dash and Likud skillfully used these scandals in their election propaganda, as well as the subsequent

scandal regarding Prime Minister Rabin's bank accounts. Three weeks before the election, they added to their campaign advertizing the "Eban affair." The press revealed that ex-Foreign Minister Aba Eban had, like Prime Minister Rabin, illegal foreign accounts in the United States, yet of much larger sums⁹.

Obviously the Likud exploited the new affair in the last weeks of the election but after its victory it did not oppose the decriminalization of the case. In a sharp difference from the way Rabin's case was dealt with only a few weeks earlier, Eban's was treated administratively by the the departing Labor Finance Minister Rabinowitch. Later Aba Eban agreed to take upon himself a public relations "national mission" in the United States, assigned by Prime Minister Menahem Begin; as a well-known Labor figure his assistance to the Likud was inestimable.

Offer's tragic suicide, the Prime Minister Rabin affair, the founding of the new party Dash and, above all, the surprising victory of the Likud, have all contributed to the fact that Yadlin's outrageous revelations about the Labor Party's leaders did not attract further attention. His trials which were sketchily covered closed the curtains on the most agitated period of political corruption. Noticeably, this decade full of intense scandals and dramatic revelations

did not result in any prosecution of high-level politicians.

Thus, in contrast to the era of Ben Gurion's unchallenged premiership where allegations were scarcely discussed in the public forum, allegations in the following decade spurred scandals and, occasionally, criminalization of some nonpolitical persons or low-ranking politicians. Nonetheless, in both periods the pattern that allegations of corruption against high-level politicians were not examined and resolved in court was clearly pronounced.

The years after 1977 have introduced a whole new range of power holders. In fact, except for Joseph Burg (NRP) who outlasted all political storms and crises, none of the politicians allegedly corrupt after 1977 appear among those allegedly corrupt prior to 1977. The reason, of course, is that since 1977 the Likud Party has controlled the executive branch whereas in the Labor Party the former leadership completely disappeared from political life. The strong relation between allegations of political corruption and hegemonic power is reflected in the fact that before 1977 only one MK affiliated with the right-wing Herut (Likud) was allegedly corrupt, while between 1977 and 1988 only two Labor MKs were similarly accused¹⁰.

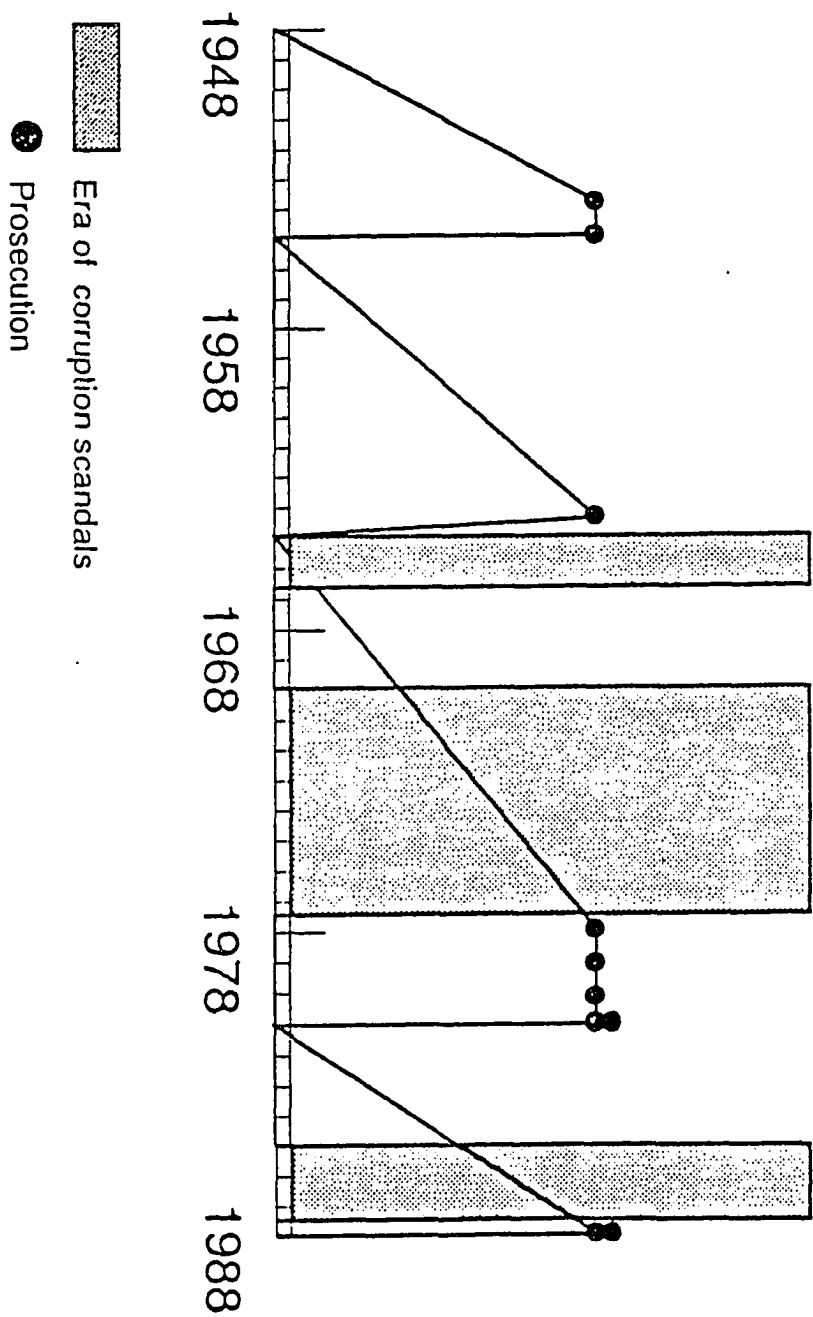
Curiously, the era of the Likud (1977-1988) was characterized by fewer scandals despite continuous challenge from the Labor Party (Figure 3).

In Likud's first term in power, corruption scandals derived from the trials of Religion Minister AbuHazira (NRP), and the allegations spurred by these trials known as the "Peach File" against Interior Minister Burg (NRP). The trial of Mayor Rechtman, in 1978, who was elected as a Likud MK less than a year earlier, did not develop into scandal mainly because the police had a firm evidence against him. Begin's Likud also enjoyed broad legitimacy in that year due to the peace treaty with Egypt.

Only in 1985 and 1986, very tense years politically because of the contentious rotation of premiership between Peres (Labor) and Shamir (Likud), that two loud corruption scandals erupted (The Land Scandal 1985; The Shabac Scandal 1986). Neither led to prosecution of any of the high-level politicians involved.

Not that scandals disappeared from 1977 on. To the contrary, Likud governments have ceaselessly been under political fire and relatively many more accusations were voiced against politicians, mainly affiliated with the Likud (table 5). Yet political corruption did not escalate into large-scale scandals. The reasons for that are discussed in Chapter Twelve.

Figure 3 - Eras of corruption scandals versus prosecutions



During the Likud era two major scandals occurred, both in years of the Likud/Labor National-Unity government. They displayed a dynamic similar to that of the scandals of the Seventies and had similar outcome: allegations against politicians in power who were involved in both scandals were not brought to court. Against one politician charges were pressed after he failed to be reelected to the Knesset.

The Land Scandal in 1985 involved Deputy Defence Minister Michael Dekel (Likud), Deputy Foreign Minister Roni Milo (Likud) and Prime Minister Shamir, and revolved around allegations that all had indirectly allowed, through different actions, the commission of a large scale fraud related to the acquisition of lands in Arab occupied territories by private business persons who, in turn, were required to express gratitude by contributing financially to Likud's 1984 election campaign¹¹. The scandal resulted in the criminalization of a private businessman and a low ranking politician¹².

To his surprise, Deputy Defense Minister Dekel was not elected by the 1988 Likud convention to represent the party in the Knesset¹³. Shortly thereafter, Mr. Dekel was prosecuted in relation to this affair, though at the present the trial is still in its preliminary proceedings and it has not been followed up by the press. The alleged involvement of both Prime Minister Shamir, and presently

Police Minister Roni Milo, did not generate an investigation. Minister Milo's role in the illegal fraud was raised again, though momentarily, in September, 1990, as the result of a court verdict for a civil lawsuit related to the case¹⁴.

The second large-scale scandal, termed the Shabac Scandal, erupted in 1986 - the "rotation year" between Shamir (Likud) and Peres (Labor). It revolved around accusations that both Prime Minister Shamir and Deputy Prime Minister Peres were each, in different degree, accomplices to the conspiracy of the General Security Services to cover up and conceal from the public, as well as from two official commissions of inquiry, the murder of Palestinian captives¹⁵. As in the scandals of the last decade of Labor governance, this scandal was concluded with the criminalization of appointed officials. They were, however, immediately pardoned by the President of Israel so a trial never took place.

In conclusion, political instability and challenge engendered in Israel, as reported in other countries, more allegations and more exposure of corrupt practices than in politically stable years. Yet, such exposure was not followed by an increase in prosecution. Nor did corruption scandals which excited the political system and aroused the public cry to a fever peak eventuate in

prosecution for the high-level politicians who were allegedly involved. In the era of Likud's powerholding numerous allegations of political corruption were decriminalized, as during the era of Labor. The assumption, then, that politicization and decriminalization occur regardless of political competition and scandals, has been supported.

In the whole history of the State of Israel not a single minister, deputy minister, and except for Mayor Rechtman, none of the MKs of either governing parties have been prosecuted for political corruption. Who were? The next chapter deals with this intriguing question.

Notes:

1. For the Lavon Affair, see Chapter Eleven
2. The Somerfine Scandal, Ha'aretz 9/5/66-12/1/67; Netivey Neft Scandal, Ha'aretz 19/9/71-27/8/1973; AutoCars Scandal, Ha'aretz 3/12/71- 23/1/73; Vered Scandal, Ha'aretz 27/10/74; Keren Sapir Scandal, Ha'aretz 24/4/73-14/8/74; Bank Eretz Israel-Britannia Scandal, Ha'aretz 10/7/74; Ha'Chevra Le'Israel Scandal, Ha'aretz 22/9/74-11/5/75. Coverage can also be found in both Yediot-Aharonot and Maariv. Also in the following books: Moshe Shalev, Menachem Portugali, The System [Ha'Shita], (published apparently in 1973. Name and date of publication are missing).
3. Appendix A: Rabin 1974
4. Ha'aretz 30/1/1975. However, my personal experience in 1988 taught me that the rules apparently changed. As soon as I returned to Israel after three years in the U.S. for my graduate studies, the IRS asked me to report whatever income I had earned in the U.S. in order to determine whether or not I owed taxes for this period.
5. Ha'aretz 26/4/74
6. The Yadlin affair was reported in all Israeli newspapers between 28/9/76 and 15/2/77. See also, Asher Yadlin, Testimony, Edanim Publication, Yediot Aharonot Edition, 1980.
7. Ha'aretz 15/2/77. Also, Yadlin, Testimony, opp. cit.
8. Appendix A: Offer 1976
9. Appendix A: Eban 1977
10. Until 1977 only MK Joseph Kremerman who was affiliated with the Herut Party (Likud) was publicly accused of corruption (Appendix A: Kremerman 1975). After 1977, only two MKs affiliated with the Labor Party were similarly accused (Appendix A: Peres 1986;1987 and Gil 1981)
11. Appendix A: Dekel 1985; Shamir 1986

12. The trial of Samuel Einav, a landbroker (Ha'aretz 12/12/85); Avi Zur, political assistant to Deputy Defence Minister Michael Dekel (Ha'aretz 17/12/85. On 15/2/88 he was still on trial); Two other landbrokers were acquitted of charges of bribery (Ha'aretz 12/3/1988).

13. Ha'aretz 12/3/88

14. Ha'Yir 19/9/90; 28/9/90

15. Appendix A: Shamir 1986; Peres 1986

CHAPTER SEVEN:

CRIMINALIZATION OF POLITICAL CORRUPTION

A corruption-related trial is not only a personal nightmare for politicians but is usually apt to strike a deadly blow to their political careers. Even if not convicted, the trial and the arguments of the prosecution are bound to hurt their prospects in politics. Those few who survive a conviction nevertheless carry the stain of criminalization. Conversely, a political career can absorb occasional rumors and allegations of corruption for these are commonly trivialized as inevitable bruises one acquires in the brutal world of politics. The careers and prestige, for instance, of top leaders such as Pinhas Sapir, Yigal Alon, Moshe Dayan, Joseph Burg, Yizhak Shamir, or Ariel

Sharon, were not affected by the temporary imputation of infamous political corruption. Even Rabin's wrongdoing, which came close to criminalization, were reduced to what was brought to court, namely, "Lea Rabin's bank account." Consequently, the negative effect on his career was minimal.

Politicians are very aware of the difference in the damage between an "allegation" and a "prosecution" of corruption. They know the stigma of a trial is hard to erase, regardless of the severity of charges. The late Housing Minister Abraham Offer, and a Labor high executive, Jacob Levinson, who committed suicide on the night they learned the allegations against them were to be criminalized, expressed this fear in their suicide notes. Like politicians, political parties fully comprehend the wounds a trial is likely to inflict on their reputation and legitimacy.

From the foundation of the State in 1948 to the present eight politicians related to ten cases have been brought to court. The political damage of the prosecution process for all eight politicians - four of whom were acquitted with one still on trial - has been substantial and irreparable.

What has accounted for the prosecution of these politicians? And, do they represent the powerful or the powerless among politicians?

The entire number of politicians prosecuted represents a statistically very small number from which to draw major conclusions. But it is, in fact, the only data available. Obviously, given that we are dealing here with the highest leadership of the state makes each of these prosecutions of symbolic importance. However, even this small number displays clear patterns and relationships which are both suggestive and meaningful.

The data indicate that the prosecution of high-level politicians accused of corruption was concentrated in politically unstable periods. Yet the political identity of the majority of politicians prosecuted was not related to a direct challenge of the ruling party: most politicians prosecuted (75%) were not members of the governing parties, and those who were came from local government.

There is, however, a clear relationship between prosecution and a state of instability of the ruling party: all prosecutions occurred in the first term of a new Prime Minister whose legitimacy was fragile: During the fifteen-year of Ben Gurion's premiership the only two trials were in those 14 months Ben Gurion was absent from the premiership. The prosecution of Mayor Berman occurred in the month Ben Gurion took a leave of absence due to pressure of his peers who insisted on him resting and reconsidering his request of resignation. The process of

prosecuting Deputy Minister Rosenberg started a few months later when Moshe Sharet, a gentle man who was considered outsider among the Labor leadership, was only five months the premier.

The single prosecution that occurred during the twelve-year subsequent era of Ben-gurion's successors occurred in 1965. Like Sharet, Levi Eshkol was in his first year of a nonelected premiership. He replaced Ben Gurion who resigned. Noticeably, two of these three politicians who were prosecuted during the entire three-decade of Labor rule (both Deputy-Ministers from the NRP Party) were brought to trial in election years.

During eleven years of Likud leadership, four of the five politicians brought to trial were prosecuted between 1978-1981, the Likud's first term in power and Menahem Begin's first time as Prime Minister. Not only were these years extremely agitated because of the Camp David initiative but Begin's victory was also perceived by his opponents, Labor and Dash supporters, as a catastrophe. Those who lost the elections were actually the dominant strata and Begin was aware of that. The decision to prosecute the fifth politician was made in 1988, shortly before elections. The only member of government brought to trial in this era was, as in previous years, an NRP Party member and was also prosecuted in an election year.

Political instability, however, cannot stand alone

as a determinant since various years of political turmoil did not result in prosecution of allegations.

As noted, throughout the years the majority of allegations has been voiced against politicians of the leading parties. Yet the data reveal that prosecution was inversely related to political power. There is distinct relationship among prosecution, power position and political affiliation (Table 6)

Table 6: Prosecution of political corruption and political affiliation

Govern-t	affiliat.	MKS	affiliat.	Mayors	affilia.
Rosenberg ^g	NRP	Plato	Fash	Berman	Labor
Raphael	NRP	Amar	Yahad	Aloni	Kash
AbuHazar	NRP			Rechtman	Likud

It appears that the phenomenon of prosecution at the highest level - members of government - applies exclusively to those members affiliated with the National Religious Party. This party has participated in almost

all coalition governments, whether Labor or Likud, from the foundation of Israel to the present. Yet, the party has never achieved in any of the Knesset elections more than 10% of the total vote, nor was its representation in governments larger than this proportion. Hence, the NRP, whose representation in governments was around 10%, has "contributed" 100% of members of government prosecuted for political corruption.

The next level in the hierarchy - members of the Knesset* - is also characterized by a distinctive feature: both politicians prosecuted were freshmen MKs, and affiliated with newly-formed parties. Samuel Plato-Sharon was the only MK of the Fash Party, and Shlomo Amar was affiliated with the Yahad Party which gained three seats in the 120-seat Knesset.

The lowest level refers to local government. One mayor indicted was affiliated with the then-governing Labor (Mapai), the second with a local party, and the third with the governing Likud (Liberals). The latter was also an MK and was, interestingly, as the other accused MKs, in his first term in the Knesset. Furthermore, all were mayors of peripheral cities.

* who are not members of government. The latter are usually also MKs.

Marginality, then, surfaces as a characteristic of those politicians who were prosecuted for corruption. It is manifested through political affiliation either with religious parties whose overall representation in the Knesset has never exceeded 15% (although their role has occasionally been critical in maintaining one of the major parties in power), or with small parties which did not participate in government coalitions and which had represented 1%-3% of the Knesset. Since the 1980s ethnicity, as another aspect of marginality in Israeli politics, has appeared as a characteristic of prosecuted politicians.

Politicians of Afro-Asian origin had had a token representation both in political parties and governments up to 1977. From 1977, under Likud's leadership, ministers of Afro-Asian origin were nominated to more prestigious ministries and, since 1981, their representation in the Knesset has gradually grown, although in the present it is still far behind their relative representation in the population. Since the 1980s both politicians prosecuted for political corruption were of Afro-Asian origin.

Over the years politicians have complained that the decision to prosecute them was biased by these aspects of marginality. Both Deputy-Minister Y.S. Rosenberg and

Deputy-Minister Yitzhak Raphael charged that a climate of intolerance against the religious world was behind the decision to prosecute them. Raphael blamed the press, particularly **Ha'rretz**, of persecuting him "only because of hate and aversion toward religious men." Minister AbuHazira who was both religious and of Moroccan origin emphasized prejudices driven by anti-ethnic sentiments. These charges were rebuffed and even mocked in the press. Also Plato-Sharon who contended that the decision to prosecute him for election practices widely shared by other parties was discriminatory, got a cold shoulder from MKs and journalists although, in principle, they supported his argumentation.

By and large contentions about discrimination, bias or partiality were forcefully rejected as a cheap tactic on the part of the defendants and their supporters for diverting attention from "bold abuse of power." There is, however, a strong relationship between prosecution and political marginality.

Religious politicians are over-represented in prosecutions at the highest level. Among politicians alleged to be corrupt, members of religious parties comprise 17.9% and members of non-religious parties comprise 82.1%, close to their general representation in the Knesset. Yet, among prosecuted politicians the representation changes to 37.5% and 62.5%, respectively.

Moreover, among members of government alleged to be corrupt, members affiliated with religious parties comprise 19%, while members affiliated with secular parties comprise 81%. Yet, among those prosecuted for corruption the representation is 100% and 0%, respectively.

Politicians affiliated with small opposition parties are also over-represented in prosecution. Among MKs alleged to be corrupt, members affiliated with coalition parties (large or small) comprise 80.43%, whereas MKs affiliated with opposition parties comprise 13.04%. In prosecution the representation is 60% and 40% respectively. However, in the category of MKs accused but not prosecuted, those affiliated with coalition parties comprise 71.73% while MKs affiliated with small opposition parties comprise 24%. In prosecution, the representation is 0% and 100%, respectively.

As mentioned, ethnicity as the basis for discrimination has been repeatedly raised in recent years. It has been a sensitive point since 1977 with the rise of the Likud to power - a fact that has been attributed to voters of Afro-Asian origin - and in light of the just-beginning empowerment of politicians of Afro-Asian origin. That the only prosecuted minister in Israel's history, for instance, was first-time minister

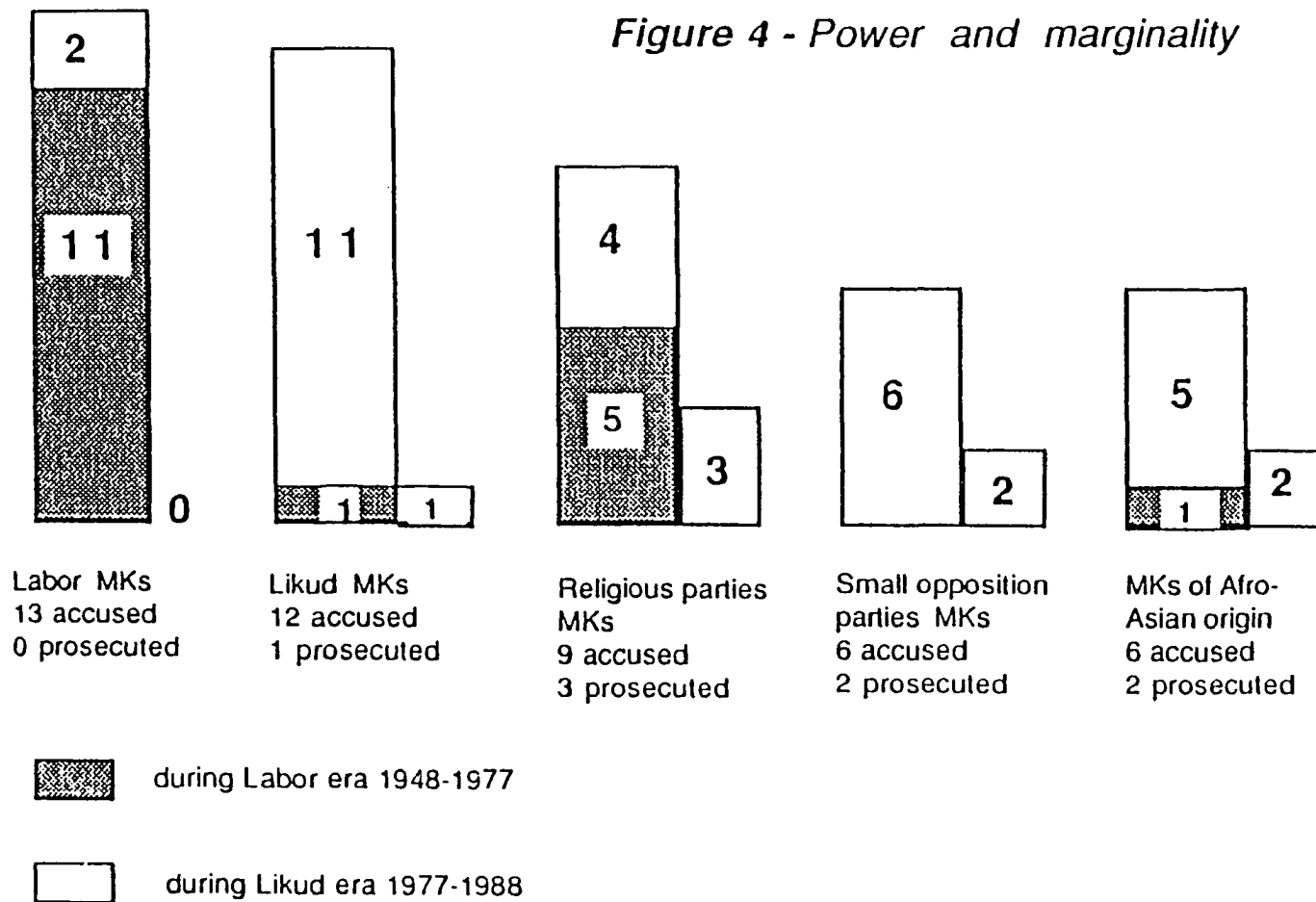
Aaron AbuHazira, of Moroccan origin (1980), or that the only mayor ever arrested and jailed for 10 days before trial (and eventually not tried at all) was the first-time Mayor Arie Azoulay, of Moroccan origin (1986); or that the three MKs of the much-attacked Tamy Party, who were of North-African origin, were all accused of corruption during the party's first term in the Knesset (1981-1984), roused bitterness and accusations of deliberate discrimination¹. Ashkenasim (East-European origin) have rejected such accusations and particularly during the trials of AbuHazira considered them "a dangerous stratagem that exploits ethnic emotions in order to obstruct justice."

The data indicate that politicians of Afro-Asian origin have been over-represented in prosecution since 1977, relative to their number among politicians alleged to be corrupt. Among politicians alleged to be corrupt they comprise 13.4% ; whereas among prosecuted politicians they comprise 25%. However, before 1977 MKs of Afro-Asian origin comprised only 5.5% among MKs alleged to be corrupt, less than their general representation in the Knesset, while after 1977 their percentage increases to 17.85%, closer to their general representation in the Knesset. Moreover, while they were not represented at all in prosecution until 1977, they

comprise 40% among those prosecuted after 1977 (and 57% of the incidents prosecuted).

Thus, while over the years the majority of allegations of political corruption have been voiced against politicians who are affiliated with the leading parties - those who govern and who are in close proximity to the main bases of power - prosecution has been related to political marginality (Figure 4). This supports the third hypothesis and proposition of the concept of politicization and decriminalization which hold that prosecution of political corruption is more likely for politically marginal politicians, or perceived "outsiders", who are alleged to be corrupt, than for powerful politicians.

The fact that both political instability and marginality play a decisive role in prosecution suggests a further observation: that an insecure political authority is more likely to encourage, indirectly, a more aggressive action by the police toward politically weak politicians. In such situations the political system might be less interested in or able to activate the process of politicization and decriminalization, while those who are on the margins of power might lack both the position and access to do so successfully. As a result, at moments of instability the criminal justice system



appears as the leading factor which performs its function "free from political considerations and pressures".

The process toward prosecuting politicians at the highest level draws certain support in relation to the role of the criminal justice system. In both cases, these of Deputy Minister Rosenberg and Minister AbuHazira, criminalization was pronounced by an unexpected and dramatic initiative of the criminal justice system. It was a sudden move carried out by a police raid on the headquarters of the NRP Party (Deputy Welfare Minister Rosenberg 1954) and on the Ministry (Religion Minister AbuHazira 1980). The prosecution of Deputy Health Minister Raphael (1965) was directly connected with the sudden arrest of the Director-General of the Health Ministry, Yehuda Shpigel (1963), though it was preceded by a commission of inquiry and a press campaign. All three cases aroused passionate scandals in the pre-prosecution phase, particularly that of Raphael and Abuhazira, and the press emphasized its role in securing the independence of the police investigations.

In the case of Deputy Welfare Minister Rosenberg (1954) the initiative of the criminal justice system was unprecedentedly independent². Both the Justice and Police Ministers expressed surprise and criticism over the decision of then Attorney General Haim Cohen to officially ask the Knesset to remove the immunity of MK

Rosenberg and of another religious MK, Shlomo Lorenz, without consulting them. On this occasion Justice Minister Pinhas Rosen told the public that two previous cases of suspected MKs were treated differently and without publicity³.

This revelation, coupled with the start-up of explicit criminalization (police raid), reinforce the impression that the Attorney General intended to take over the case before it could be politicized and decriminalized by politicians. Since such action was unique in the ten-year career (1951-1961) of Attorney General Haim Cohen under Prime Minister Ben Gurion, it accordingly suggests that his unprecedented initiative in May, 1954, was closely related to the fragile authority of then five-month Prime Minister Moshe Sharet who was utterly upset by his action⁴.

Deputy Minister Rosenberg was accused of violating the foreign currency regulations in relation to U.S. contribution cheques designated to his party. The final authorization to prosecute Rosenberg (removal of immunity) was given by the Knesset seven months later, in the midst of an election year.

Similarly sudden was the criminalization of Religion Minister Aaron AbuHazira in 1980. The accusations against him became known to the public by the same

dramatic act of criminalization - a police raid on the Religion Ministry. Such an explicit act against a minister, which had not occurred since 1954, was, no doubt, a loud announcement of criminal suspicion. In his case, too, both Police and Justice Ministers declared they had not been privy to the police initiative.

The event occurred in August 1980, after Israel's historical peace treaty with Egypt which precipitated large opposition toward the governing Likud from its right-wing supporters, and violent clashes between Palestinians and Jewish settlers in the occupied territories. And it was an election year, a very tense one, since the Labor Party was determined to demonstrate that Likud's victory in 1977 had been an aberration. AbuHazira was accused of receiving a personal bribe in return for his decision to favor certain Yeshivoth institutions in the allocation of public funds.

The prosecution of Health Deputy Minister Yizhak Raphael occurred two years after the allegations against him surfaced⁵. In January, 1963, he was accused of being privy to the unlawful plan of the Ministry's Director-General, Yehuda Shpigel, to extort kickbacks from hospital contractors and architects in the form of contributions to Yeshivoth under his auspice. Then the Police Minister declared that Raphael was not a defendant⁶ and, moreover, in the Shpigel trial, the

state prosecution resisted defence attempts to make him one⁷.

A year later, however, Ben Gurion was no longer Prime Minister. His successor, Levi Eshkol, succumbed to pressure from the Liberal Party to judicially investigate Raphael's deeds. It was in the midst of an election year, the first in which both Ben Gurion's new party, Rafi, and the Opposition's largest party, Gahal, challenged the ruling Labor Party. And, it was the first election campaign of Eshkol as Labor's candidate for the premiership. Eshkol, then, nominated a district judge as one-member Commission of Inquiry. Judge Golan's report later imputed grave suspicions regarding Raphael's involvement in the Shpigel case⁸. As a result, the Deputy Minister was prosecuted.

The criminal justice domination in these cases was sustained by a supportive press and facilitated by interparty rivalry. All three politicians were accused and prosecuted in elections years in which the hurly-burly of candidate selection begins. Furthermore, all three politicians belonged to factions in the NRP that challenged the party's leadership and, therefore, did not have the full support of their party.

In May, 1954 the Attorney General's request to remove immunity from MK Rosenberg of the NRP was approved

by the Knesset, while his request regarding Shlomo Lorenz of the Agudat Israel Party for a similar kind of offense was rejected⁹. The press revealed that Lorenz's party stood by him while Rosenberg lacked the support of his party's leading factions, headed by M.H. Shapira and Joseph Burg¹⁰. In 1965 Raphael's faction was challenging the leadership of the NRP Party, led by the then-ailing leader M.H. Shapira and his successor Joseph Burg. The decision to form a one-member commission of inquiry, which eventually led to the prosecution of Raphael, was made by Prime Minister Eshcol upon the request of Shapira (though the press reported that Raphael agreed)¹¹. In 1980, AbuHazira's faction was successfully challenging Burg's leadership in the NRP and, no less important, removing Burg's supporters from power positions in the instrumental Religion Ministry¹². Joseph Burg was at that time Police Minister.

The powerful Minister Burg, who had served in the government of Israel for 34 consecutive years and who led the chief faction in the NRP, was the sole minister affiliated with this party, against whom repetitive allegations since the 1960s¹³ failed to result in prosecution. In 1981, while he was Police Minister, the infamous "Peach File" affair, which raised suspicions of corruption on his part for party purposes, resulted in him dismissing the Police Commissioner Herzl Shapir who

attempted to independently inquire into the case, and with the prosecution of a low-ranking politician¹⁴. An outcome which has been characteristic of scandals related to powerful leaders of both Labor and Likud parties.

The behavior of the press in the cases of Raphael and AbuHazira, in both the stages of allegation and prosecution, was similar in terms of intensity and negativity. In this respect the press campaigns against both have had no equivalent in other cases of politicians, whether accused in public or prosecuted, during forty years of statehood. A whole decade after Raphael's acquittal, the influential **Ha'aretz** hindered time and again his nomination for ministerial post by a flurry of discrediting articles. AbuHazira's acquittal was belittled by the press which emphasized the practices of deceit in allocating public funds that had been revealed in the trial. When he was found guilty in the second trial, related to a small charity foundation he chaired, the press reacted toward the verdict as though it were evidence of his having been guilty all along.

Generally, the press overlooked the Raphael and AbuHazira acquittals and instead vigorously blamed religious circles for sabotaging the prosecution by extraneous pressure on the witnesses. The poorly substantiated cases the prosecution brought to court was

conspicuously not criticized. Characteristic of the Fifties, the case of Rosenberg, which concluded in dismissal of charges in a preliminary hearing, was scarcely discussed by the then-uncritical press.

However, despite the stark press and public rejection of contentions about preconception and discrimination, not a few pointed out the different treatment of the (non-religious) minister Yigal Alon, or that of Interior Minister Joseph Burg (of Ashkenasi origin). Alon's involvement with contributions channelled from a public-dependent institution to party-related ones occurred a year after Raphael's prosecution. Burg was accused of the same outrageous practices as AbuHazira, only a few months later.

The results of prosecution at the highest level reveal a further similarity. In all three cases the state prosecution relied in court on one major witness who himself was a defendant. Likewise, the motive of political gain behind the abuse of political power and office was emphasized as central. However, the court found the witness unhelpful (in the Rosenberg case), unwilling to testify (in the Raphael case) and unreliable (in the AbuHazira case), and acquitted Rosenberg (1954), Raphael (1965) and AbuHazira (1981). In all three cases the State did not appeal.

The same day Abuhazira was acquitted, a second charge was filed with the court¹⁵. It revolved around allegations that six years earlier, when he was the mayor of Ramla, he personally benefitted from public funds from a charity foundation he chaired. The court found him guilty and sentenced him to three months in prison suspended in lieu of community service for the same period. The minister resigned and charged that his second trial had been processed by the criminal justice apparatus "in order to save the system's prestige and counter ethnic resentment" after his acquittal in the first major trial.

Noticeably, despite acquittal, the damage to the political careers of all three politicians has been critical. Though they remained in politics the shadow of their trials accompanied them and its stigma reappeared, like a sword of Damocles, each time their prospects to advance up the political ladder have arisen.

Political marginality characterizes prosecution at lower levels as well. At the levels of MKs and mayors this had also been reflected in the negligible press coverage of both the allegation and trial stages. Except for Mayor Rechtman, whose 1978 trial attracted much attention since he was also an MK and affiliated with the first-year governing Likud, all other cases had generated

few front page headlines and only sporadic coverage. Samuel Plato-Sharon and Shlomo Amar were freshmen MKs, both affiliated with new and small opposition parties and, furthermore, the accusations against them appeared rather ambiguous. David Berman and Abraham Aloni were mayors of peripheral cities and their cases were treated by the press as local affairs.

Samuel Plato Sharon, a French-Jewish millionaire and a generous contributor to Israel, was accused in 1976 by the French authorities of large-scale fraud¹⁶. Subsequently, he escaped to Israel and, in the spring of 1977, ran for the Israeli Knesset in order to avoid his "persecution in France as a Jew" and, therefore, to "acquire immunity from an anticipated French Government request for extradition." When he won two seats, one of which he gave up since he was the only member on his slate, many in Israel were outraged, especially among the intelligentsia. Immediately after election MK Shulamit Aloni of a small liberal party, complained to the Elections Supervising Committee that wealthy Plato-Sharon had bribed the electorate with false promises and money. Another citizen filed an official complaint with the police. These complaints did not lead to prosecution for two years.

As Plato-Sharon's trial in France was approaching, his membership in the Israeli Knesset became more and

more embarrassing since, according to the press, it spurred anti-Jewish and anti-Israeli sentiments among the French public. The same month Plato-Sharon's trial started in France (in his absence), the Attorney General requested the removal of his Knesset immunity for the charges of election bribery. Noticeably, Plato-Sharon's trial was scarcely covered by the media despite being the first-ever trial of an MK for election bribery. It was as though the press affirmed, indirectly, that election-bribery was hardly the "real issue." Two months before the 1981 election, he was found guilty and sentenced for three months to prison, suspended in lieu of community service for the same period. He failed to be reelected to the Knesset.

The other MK brought to trial was Shlomo Amar¹⁷. As the chairman of Egged, a monopolistic public transportation cooperative, he was one of the figures Ezer Weitzman gathered around the new party, Yahad, he founded in the spring of 1984. At the end of a short and expensive campaign the party gained three seats in the Knesset, one of which went to Amar. However, a week prior to election, Amar's rival for the chairmanship of Egged accused Amar of illegally tapping his telephone. A year later, in 1985, the Attorney General asked the Knesset to remove his immunity on the charge that the MK had

unlawfully listened to the illegally-acquired tape of the telephone calls. The House Committee refused.

Five months later Amar was accused of election bribery and a month later of bribing his way out of reserve duty in the army. Almost two years later, in January, 1988, the Attorney General again asked the Knesset to remove Amar's immunity, this time for participating with his lawyers in a meeting with a witness who was under investigation in relation to the reserve duty/bribe allegation (though the case itself was not brought to trial). Shlomo Amar, who had been preoccupied with accusations against him from the first day of his Knesset term to almost its last, did not protest. The Attorney General surprisingly asked the House Committee to remove Amar's immunity also for the offense which he had allegedly committed four years earlier: i.e. unlawful listening to the illegally-acquired tape. The Knesset approved. Both trials have still not been concluded. Obviously, Amar did not seek reelection.

At the local government level, news about prosecution of Mayor Berman and Mayor Aloni¹⁸ hardly transcended the city borders. Accusations against them were voiced by their local political rivals and the decision to prosecute them was delayed. David Berman was

accused in 1952 and prosecuted almost two years later; Abraham Aloni was accused in 1973 and prosecuted seven years later. Both were acquitted. As already noted, Mayor Samuel Rechtman's trial did not engender scandalous coverage¹⁹. He was found guilty for granting privileges to a contractor in return for a 15,000 dollars-worth bribe, and sentenced to three and a half years in prison. His affair represents the courts' most severely dealt with case of political corruption in Israel.

Prosecution of mayors has had the same ruinous effect as for these at higher levels. Mayor Berman was forced by his party to resign. Mayor Aloni was not reelected as mayor. Rechtman tried to reengage in city politics after his prison term and failed.

Chapter Seven: Summary and Conclusions

The summary of the findings regarding prosecution of high level politicians in Israel is as follows:

a) prosecutions occurred in years of instability of the ruling party, and especially of the authority of the Prime Minister. All occurred when the PM was in his first term, and during Labor's rule also when the PM was in his first year in office.

b) **most** prosecutions were against politicians who were not affiliated with the governing party (six out of eight politicians).

c) at the highest level of government, **all** prosecutions were against politicians affiliated with the National Religious Party; whose power-position in that party was at that moment challenged; and in an election year.

d) at the lower levels **most** politicians prosecuted (three out of five) were affiliated with new small parties.

e) **all** three convictions of high-level politicians occurred during the Likud era.

e) prosecutions of **all** politicians, regardless of verdict, were politically highly damaging.

The level of political corruption in Israel has been virtually defined by the cases of those high-level politicians convicted; three in the whole history of the state. According to these, "political corruption" in the Israeli political system appears as a rare phenomenon which occurs almost entirely at the local government level. Yet, since the research has demonstrated that many more allegations were voiced, and the press has depicted since the 1970s widespread political corruption, the legal definition has crystallized a major fact about

political corruption in Israel: politicians in general, and particularly politicians in power, have rarely been prosecuted for political corruption.

Those who have been prosecuted are, firstly, very few, and secondly, the less powerful among politicians. Furthermore, the State prosecution has, for the large part, failed to substantiate the charges in those cases which it had decided to prosecute.

This chapter has pointed out three patterns which characterize prosecutions in different levels of government. Striking support for the pattern at the highest level was provided in the summer of 1990 with the sensational criminal investigation of Interior Minister Arie Derie, affiliated with the religious party, Shas, and a first-time minister, of Moroccan origin²⁰. Derie's party, Shas, is comprised of six MKs who are all of Afro-Asian origin.

Accusations against Derie were voiced shortly after the dissolution of the National Unity Government caused by Shas and led by Derie. His political maneuvers, designed to form a narrow-based Labor government, challenged Shas's leader, the hawkish Rabbi Yizhak Perez, who broke with the party. Eventually, however, the Labor/Shas political plan was frustrated by growing opposition within Shas and this party, including Minister Derie, supported the narrow-based Likud government, while

the Labor Party whose hopes withered away remained in the opposition.

Derie's unsuccessful scheme defamed him in the eyes of both Labor and Likud, and his former extremely popular image in the press was abruptly tarnished. A month later, Derie was accused by the **Yediot Aharonot** newspaper of fraud related to the ownership of his private home and of abusing his power for partisan purposes through unlawful misappropriation of public funds to party-related institutions. The police began to inquire into the allegations and the press followed up the criminal investigation with revelations of its own.

The criminal investigation against Derie and the sensational press coverage aroused complaints of both ethnic and religious discrimination, and a group of citizens, mostly religious and of Afro-Asian origin, organized almost instantly under the provocative slogan - Equal Justice. They provided the press with various cases of alleged corruption, among them against ex-Science Minister Ezer Weitzman (Labor), Health Minister Ehud Olmert (Likud), and Police Minister Roni Milo (Likud), all secular and of Ashkenasi origin. The group contended that neither the criminal justice system nor the press had pursued the allegations against them or demanded prosecution. On September 16, 1990, fifty police investigators were assigned to the case and on October

12, 1990, the press revealed that the police has already recommended Derie's prosecution, though more allegations are still under its investigation.

The pattern of prosecution of political corruption at the level of members of the Knesset reappeared recently. In August, 1990, the Attorney General asked the Knesset to remove immunity from Mohammed Miari²¹, a Palestinian Arab MK (second term) affiliated with the opposition party, the Progressive Movement For Peace, which represents less than 1% of the Knesset. This party is the first which has been formed not under the auspices of a Jewish political party. Miari is accused of violation of law by expressing support, two and a half years ago, for the "boat of peace" the PLO had intended to sail to the shores of Israel. In October 1990, the House Committee approved the request (with the support of both Likud and Labor members) and recommended to lift Miari's immunity. By one vote, the recommendation failed to be approved by the Knesset. Based on MK Shlomo Amar's precedent, however, MK Miari is not immune from prosecution; when circumstances are more favorable, the Attorney General can request again the lifting of his immunity for the same offense.

Noticeably, the prosecution of Minister Arie Derie, of Afro-Asian origin, and of MK Mohammed Miari, who belongs to the Arab-Palestinian subordinate minority, if

implemented, would reinforce the relationship which has been found between prosecution of political corruption and political marginality.

No doubt the findings of this research entail disturbing conclusions. The pattern of prosecution of political corruption in Israel - which has been closely tied with political marginality - as well as the character of what eventually has legally been defined as political corruption, contradicts the age-old idea about power and corruption. As noted, the conclusive definition of the courts depicts an extremely rare phenomenon although there have been many more allegations of political corruption and these have predominately been voiced against politicians who held executive power. Many of them provoked massive scandals which exposed severe corruption.

Nevertheless, this phenomenon portrayed by both the press and scandals, remains as "allegations of corruption," opinions or rumors about corruption. However, if one is to argue that what has been spelled out by the press and public opinion provides the "real" definition of corruption and corrupter, regardless of legal convictions, the research has shown that this may be problematic to follow; there have been years when political corruption "did not exist", according to press

coverage, as in the era of Ben Gurion. This subject is the focus of discussion in the next part of the study.

Furthermore, from the pattern of prosecution at the highest level of government may be drawn the socially-dangerous conclusion that, in Israel, political corruption characterized powerholders who are members of religious parties although they are a minority among both governing elite in particular and high-level politicians, in general. From the Eighties another trend surfaces. Prosecution becomes associated with high-level politicians who are also of Afro-Asian origin. In Chapter Twelve I attempt to explain the reasons for the relative vulnerability of religious and and Afro-Asian politicians in terms of public attitudes and press reaction.

The alternative conclusions are no less disturbing. They suggest that what has been rumor-mongering and public cynicism and disenchantment namely, that powerful high-level politicians "get away with political corruption" might be grounded in reality. This research has shown that the widely recognized relationship between power position and enforcement of law in society, is reflected in the political system as well. After all, the political system, like society, has its marginal players.

Inevitably, popular beliefs that political power transcends the power of the law, or Marxist-oriented contentions that the court is an oppressive instrument in

the hands of the ruling elite, where judgements are stacked against the lower strata, are likely to grow and be subtly strengthened by the overall impact of the pattern of prosecution which has been revealed in Israel. Moreover, corrupt practices, if any, are certainly not likely to be eradicated from the political system since powerful high-level politicians may come to believe that there is not much probability of their prosecution for corruption.

The ruinous effect of prosecution on the political career of politicians should draw attention to contentions, raised by prosecuted politicians, of partiality and vulnerability. The possibility that prosecution of corruption is not a random phenomenon but rather related to vulnerable politicians need not concern only vulnerable persons and groups. It might contribute to the persistence of political corruption by periodically diverting the attention of society from much substantial and damaging corruption of far more powerful politicians. While society temporarily rejoices in the downfall of a few "rotten apples", the "tree" may unjustifiably appear pure and healthy by conveying the erroneous impression that **"whenever** the abuse of political power is uncovered the law is enforced without fear or favor."

Furthermore, the fact that certain politicians were prosecuted for practices which might have been overlooked in others might point to a dangerous implication. Instead of being an impartial deterrent, the law might serve as a political deterrent for extraneous purposes.

In principle, the "practical definition" of political corruption by the State prosecution is not detached from political authority. The phenomenon of political corruption, like other types of criminality, is virtually shaped by decisions to investigate and prosecute certain cases, as well as to ignore or decline to prosecute others. In contrast to decisions about common lawbreakers, however, decisions about high-level politicians usually involve more complex considerations and processes.

Politicization and decriminalization of political corruption are sophisticated processes. They rely on the thunders and fogs of scandals as well as on the docility that thrives in the agreeable state of political stability. In the following part are delineated and discussed both the political background and 'mechanisms' that have afforded the existence of this process in Israel.

Notes:

1. Appendix A: AbuHazira 1980/1981; Azoulay 1986; The Tamy Party was founded in May, 1981, by Minister Aaron AbuHazira who broke with his former party, the NRP, after his acquittal in the bribery trial. Tamy gained three seats in the Knesset and joined the Begin government. The party also caused the dissolution of this government in 1984. During its first term, all of its three MKs were accused of corruption. See Appendix A: AbuHazira 1981; Rubin 1981; Ouzan 1984).
2. Appendix A: Rosenberg 1954
3. Ha'aretz 25/5/54
4. Moshe Sharet, Personal Diary, (Volume of year 1954), Maariv Publishing House 1978, p. 508-514
5. Appendix A: Raphael 1965
6. Ha'aretz 27/1/63
7. Ha'aretz 19/5/63; 9/9/63; 12/9/63
8. The Golan Report, Health Ministry Publication 1966
9. Ha'aretz 27/5/54. See also Appendix A: Lorenz 1954, and Appendix B.
10. Ha'aretz 25/5/54
11. Ha'aretz 19/10/64
12. Ha'aretz 31/8/79; 6/12/79; 13/12/79; 3/1/80; 21/2/80; 22/2/80; 24/2/80/24/2/80; 9/3/80; 10/3/80; 13/3/80; 13/7/80;
13. Appendix A: Burg
14. Police Commissioner Herzel Shafir was dismissed in 1/1/81 and Mordechi Vinberg, mayor of the tiny village Ganei-Tikva was investigated (Ha'aretz 24/8/81) and prosecuted. See also Chapter Twelve.
15. See coverage in Ha'aretz 25/5/81. On the front page the paper reports the Minister's acquittal, and on page 8 it reports that a second indictment was filed with the Tel Aviv District Court.
16. Appendix A: Plato-Sharon 1977

17. Appendix A: Amar 1984/1985/1986/1987
18. Appendix A: Berman 1953; Aloni 1980
19. Appendix A: Rechtman 1978
20. Yediot Aharonot Magazine 15/6/90; Hadashot Magazine 15/6/90.
21. Yediot Aharonot 17/9/90

PART THREE:

DECRIMINALIZATION OF POLITICAL CORRUPTION

CHAPTER EIGHT:

THE GENERAL PROCESS OF DECRIMINALIZATION

Allegations of political corruption against high-level politicians have been a common phenomenon in Israel. Prosecutions, however, have been very uncommon. Throughout the years there is a consistent pattern indicating that the majority of allegations, particularly those against politicians in power, have not been examined and resolved in the courts and have rather been decriminalized, either consequentially or explicitly by an official agency. This pattern has been constant regardless of the party in power or a period's historical

specificities. In Israel's entire history three high level politicians, at both state and local levels, were defined by the courts as corrupt, two of the three for low-level violations. It should be therefore acknowledged that the term "political corruption" pertains in Israel to the political system's bad reputation rather than to proven deviancy.

This study maintains that there is a relationship between a political system's corruption-free legal record and the tendency to treat accusations of political corruption through nonjudicial channels. It argues, furthermore, that the circumvention of the courts in resolving allegations of high-level political corruption is closely related to the poor ability to both define and treat the phenomenon of political corruption as a crime and thus to eradicate it.

As previously discussed, most scholars do not regard the aspect of 'illegality' as representing the essence of the phenomenon of political corruption. In general, descriptions and analyses deal with corrupt practices regardless of whether or not they are defined as illegal by the law or, practically, by the courts. By contrast, this study regards the aspect of illegality as the most central since, as argued, this alone differentiates, at least definitively, among diverse value judgements, interpretations and power-influenced perceptions. Despite

their narrowness, the criteria of the law draw a consensual line between the proper practice of political power and its intolerable abuse.

For politicians illegality is also the cardinal issue since this yardstick greatly determines the consequences of an allegation of political corruption. Both politicians and parties can easily cope with elusive accusations of improper use of power and political office whereas a definition of the same acts as illegal attacks the core of their legitimacy as lawmakers and law enforcers and generates irreversible damage. The illegal aspect of the phenomenon is equally crucial for the political system as a whole. The notion that "political corruption" represents more rumors and exaggerations than factual crime is critical for maintaining the political system's basic legitimacy intact.

Therefore, it is not implausible to assume that politicians and political parties are greatly concerned about whether or not an act, alleged to be politically corrupt, is defined as illegal and that they accordingly prefer to avoid the test of its definition in court.

The concept of politicization and decriminalization argues that allegations against high-level politicians are likely to pass through a process of politicization whose major aim is to mitigate the negative outcome of a questionable act by removing its deviant (illegal/

criminal) component. It does so, specifically, by avoiding the definitional process in court. The critical factor is the court since its absence in a judgmental process assures in itself the decriminalization of an incident.

This premise is based on the fundamental principle that the court is the sole social institution vested with the authority to criminalize a person or a behavior. Hence if a publicly known suspicion of crime remains outside the boundaries of a court it is unavoidably decriminalized, regardless of public perceptions or beliefs about it. The decisive determinant is the court since without it criminalization simply cannot occur. Its absence, therefore, creates a general rule: decriminalization of political corruption, as of any other alleged crime, occurs whenever a suspicion is not brought to the judgment of the courts. Accordingly, political corruption which is not defined as such by the law and practically by the courts, does not represent crime but the current values, beliefs, interpretations, or power relations in society regarding a political phenomenon.

Throughout Israel's history the courts were rarely asked to examine allegations against high-level politicians and this has significantly minimized the possibility that alleged abuse of political power would

be subject to criminalization and thus make explicit the criminal character of the phenomenon. Although the importance of the court's role in defining what is or is not political corruption was underscored by attorneys general in Israel when they insisted upon a prosecution of a high-level politician, in the majority of incidents such a definitional test was not sought.

This chapter delineates the common characteristics of the process of decriminalization regarding high-level politicians. The next chapters look at its manifestation in the specific example of Israel. The general exposition aims to draw attention to general 'mechanisms' and rationales that come into play when a high-level politician is publicly accused of political corruption. The attempt to break down the process into generalizations corresponds to the underlying assumption of the study that regards the reactions toward, and treatment of, high-level politicians as an 'organic' part of the political process rather than a 'conjunctural' occurrence. What appears particular and circumstantial would seem to be the general.

This is also useful for theoretical clarity. The 'general' and 'systemic' factors may be lost in an analysis which encompasses a long period of time and addresses historical specificities, as it is done in the next chapters. In order not to subordinate the general to

the particular and vice versa I have therefore separated between both although the one embodies the other.

Decriminalization as a general process

Decriminalization need not be the result of an explicit procedure or action. It occurs as the result of both actions and inactions, within or outside the criminal justice system. The 'passive' form of decriminalization refers to the phenomenon of "letting go" a suspicion without any investigation and, as a result, the alleged act and/or its perpetrator are decriminalized. 'Active' decriminalization refers to a judgmental and discretionary decision which reverses an initial criminal definition.

Both forms occur on a daily basis in the criminal justice system where police officers, district attorneys or judges, decriminalize allegations of crime and alleged offenders as a result of their discretion and judgment and so redefine them as noncriminal. Generally, active decriminalization is regarded as a professional practice and part of the routine work of the criminal justice

system. Passive decriminalization which does not derive from a publicly known general policy of nonenforcement (i.e. smoking marijuana) is usually regarded as an individual phenomenon, particularly attributed to police officers who disregard an unlawful act, and as such it is frequently criticized¹. By and large, however, decriminalization exercised by the criminal justice system is conceived as being apolitical and objective.

In the area of political corruption, decriminalization is markedly different. In its passive form it is the outcome of a process which occurs outside the criminal justice system whose legitimacy to disregard an accusation is closely bound to the reactions of both the public and political arenas. Active decriminalization, too, is exercised under different rules since accusations in this domain, particularly when they involve politicians at the highest level, are frequently treated in a special manner; both the investigation and discretion over illegality are often transferred from the criminal justice system, or from its common practitioners, to other investigative agencies or to "special" functionaries within the criminal justice system. Here, too, the specific methods employed in each case are highly influenced by the reaction to it on the part of political parties and the media.

The distinctive process of decriminalization in the area of political corruption derives from the fact that the whole process from accusation to resolution usually unfolds in the public forum. This is what has been termed in this study as the stage of politicization. The major characteristics of this stage are, firstly, that an accusation becomes more "political" than "criminal" and, secondly, that it is transposed to the public sphere.

Thus, by becoming a "public" and "political" issue rather than just a "suspicion of crime," an accusation of corruption against a high-level politician is less likely to receive ordinary treatment, that is, to call into action the operation of the criminal justice system. Rather, the involvement of politicians in defining and interpreting the behavior in question is regarded as a natural concern and so justifiable. Accordingly, the media, as the public forum, plays a central role in exposing and meanwhile interpreting the case whereas the criminal justice system tends to stand by till the fog of the controversy clears up. The key point is, however, that in this state of affairs those who debate the nature of the act and its "proper" definition (is it corrupt or noncorrupt?) and assess professional questions such as whether or not a criminal investigation is necessary, or how to carry it out, are not professional investigators but interested politicians and members of the media.

As the major role subtly shifts to politicians and makers of public opinion, the resolution of an allegation against a high-level politician becomes inevitably tied with and highly dependent on the reaction of both. If there is no pressure or effective insistence to investigate, passive decriminalization occurs already in the initial stage of exposure. Whatever the ground or rationale; i.e. both the press and political parties do not insist on investigation either because the explanation given by the accused politician is considered satisfactory or because of any undeclared reason, the fact is that judgment as to the 'corruptness' of the act (i.e. the implicit decision to disregard the accusation) has been made by persons other than the professionals in the criminal justice system. In other words, the possibility that such a discretionary decision has been influenced or constrained by extraneous considerations is always present².

This form of passive decriminalization is not likely to arouse any special protest from the general public since the phenomenon that allegations of political corruption appear in the press, provoke momentarily a certain tension and shortly thereafter vanish from sight, is not uncommon. In general, if the press and the political system let an allegation go, it is likely to disappear. As a result, the act which was initially

termed "corrupt" is consequentially decriminalized and the accusation thereby remains merely an "unfounded rumor", or an "opinion" on corruption.

Passive decriminalization in the area of political corruption, meaning decriminalization which is neither the result of an investigation nor determined by the criminal justice system, occurs sometimes in a more advanced stage of exposure. Prior to an investigation or in the midst of deliberations about it, it happens that an accused politician resigns from office either because of pressures from his/her party or due to increasing voices of disapproval. This dramatic event usually halts the whole process since the rationale for scrutiny does presumably no longer exist. The "punishment" a politician takes upon himself/herself is articulated by politicians and the media as severe enough and satisfactory; the accusers get their satisfaction, without a trial whose outcome of course is not assured, the public is luckily spared a nasty quarrel and the political system an unwarranted agitation. In summary, since there is no longer a "cause" an investigation appears superfluous and the accusation therefore is let go³.

The rationale obviously overlooks the other side of the coin, that is, the possible advantages for both the accused and the political system in discontinuing the probing into allegedly corrupt behavior. It also

justifies as it trivializes the fact that the decision over an accusation of corruption has been entirely removed from the justice apparatus and has rather taken over by interested politicians and the media. The tendency of media commentators in these instances to praise the role of public opinion whose moral power, it is said, drove a politician out even though he/she was but suspected of corruption, further reinforces the notion that political corruption is more a matter for the public to deal with than for the court.

Passive decriminalization of an accusation against a high-level politician occurs also as the result of the scandal it provokes. The intrinsic dynamic of scandals assists in defusing an allegation of corruption by mingling it with many other accusations against relevant and irrelevant parties and by confusing and burdening it with a labyrinth of details which are almost impossible to follow or comprehend. However, if figures other than the accused politician are involved, such as appointed executives, low-ranking officials or private business persons, and in the midst of the scandal an official or criminal investigation starts against them, both the political system and the media tend to lessen the attention toward the high-level politician who was initially accused⁴. Whether this occurs because the new focus attracts the attention of the public or because a

pause is conceived as necessary till more evidence is obtained through the ongoing investigation, it is, however, not uncommon to discover in the final analysis of a scandal that the specific accusation against the high-level politician has evaporated with no investigation or explanation. Thus, although the accusation was at first not disregarded it was eventually let go and consequentially decriminalized.

The major implication of these three major forms of 'passive' decriminalization does not lie in the personal aspect. Though

a politician may personally benefit from the outcome, the important factor to notice is that political corruption is dealt with by politicians and the media. They are those who often "judge" and redefine, whether explicitly or implicitly, what is or is not political corruption. The definition of a politically corrupt act is then less the propriety of the act and more of its definers.

In the event the reaction of the media and/or political parties makes an investigation inevitable, the decision to investigate does not imply that the case would be automatically subject to the common process of investigation in the criminal justice system. Politicians can still influence the fate of a case by determining the method of investigation which redefines the alleged act

as noncriminal from the outset and so limits its possible consequences and damage.

A decision, for example, to refer an allegation of corruption to the examination of an administrative body such as the Auditor General (or State Comptroller) rather than to the police redefines, in effect, the questionable act as having an "administrative" nature rather than a "criminal" one⁵. Similarly a decision to investigate an allegation of political corruption in the Ethics Committee rather than to refer it to the D.A.'s office actually redefines the act as an "ethical wrongdoing" and therefore, politicians rather than apolitical investigators, are those who exercise discretion in judging it⁶. Although the resolutions of both investigative bodies might be punitive, and even cause the resignation of a politician, the criminal component has nonetheless been removed. In this form of treatment what is important to remark is that the nature of the act is implied in the method of investigation and that discretion and judgment have already been exercised in choosing it.

The prevalent decision to investigate alleged political corruption through a commission of inquiry or other kinds of "special" inquirers has similar implications. The process of politicization which transforms an accusation into a political controversy

provides the rationale for the established practice to investigate charges against high-level politicians through a special framework that substitutes for the common investigative and/or judicial process applied to alleged lawbreakers. Often a special inquiry acquires a broader purpose: i.e. to consider the "public aspects" of the questionable behavior and not only the presumably narrower aspect of "criminality." The broad framework and the public interest focus gives a commission enough room for emphasizing improper aspects of an enterprise, or inappropriate behavior which "does not concur with standards expected from public office," rather than determining the more demanding aspect of criminality, in terms of proof. While such a resolution may be sufficiently damaging and even cause the resignation of a politician involved, this "punishment" does not carry a criminal stigma and, in this respect, considerably diminishes both the personal and political damage.

Resignation of a high-level politician is a prevalent sanction in corruption-related affairs. Although when it occurs it is perceived as a political debacle, it generally reinforces notions which are convenient to the political system as a whole. Such a resignation firstly promotes the idea that "the system works." It then fosters the belief that "political corruption" largely refers to public norms since the

punishment is public-oriented. It also enhances the perception that political corruption is an individual phenomenon, a problem of specific "bad apples" which need to be removed. Their removal, as dramatic and serious as it is, is justice being meted out in the hands of the political and public arenas. This circularly nurtures the perception that political corruption is a "political" phenomenon whose control is rightly in the hands of both politicians and public opinion.

However, in the event a commission of inquiry points out illegal aspects against a politician it is not accordingly empowered to make a legal judgment. Special investigative bodies usually have legal power regarding witnesses yet they are not vested with the authority to legally criminalize an act or a person. Thus the case in which a commission raises criminal suspicions still has to be reviewed by the professionals in the criminal justice system, a process which the special inquiry obviously postponed.

The time that meanwhile passes by contributes to mitigating negative effects for the party of the accused politician; recommendations of commissions of inquiry are made months after the scandalous allegation first appeared and are therefore less likely to revive a debate over questions which were left out, or over broader implications of the case. The spotlight is rather

concentrated on the suspect who "fell from grace," though the subsequent judicial proceedings, if carried out, are seldom followed up. Noticeably, in the final analysis of the work of a commission of inquiry one may learn that the same dynamic peculiar to scandals is likely to work here in targeting a few rotten apples in the lower rather than higher echelons of the organization under scrutiny.

It is important to note that the method of a special inquiry in all its variants is not divorced from political influence. A special investigation can be controlled, to a certain extent, by politicians through the selection of inquirers whose partisan penchant or conception of what is in the public interest, alongside their impeccable skills, may be more prone to favor the political interpretation of a case. The different rules and sometimes low visibility of the investigative process of a special inquiry, compared to that in court, may also influence both its framework and emphases in ways which round problematic corners⁷.

The purpose in addressing these points is to draw attention to the essential process. That is: to the tendency of political power to remove political corruption that come to light from the scrutiny of the judicial arm, either by establishing or by choosing other routes for judgment.

In general, protest over referring an allegation of corruption to a special investigative body is limited by the circumstances of its exposure. As noted, the decision to investigate an allegation against a high-level politician is often made after a bitter political debate and public pressure, during which the 'corruptness' of the act becomes ambiguous, thus the mere decision to officially investigate is perceived to be a victory of the accusers. Consequently, further insistence on a court trial is articulated as "persecuting" the accused, "predetermining the verdict" and, above all, as expressing distrust toward prestigious and respectable institutions which are proposed to investigate.

Established political parties, at any rate, do not tend to press for a criminal investigation against rival politicians and prefer to limit their political gain to the public aspects of the affair. Therefore, the decision to probe into a case through a special inquiry, does not usually encounter effective objection and it is approved by the major parties.

Neither does the practice generate criticism from the general public. In the case of high-level politicians the method of "special" inquirers is generally accepted by the public as a common and satisfactory procedure. This conception is rooted in, and sustained by, three

interrelated rationales which are promoted explicitly and implicitly by politicians.

Firstly, there is the credibility and integrity of respectable investigators, whether politicians or other skillful persons. This is often presented as the only major issue the public needs to be concerned about since such qualities presumably provide an absolute guarantee that justice will be achieved. The caliber of special investigators thus justifies and, at the same time, diverts the attention from pertinent questions. For example, to what extent politicians who have made the discretionary decision about the method of inquiry have direct interest in the outcome of the case, and accordingly, whether the special investigative procedure is then a bold political intervention in the justice process. Rather, the major question addressed is whether the inquirer in question is widely appreciated to be "beyond reproach." Hence in a very subtle way the prestige of an inquirer assists in belittling both the significance of the circumvention of the common investigative and judicial processes, and the political interests these may serve.

Secondly, nonjudicial or semi-judicial agencies that investigate allegations of political corruption are nevertheless depicted as some sort of a derivation of the judicial process in court. The similar purpose of

"reaching the truth" is usually accentuated as the most central and resolutions are presented as having parallel efficacy. The authority to investigate undisclosed material and to subpoena witnesses gives the impression of a process which is wholly parallel to that in court. The unobtrusive facts that (a) discretion as to the nature of the act in question had already been exercised in choosing the method of investigation, and that (b) the judicial process in court has specific rules and consequences, are overlooked and, if remarked upon, are communicated as irrelevant since the investigative agency retains the right to refer allegations to the criminal justice system if "illegality is found." Obviously, there are two conflicting messages in the same rationale: the process is "like that in court," yet the case will go to court only if the act "is illegal." What is certain, however, is that this method - whether a preliminary or final phase - is a substitute for the court.

The third rationale refers to both the status of the accused and the ambiguity of the allegation. Therefore, a less stigmatizing agency, or a special procedure, for preliminary scrutiny are conveyed as fair and necessary⁸. In principle, this rationale is discriminatory and usually press commentators address this point. Yet, what tends to be ignored is that each agency also invokes a specific frame of reference which

is pertinent to the way a judgement is perceived. In terms of outcome, the associations attached to an agency are no less important than the content of a resolution. For instance, a court's denunciation of a political practice as unethical is bound to seriously damage the politician involved, even if he/she is decriminalized by the court⁹. By contrast, a similar reproach by a nonjudicial agency invokes a different frame of reference and is likely to cause a very moderate public effect and a negligible political embarrassment¹⁰.

In sum, active decriminalization which is carried out outside the court displays two basic 'mechanisms': first, treating an allegation as an "administrative irregularity," or as an "unethical wrongdoing" and so redefining it as basically "not illegal". Second, establishing a "special" stage for inquiry and judgment before the case can be referred to the court. These mechanisms are "political" in the sense that interested politicians make the discretionary decision to refer a case, which is allegedly illegal, to the judgment of a nonjudicial agency. That agency is either political (parliamentary committees) or directed by inquirers whom politicians nominate.

The usage of both 'mechanisms', if not challenged immediately, makes criticism very difficult since resolutions, once made, are regarded as "apolitical"

since they were made "officially" and "professionally": i.e. by an authorized body and by persons who have professional skills. Thus criticism then turns against the persons who made the resolution rather than against the politicians who initiated the procedure.

That the absence of the court in the judgmental process assures the decriminalization of an allegedly corrupt act (for the criminalization of which the court is irreplaceable), does not go without notice in the world of politics. Yet, as mentioned, politicians in general do not favor nor encourage criminal investigation or court trials for examining accusations against the political class. Criticism, in this respect, does usually not stem from mainstream politics.

Occasionally, though, the possible discriminatory aspect in employing different judgmental methods is pinpointed yet the context in which this criticism is made prevents its serious appraisal. Politicians who face, or anticipate, prosecution often raise the point of selective application of justice but they tend to accompany it with a charge of societal discrimination. Usually these politicians contend that the mere fact that the accusation against them engendered a criminal investigation and a trial reflects bias (related to color/ ethnicity/ religion/ political views) since quite comparable accusations against other politicians were not

similarly treated. In Israel, for example, most prosecutions of high level politicians generated charges of this type.

Such a charge, however, is more likely to backfire or fall on deaf ears since this kind of defense, even if it sounds plausible, appears entirely invalid from the public's standpoint. As far as the public is concerned "all corrupt politicians should be in jail," and obviously "if some get off it does not mean that this should be the rule," not to mention that "not all crooks are caught." The particular societal context of discrimination to which a politician refers touches upon a society's sensitive nerves and further irritates the public since the accused's clear interest is to avoid the judgmental process of the court. "He who has nothing to hide is not afraid of the court (or the police)", the public sums up and so rejects the whole argument including the point of differential treatment.

In these instances official reactions to this kind of charge emphasize the value of "the rule of law" and the indispensability of the criminal justice system in evaluating suspicions of crime, regardless of the status of the accused. Both the impartiality and neutral professionalism of police investigators, D.A.s and the judiciary are emphasized as society's most precious assets vis-a-vis vested interests and pressures from the

political world or from special-interest groups. Furthermore, the specific contention about preferential treatment which allegations against other politicians supposedly got, is rejected easily by the statement that two cases are never identical. If the accused bases a charge of persecution on the low-level violation of which he/she is accused, official reactions and the press are likely to refer in response to the high-level expectations and public trust required from people in high-level office.

Similarly rejected are rationalizations which usually support a moderate procedure. The ambiguity of the allegation or the ruining component embodied in a criminal investigation for the political career and personal life of the accused are seen in these instances as "special considerations" which conflict with the superior fundamental of equal justice. The role of the court in resolving ambiguities or conflicting interpretations of an act is then presented as conventional wisdom. The court is said to be the ultimate arena which promises both society and the accused that a judgment will be divorced from politics.

Thus, regardless of whether or not the charge of discrimination is valid, the event of prosecution tends to display a series of different arguments and rationales than those promoted in many other instances which involve

allegations against high-level politicians. Noticeably, these are usually articulated by the criminal justice system and by the press, while the political system is likely to stand by. In other words, in the event of prosecution the process of politicization and decriminalization is absent, or carried out unsuccessfully, either because of circumstances (political instability and challenge) or because of political interests.

Both the argumentation and reasoning which support a prosecution of a politician are likely to be supported wholeheartedly by the general public. On the whole, however, the public's reaction does not seem to be an independent variable in the decision-making process toward prosecution or toward different treatment of an allegation, as makers of public opinion would want us to believe. As argued, the public's perception of an act in question is shaped by and justified along the reactions of both the political system and the media. If an act is referred to the State Comptroller or the Ethics Committee, for example, and the action is not questioned or criticized by politicians or/and the media, the public is more likely than not to assume that the act was of an administrative or ethical nature and has been taken care of.

Similarly, if the public learns from the media that an allegation of corruption against a politician is investigated by the police and yet the media does not follow the investigation up, the public is likely to return to the issue only if called upon by a decision to prosecute the suspected politician. If never addressed again, the public is not likely to recall that the whole issue has disappeared from sight with no explanation. If, by contrast, an act is investigated by the police, and the media follows it up and there is a decision to prosecute a politician, the general public is not likely to protest any of these steps¹¹.

The argument outlined thus far does not, however, imply that any allegedly corrupt behavior imputed to a high-level politician is necessarily of a criminal nature. It might be an administratively irregular practice, or unethical, or a publicly improper behavior rather than an illegal act or abuse of power. It might also be an entirely groundless rumor. Furthermore, it is also very true that the press and the public often amplify an accusation of political corruption only because it involves a high-level politician. An act which is scandalized as corrupt may not be. This, however, does not conflict with the major argument but, conversely, supports it; when the definition of corruption is left to

politicians and the media it may also be manipulated against a certain politician, either deliberately or inadvertently.

The critical question is not which of the above definitions is the "real" and "correct" one for a particular act but, rather, who judges and thus defines it. As in any other type of crime, accusations of political corruption derive from members of society, yet the phenomenon's peculiar characteristic lies in the ways suspicions are later judged and redefined. They tend, as argued, to pass through a process of definition and judgment which unfolds in the political and public spheres. As a result, many activities related to political power and alleged to be corrupt are removed from the definitional power of the court and its sanctions.

The major implications of this process are twofold: First, politicians are able to influence, to a great extent, the outcome and political consequences of corruption incidents that come to public light. Second, in opening up a distance between an accusation of political corruption and the general treatment of deviancy and crime - and by politicizing this distance - politicians and political parties are better able to control the ways deviancy and crime in the political system are defined and redefined as noncrime.

It is in this state of affairs that the nature of corrupt acts is inevitably left open to debates, diverse value judgements and interpretations which then nurture the general perception that political corruption innately dwells in the elusive grey zone between illegal and legal practice of power. This perception, in turn, rationalizes and justifies the process of decriminalization which, circularly, feeds it back.

The foregoing analysis has been an attempt to decode the general principles of the process which is greatly responsible for the lack of a line of demarcation between legal and illegal in the area of political corruption. In practical terms, it is the court alone which can draw this line and make it relevant. Therefore, the observable trend that judgment over high-level political corruption tends to be made outside the courts, making decriminalization likely, is of primal importance. Not because this lets some "rotten apples get away with corruption" but because it removes from the public the ability to control the exercise of political power and to delegitimize the trivialization of its abuse. In the area of political corruption the court, despite its many limitations, has the most crucial role and governing politicians know it. More than anywhere else, the court is where their legal authority to govern might be

questioned and critically damaged. Outside it, "that's all politics."

In many senses, the circumvention of the court transforms the political arena, especially its high-level echelons, to off-limits for the judicial arm whose major objective is to watch and ascertain the proper practice of political and particularly executive powers. It becomes, then, not only extremely difficult to uproot political corruption from the political system but, conversely, the political system reproduces itself as a whole, including its deviant aspects. This makes the notion that "political corruption is endemic to the system" a widely-shared belief and, at the same time commonly-accepted.

Finally, but of equal importance, the intervention of politicians in the definition and treatment of political corruption makes the manipulation of the usage of the law possible for political purposes. As one Israeli mayor simply puts it: " My friends I assist, for my enemies I enforce the law."

The process of decriminalization in Israel has been expressed in all of the characteristics delineated above. Its examination reveals, however, that the particular forms and specific methods displayed in the process have varied in different historical periods and governments.

Changes appear to be closely tied to both the power relations among, and related perceptions of the major definers: the governing political power, the media, the political opposition and the criminal justice system.

Notes:

1. Criticism is made also for violations of rules which are prompted by disinterested motives. Hefernnan T., The Police and The Rules of Office, in Hefernnan T. (ed.) Police Ethics, p. 3-24.

2. A clear example is provided in the way the revelation about Yitzhak Rabin's deeds in 1974 was handled (Appendix A:Rabin 1974; also Chapter Six). When the revelation about Rabin's paid-lectures was publicized in April 1974, both the political opposition and media played down the affair. For example, the Chair of the Knesset Committee of State Audit, MK Yochanan Bader who was a member of the Opposition's largest party, Gahal, did not ask the State Comptroller to inquire into Rabin's alleged corruption but rather into the general issue of paid work by diplomats. The report (Ha'aretz 29/4/74) pointed out that such work violated an international treaty signed by Israel which prohibited any professional or commercial activity by diplomats in the host country. This information did not affect the reaction of both the opposition (left and right) and the press toward Rabin's alleged deeds. Rather than the character of the act, the political background seems to explain this attitude (the resignation of the Golda Meir government due to large-scale demonstrations). In April 1977, the press returned to Rabin's alleged deeds and labeled them as corrupt. The Ha'aretz attitude also seemed to be influenced by the editorial in the NY Times which referred to Rabin's alleged corrupt activities (see difference in attitude toward Rabin between Ha'aretz editorial on 8/4/77 and on 11/4/77).

3. See, for example, the Jim Wright affair (the Speaker of the U.S. House of Representatives). Coverage in NY Times between April-June 1989. At the same time also the resignation of the House Whip, Tony Coelho.

4. See Chapter Six and Eleven for the Israeli scene. Actually, all scandals reported in this study, which involved politicians affiliated with the ruling party, resulted in prosecutions of businessmen or low ranking politicians. These usually focused public attention on those formally charged, diverting attention from the higher-ups. The investigation and prosecution of Oliver North and Admiral Poindexter seem to have had a similar effect regarding higher echelons in the American Iran-Contra scandal.

5. See Chapter Ten. The referral of most allegations to the State Comptroller, during the Fifties in Israel, transformed them, at most, to "administrative irregularities."

6. See, for example, NY Times 28/4/89 (B6) about the Jim Wright affair and the decision of the Ethics Committee to investigate certain issues and drop others. Generally, politicians through various immunity laws tend to safeguard their right to exercise political power free from harassment and, accordingly, refer to the "special inquiry" of allegations against politicians as an appropriate procedure. This quite resembles the justification of internal inquiries in professional associations or large establishments. See, for example, how British MP Dudley Fishburn articulates this reasoning in Ethics, in The British Mode, NY Times, 9/6/1989 (A31). He concludes that "the sins of the world are many - many more than any code of ethics could seek to cover. The more 'ethics' are the outside voice of the public or the press rather than the inside one of the politician, the less ethical will be that politician's behavior."

7. Reports of Commissions of Inquiry are also difficult to comprehend. See, for example, George O'Toole's remark in his book The Assassination Tapes, Penthouse Press Ltd, NY 1975. He notes: "the serious student of the Kennedy assassination must begin with the Warren Report, then read the critics, meanwhile keeping the twenty-six volumes of testimony and evidence within reach. Only a few of us have the time and opportunity to do so, and, in the long run, this works in favor of the official account" (p. 39).

8. This is, for example, the rationale behind the "preliminary hearings" Attorney Generals in Israel have institutionalized since 1977. See Chapter Twelve.

9. The trial of Minister Aaron AbuHazira in 1980 concluded with acquittal. Yet, since the judges severely criticized the unethical practices related to the allocation of public funds, the damage to the Minister's reputation was significant (Appendix A:AbuHazira 1980).

10. The reports of the State Comptroller in Israel are full of dubious activities, yet they generate very little embarrassment for those politically responsible. See the discussion in Chapter Ten

11. During the entire history of Israel, "the public" did not mobilize a campaign for prosecuting high-level politicians. Public anger toward unprosecuted allegations was occasionally reflected through letters to the editors. For example, the Alon affair (Appendix A: Alon 1966) engendered a bulk of such letters (14/3/66; 16/3/66; 18/3/66; 21/3/66; 22/3/66;). Of course, this public expression can also be controlled through the editorial policy of the paper. In the Alon example, letters on this issue disappeared when it was reported that the Knesset Interior Committee was to investigate the case.

CHAPTER NINE:

DECRIMINALIZATION OF POLITICAL CORRUPTION

IN ISRAEL: An Introduction

The analysis of the process of decriminalization in Israel reveals that the resolution of a corruption incident has not always been in the form of a final official statement which directly addresses the accusation. In fact, only in the Likud's era (1977-1988) were allegations likely to be decriminalized formally. Prior to 1977, under Labor, the official reaction was likely to influence the redefinition of an accusation through the methods of investigation. Allegations were then likely to be decriminalized indirectly and consequentially.

The following chapters delineate and analyze the process in specific historical periods and the emphasis, therefore, is on the broader frame of reference in which 'mechanisms' and rationales of decriminalization are located. Noticeably, I do not examine the justifiability of decisions given by politicians or state officials in Israel either to refer allegations of political corruption to nonjudicial agencies or to decline to prosecute certain politicians. I do not provide evidence to contradict any of these decisions not only because information is either nonexistent or undisclosed, but mainly because the study focuses on, and learns from, prevalent patterns and shared characteristics that the phenomenon of political corruption displays. It is on this basis that I do, however, offer an interpretation of reality which differs from that put forward by politicians who have engaged in politicization and decriminalization of political corruption.

* * * * *

From the public perspective and public knowledge, the comparison between incidents which engendered prosecutions of high-level politicians in Israel and those which did not, hardly provides tangible criteria in distinguishing one from the other. As already discussed

in presenting the research, the cases which were prosecuted do not unequivocally support the contention that the seriousness of a case or the evidence to support it, were the distinguishing criteria between those prosecuted and those which were not. Neither do they decipher the enigma why certain forms of behavior, far from being exceptionally blatant, were referred to the examination of the court while similar ones were referred to that of an administrative agency, or overlooked.

Charging, for example, MK Plato-Sharon of election bribery for practices which were known to be common among other parties, prior to and after his prosecution, does not establish a solid principle under which one would say that criterion for prosecution is the mere violation of the law. A similar difficulty is displayed by the prosecution of Religion Minister AbuHazira in relation to a publicly-funded charity organization which served partisan ends. Hundreds of similar institutions formed and maintained for the purpose of political patronage have been known in Israel, and some were at the center of allegations against other politicians. Yet, they were not equally scrutinized nor subject to criminalization even after AbuHazira's conviction established a precedent.

Both Plato-Sharon and AbuHazira were found guilty and leniently sentenced by the court for violations which reflected common political practices, yet the criminal

stigma struck a deadly blow to their political careers as well as to the parties they founded. While the outcome demonstrates the unrivalled punitive power of the court, the sentences likewise demonstrate that the behaviors in question were not distinctively serious, in legal terms, so that one could conclude that "extreme corruption" is the criterion that determines prosecution. That these two are of but three politicians representing, definitively, the phenomenon of political corruption in Israel in its entire history neither plausibly supports the conclusion that distributing one's own money to seduce voters or using a few thousands dollars from a public fund for one's private ends represents the acme of Israeli political abuse of power and office. At least, not as reflected by an array of scandals and affairs nor as depicted in innumerable articles in the Israeli press¹.

Neither does a political climate characterized by a high public sensitivity to proper political norms appear as the differentiating criterion for prosecution. During the early Seventies public disapproval of corrupt practices and maneuvers was at its highest peak ever in Israel, as it was elsewhere in the Western hemisphere. Nevertheless, this did not lead to the prosecution of those politicians involved in the scandals.

Furthermore, in two instances of prosecution there is no official clarification for the different treatment

of politicians whose cases were looked at in a fairly similar way by Attorneys General. Deputy Minister Y.S. Rosenberg and MK Shlomo Lorenz were defined as suspected offenders by the Attorney General in the same week, both for foreign currency violations in relation to party contributions. The immunity of the former was lifted and he was prosecuted, while that of the latter was not. Similarly, both the cases of Prime Minister Yizhak Rabin and MK Abba Eban in relation to foreign bank accounts were officially confirmed to be illegal in the initial stage of exposure. Although both revelations occurred in the same month, Eban's offense was treated administratively while Rabin's engendered a criminal trial of his wife. Unlike for Lorenz and Eban, for both Rosenberg and Rabin the trials have become an integral part of their "journalistic resume'" and a stain on their political careers².

The research's major findings reveal that in Israel prosecutions were inversely related to political power, and that they occurred in politically unstable periods. As the fertile ground for prosecutions, political instability and challenge also increased the number of allegations against politicians who held state executive power. But this factor did not alter the characteristics of politicians who were likely to be prosecuted: for

powerful politicians decriminalization occurred in both stable and unstable periods.

The analysis of the process of decriminalization suggests that the decriminalizing methods employed in different historical moments reflect the extent of authority and legitimacy the leading political power had in a certain period. They also highlight the power and self-image of the political opposition and the media, as well as their own definition of political corruption, since the treatment of an accusation took the form which both either tolerated, or ineffectively challenged. The different methods also seem to reflect an adaptation of the governing political power to changing perceptions; what was considered in one period as the appropriate agency to examine accusations of corruption, as the State Comptroller in the era of Ben Gurion's premiership (1948-1963), was fervently criticized by the press and the Opposition in the era of his successors and therefore was no longer utilized. Likewise, the Knesset committees, which became the major forum for examining accusations in the subsequent era of Labor governance (1964-1977), were no longer tolerated as the appropriate device during the era of Likud governance (1977-1988) and the Attorney General who employed "special hearings" was the one to determine whether or not a case would be prosecuted.

Parallel to the line the process of decriminalization depicts, the analysis is made within a framework of three political eras in each of which the hegemony of a particular political authority is central.

The first era encompasses the period of David Ben Gurion premiership (1948-1963) who led the State of Israel in its first fifteen formative years. Ben Gurion's Labor Party governed the Jewish community in Palestine during the prestate era and emerged extremely authoritative from the phase of independence. The party's hegemony during his stewardship was unrivalled. The second era encompasses the governing years of Ben Gurion's successors in both the Labor Party and the premiership: Levi Eshkol, Golda Meir and Yizhak Rabin (1965-1977). In this period the Labor Party faced a gradual strengthening of the Opposition and a highly critical press. Together they succeeded in challenging and undermining Labor's authoritative command of the political scene. The party's domination gradually declined until its collapse in 1977. The third era begins with the Likud's electoral victory in 1977 and encompasses both premierships of Menahem Begin and Yizhak Shamir (1977-1988). Likud's hegemony has endured up to the present.

In each era "political corruption" revolves around the definitions as perceived by its contemporaries and as

reflected in the press. Further, in each chapter I focus on different aspects that broaden the picture and, at the same time, make it appear more complex and specifically bound to a certain period, or to Israel's particular characteristics. Nonetheless, the principles that underlay the particular setting of Israel and its historical specificities are, in my view, universal and highlight the general concept developed in this study.

As the reader will probably notice, political corruption delineated in the following chapters is more loose; it is construed according to public opinion and political discourse which create the image of the phenomenon as the general public sees, feels, experiences, approves or disapproves in certain moments.

Chapter Ten deals with the era of nationbuilding led by Ben Gurion. In this era the definition of political corruption is, simply put, a "no case" definition; the political system at its highest echelons appears in the press as corruption-free. I discuss the reasons for this which are essentially rooted in the authoritative command of Ben Gurion's Mapai (Labor) and the broad legitimacy it enjoyed.

Chapter Eleven deals with the era of the Seventies which has been previously addressed (Chapter Six). In this period the definition of political corruption sharply alters; now political corruption is found to

exist and to be widespread. However, it is depicted more as the corruption of "the system" rather than of individuals, though the aspect of the 'illegality' of political corruption is also emphasized. In the discussion I focus on the scandal of "The Affaire", in the context of the Labor Party's fragmentation, and analyze it in relation to the themes discussed in previous chapters. That is, the efforts of politicians to control investigations related to political wrongdoing and to avoid the judicial process. In this period, like in the Ben Gurion era, the power relations among the major definers shaped both the 'mechanisms' of investigations and the perceptions of the phenomenon.

Chapter Twelve deals with the Likud era. In this period the definition of political corruption underwent change within the period itself. In Likud's first term, the phenomenon emerged as more "criminal" than "political," and much more individual-oriented. Yet, shortly after it was once again shaped as a "political" phenomenon. I discuss the reasons for that and analyze the process of Likud's consolidation of its political authority as the ruling party. In this context, I address the attitude of the press toward the Likud government and the relationship between both powers. The role of the Attorney General is also discussed. Finally, in this chapter I return to the reasons which seem to account for

Israelis perceiving the religious politicians as major "corrupters" of the political system.

Thus, each chapter focuses on different features within the overall picture of the phenomenon of political corruption and thereby adds more dimensions to its understanding. Nevertheless, all three chapters are linked with one another by one overriding theme: the major and leading role of the political authority in drawing the interpretive framework for defining and eventually shaping the outcome of political corruption, despite the existence of forces which challenge it.

Notes:

1. My research notes include thousands of references in the Israeli press to political corruption. The only academic book about political corruption in Israel is comprised of excerpts from newspaper articles and popular books: Reuven Kahane, Nava Lital, Edna Lomsky, Sarit Helman and Orah Dill (ed.), Patterns of Corruption and Deviance from Common Norms in the Israeli Society: Sources from Documents and Newspapers, The Hebrew University, the Faculty of Social Science, The Center for Documentation and Research of the Israeli Society, The Department of Sociology and Social Anthropology, Jerusalem, Academion 1984. Popular books: Moshe Shalev, Menachem Portugali, The System (no name and date of publication), and from the same authors, The Shadow, Paraz Edition (no name or date of publication); Shaul Evron, Razi Guterman, Dov Genechovski, A. Arad, Mordechai Zevi, Moshe Shalev, Samuel Tamir, The Breakdown, Printing Services, 1975; Yair Kotler, Not For Publication, 1984; Yitzhak Tishler, The White Elephant, Dvir Publishing House, 1988 (all books are in Hebrew). Reference to the analyses of Simcha Werner, Eva Etzioni-Halevi and Ehud Shprinzak who deal with political corruption in Israel are mentioned hereafter.

2. Such a stain is likely to surface in political quarrels. For example, eleven years after the 1977 Rabin incident, MK Yossi Sarid referred to it while he and Rabin were quarreling in the Knesset. He apologized after Rabin, offended, was about to leave the floor (Ha'aretz 27/1/88).

CHAPTER TEN

THE ERA OF BEN GURION'S PREMIERSHIP (1948-1963)

On May 14, 1948, David Ben Gurion proclaimed the establishment of the State of Israel and, until he left the premiership fifteen years later a bitter man, he governed both the state and the Labor Party with great authority. Under his leadership Israel underwent a massive process of nationbuilding, absorbed more than one million immigrants and won the 1948 war of Independence and the 1956 Sinai war. During this time the political system, headed by the Labor Party, experienced numerous dissolutions of governments although, paradoxically, this was a sign of Ben Gurion's might rather than weakness. It was his most effective political weapon to gain compliance from his colleagues and from coalition

parties. Politically, this period is regarded as the most stable in Israel's history. It is only in the aftermath of Ben Gurion long premiership that challenge and political competition evolved and violently shook the political system. Ironically, the catalyst for this was Ben-Gurion's resentment toward the party he had founded almost half a century ago.

In Israel's formative years the political system was rarely troubled by accusations of political corruption against the state leadership. Quantitatively, this period displays relatively fewer incidents than the two other periods, particularly at the national level: during Ben Gurion's tenure, which represents 37.5% of the years examined, nineteen (26.43%) high level politicians were publicly accused of corruption, most of them (63.15%) at the local level. At the national level, the majority (71.42%) of the few allegations was against politicians affiliated with religious parties.

Qualitatively, however, this period appears totally free of high-level political corruption since incidents, including the two prosecuted, were scarcely covered by the press. Aside from the Rosenberg case which provoked a short political scandal due to a police raid on the NRP Party's headquarter, none of the incidents engendered a scandal. The fact that most incidents were related to the local level was also behind the absence of political

tension in the Knesset regarding them. Only toward the end of this period the press reaction began to change.

Except for two politicians who were brought to court, the treatment of accusations displays two patterns differing according to the level of government; accusations against mayors were all referred to the State Comptroller, regardless of the fact that most were allegedly undertaken for private profit. The outcome in all of these incidents was the decriminalization of the acts and alleged offenders. At the national level, accusations against MKs and members of government were all concluded by politicians with no further investigation. All were redefined as "not illegal" and not corrupt.

However, the difference in the treatment of allegations does not appear related to the content of the accusations, since at both levels charges of private ends were predominantly involved. In this period the Labor political leadership was the major definer of what was or was not political corruption and the press did not object to this role. The weak political opposition challenged, sporadically and ineffectively, Labor's authority to define and interpret corruption incidents, yet such criticism was generally not reported by the independent press and thus went unnoticed. Therefore, the different

treatment of these allegations appears to reflect the perceptions of the governing Labor Party regarding the appropriate ways to deal with such events. This concurred with Labor's self-perception of the political authority; the local government which was subordinate to the state leadership was to be treated through state agencies, while national-level politicians who were themselves responsible for the state apparatus were not.

The majority (85%) of mayors involved in corruption incidents were Labor Party members, not surprisingly since the party controlled almost all cities. The Labor Party's nationwide domination of local government was not only through the electoral process but also due to its control over the appointments of councils in new localities of immigrants where Labor's rank and file were preferred. The local government in Arab-Palestinian villages was also appointed by the government¹. Labor's overwhelming dominance which encompassed both the Jewish Agency (whose major function was the absorption and settlement of the mass-immigration) and the Histadrut (The General Association of Workers) myriad networks, has been largely documented in the Israeli Social Science research². This all-encompassing predominance underlaid the prevailing notion that the state and the Labor Party were interrelated. As one writer puts it: "Israel was the Labor Party and vice versa."

The political parties entirely controlled their representatives at the local government level, who were nominated as candidates by the party and ran for election on the party's general slate. Towns and cities were also highly dependent for their budget on government support. Mayors, particularly of towns and peripheral cities, were usually subordinate to a party's nation-oriented policy and it was the party leadership that decided upon the makeup of the local coalition, often as part of broader coalition agreements. More importantly, it was in the party's power to replace mayors not only as candidates but during their time in office as well, a custom which was occasionally practiced.

In the event an allegation of political corruption against a mayor became public, the Labor leadership dealt with it in a manner which was both manageable and serviceable. The case was referred to the scrutiny of the State Comptroller - a procedure which never resulted in a criminal charge - yet thereafter the accused mayor was likely to resign or to be replaced by the party with another candidate prior to election. In this course, the Labor Party was able to avoid the damage of a criminal investigation and, at the same time, to preserve its national image as the power which was responsible for the maintenance of proper norms in society. These mayors were, for the large part, low-ranking party members and

unknown outside their own localities so that their replacement did not carry broader implications in respect to the basic and overall legitimacy of the party³. From the local standpoint, the replacement of mayors who were involved in the incidents was politically convenient since it responded to both the expectations of the local party branch and other citizens.

Thus, the practice which was likely to be employed in the case of mayors took the form of a two-stage 'mechanism': an allegation was referred to the State Comptroller (sometimes this was preceded by an inquiry of the Interior Ministry) and the resolution cleared the accused of illegality and corruption; subsequently the accused mayor was likely to leave office. Implicit in this course of affairs was the message that it was up to the party "to get things done" and that what really counted was the outcome, not how it was achieved. This corresponded to the Labor prestate revolutionary spirit and ideology which emphasized pragmatic politics as the best way to approach a goal, regardless of legal formalisms⁴. Since there was generally no objection to it, this principle worked as a justifying rationale for treating "stained" politicians through political rather than judicial means.

Interestingly, the examination of the outcome for mayors accused of political corruption reveals that the

informal sanction was inversely related to political power. The more powerful were less publicly punished. The only Labor mayor who was accused of political corruption yet did not leave office shortly thereafter was the powerful Aba Hushi, the mayor of Haifa. Although in his case the press reported that the comptroller affirmed the activity in question (a municipal fund for political patronage) was illegal, the only sanction for Hushi was the dissolution of the fund⁵. Hushi was a Labor Party top leader and a former MK who resigned from the Knesset for the mayorship of the large and important city of Haifa. Political patronage permeated Labor's overwhelming control of Haifa⁶ and in this respect the illegal fund, if brought to trial, could have tested the 'legality' of many related practices. In his case, as in the case of two other powerful mayors, Levanon of Tel Aviv and Krinizi of Ramat Gan, both top leaders of the General Zionists Party, the incidents did not precipitate a resignation.

The mere act of referring an allegation of political corruption to the comptroller rather than to the police immediately moderated the definition of a dubious act. Due to the general-information mode of reporting in the press ("the case was/would be referred to the State Comptroller...") the decision appeared as the appropriate procedure within a common governmental or bureaucratic

decision-making process. In the absence of objection to it, there was no reason or stimulus to infer that the Interior Ministry, or any other person in authority, took an inadequate decision or considered a minister's party-political concerns. In the Seventies, however, press criticism rendered such general statements much more difficult to employ since the press insisted on a sound justification⁷.

That the Labor governing power was apparently conscious of the advantage of an investigation by a state administrative agency was reflected in the puzzling explanation given for the lack of police investigations. In the first corruption-related case of Noy, the mayor of Acre, the Police Minister replied to opposition MKs, who questioned the absence of his subordinates in the inquiry, by saying that "the police did not investigate, nor does it intend to investigate the case. If we receive a request to do so from the Attorney General or from any other responsible state institution we'll do it."⁸ The Attorney General responded to the same question in a press conference by noting that he "did not receive any criminal complaint."⁹

However, several years later when a criminal complaint against another mayor was no doubt filed, the Attorney General halted the court's preliminary hearing on technical grounds and because "it did not pass his

review"¹⁰. The case was dealt with by the comptroller¹¹. In the case of mayor Berman of Hadera, the only mayor who was prosecuted in this era, the Attorney General (who acted also as Justice Minister at that time) similarly halted the trial which opened in the district¹². The trial was resumed after continuous pressure from local political rivals close to the General Zionists and Progressive Parties [known as "The Civil Bloc"] and in coincidence with both parties joining the Labor government and acquiring control over the Justice and Interior Ministries¹³. The press reported briefly all of the foregoing occurrences as general information.

The State Comptroller's highly-rated prestige assisted in mitigating the circumvention of the common investigative process. The office's prestige was established from its early days as one of the first democratic institutions which the newly born state founded and whose autonomy was secured by law. The auditing directive includes both state and local apparatuses, though until the Seventies government corporations and companies were excluded from its auditing. The government has successfully opposed the attempt to include the politically-controlled Jewish Agency administration and its manifold enterprises¹⁴. Thus both the Jewish Agency and Histadrut have been audited by their own comptroller. In other words, these

two large public establishments have not been controlled by the Knesset.

A State comptroller is appointed to office by the Knesset for five years and, until 1985, could be reappointed with no limit. Hence the first comptroller served for twelve years and the second for twenty. The candidates to the office are elected by the Knesset whose majority reflects the government coalition. The two that served during the three decades of Labor were coalition allies' approved candidates.

Although the personal credentials of the first comptroller added to the much-acclaimed prestige of the office, appreciation particularly derived from the fact that during Ben Gurion's time the office was, in effect, the sole organ which legitimately criticized the government. The publication of its annual report was celebrated each year as a supreme expression of democracy and on the day of its publication newspapers devoted almost their whole editions to the report. Gradually, however, a different view evolved toward the institution although outspoken criticism of its authority to examine corruption-related incidents was voiced and also instrumental only in the post-Ben Gurion era.

A few years after the founding of the institution the public and the press began to complain that it "has no teeth". Disenchantment was closely tied with two major

features: First, the comptroller had broad auditing powers yet with no enforcement powers. As often articulated by a comptroller in office, the recommendations were for the knowledge of both the public and the executive branch and it was their right and responsibility to enforce them¹⁵. The official attitude of the men in office has consistently rejected the idea of adding any executive power to the auditing function.

Yet the presumable power embodied in public knowledge has been seriously curbed by the second feature that characterizes the reports. In Israel the comptroller's annual reports deal with anonymous institutions and persons. It has always been "one municipality," or "one responsible public official" thus leaving the guess work to journalists and laypersons. This peculiarity was rationalized by the need to avoid unnecessary damage since "the judgmental process of the comptroller was not analogous to that in court." It was also repeatedly stressed that those in authority "know precisely to whom the report refers."¹⁶ Thus reemphasized the attitude that reserves solely to the political authority the power to deal with all affairs of the state, including malpractice and political wrongdoing, in whatever discreet and appropriate way it deems fit.

The practice of concealing the names of individuals in the comptroller's reports has been rooted in a prestate tradition. In 1929, a first commission of inquiry was formed in order to investigate widespread allegations of corruption in the Histadrut. Ben Gurion specifically opposed the publication of names of those individuals accused in the commission's report since: a) they were not criminal b) they will be forced to resign and this will damage the Histadrut, and c) this was too grave a punishment. In later events of this kind, the same rationales were voiced¹⁷. They further served to justify the Histadrut's decision to subject the publication of its own comptroller's reports to the discretion of the leaders of the Histadrut¹⁸.

Despite the knowledge that the State comptroller was not an investigative agency for criminal suspicions, nor did it have the skilled manpower to do this, cases were referred to its judgment for a just verdict. Moreover, in those cases which provoked some tension because of the status of the accused mayor, or of the accusers, the comptroller was asked to provide a special report and was expected to give a quick judgement and so he did¹⁹. The resolution was laconic and its particular phrasing in the Hebrew language cleared the accused also from ethical wrongdoing²⁰.

The issue of possible political influence upon a judgment of a comptroller has not been discussed or debated in the press. In a very few instances the issue was mentioned²¹, yet it did not reach the point of serious discussion. Protecting the integrity of the person in office has always been regarded as an imperative requisite; therefore the press and generally the public forum have apparently not been able to find a proper way to discuss the issue of possible political pressure without affronting the comptroller since the ability of a comptroller to successfully stand against such a pressure must be taken for granted.

During the post-Ben Gurion era the press circumvented this complexity by attributing the "ineffectiveness" of the office to the "British tone and understatements,"²² and by demanding more vigorous investigations. A similar problem and more overt tension characterized in the Likud's era the office of Attorney General. As the comptroller, this is a politically appointed high office whose "independent but political" feature has created major problems for public criticism.

Allegations against national politicians were, however, not referred to the comptroller's judgment. They were concluded by politicians who themselves judged the nature of the acts in question. Except for the Rosenberg case, politicians redefined as noncorrupt all these few

incidents which involved MKs and ministers; according to politicians they were either "groundless," or "not illegal," or "an honest mistake." The press objected neither to the authority nor to the definitions, so the question of further investigation was not even debated. Although in some instances the opposition in the Knesset offered a different interpretation and also insisted on official investigations, such protest was defeated by the government majority in the Knesset and hardly mentioned in the nonpartisan press.

During the fifteen-year Ben Gurion era, only six incidents involved national politicians. Two of these incidents were related to Labor ministers: Treasury Minister Levi Eshkol and Commerce and Industry Minister Pinhas Sapir²³. In both cases it was Prime Minister Ben Gurion who spoke on their behalf. The Eshkol case involved an accusation of abuse of office and personal profit related to the construction of his private home and to the acquisition of a governmental living-quarter. Eshkol and Ben Gurion issued a joint statement recognizing "a honest mistake" on the part of Eshkol. The State comptroller was then asked to prepare a report about the general issue of "governmental living-quarters." These concluded the matter. In the Sapir case, which involved accusation of abuse of office for party contributions, and which engendered two motions of no-

confidence, the premier declared that the act was "not illegal." In rejecting the motions Ben Gurion's speech revolved merely around Sapir's contribution to the economy of Israel, thus presenting the accusations as mean and unjust. The motions were defeated by the government majority in the Knesset. Both incidents were reported as general information and because they had generated an official reaction on the part of the ministers accused.

Another incident which was directly related to MK Yitzhak Raphael (NRP)²⁴, but also involved Ben Gurion, was similarly concluded upon Ben Gurion's denial of the whole affair. Professor Yeshayahu Leibovitz, a well known scholar and a member of the citizen watchdog group "Shurat-Ha'mitnadvim", publicized an open letter in Ha'aretz in which he accused MK Yitzhak Raphael of smuggling diamonds and Ben Gurion of obstruction of justice by covering it up. The Prime Minister allegedly ordered the Custom's authorities who arrested Raphael at the airport to disregard the case. Leibovitz provided exact dates thus furnishing the basis for a possible libel suit. Ben Gurion angrily denied the allegation and reproached Ha'aretz for publicizing the "outrageous lies". The paper defended the publication by noting "this was but a letter to the editor which by no means reflected the editorial attitude."²⁵ No further details

were then provided on the case, nor did the paper probe into the matter despite the accuser being a prominent scholar and the accused eminent politicians. Raphael filed a libel suit against Leibovitz and after a few months dropped it²⁶.

Neither did the press criticize the decision of the House Committee to reject the request of the Attorney General to lift the immunity of MK Shlomo Lorenz (Agudat Israel), on charge of foreign currency violations related to party contributions. The event was briefly reported. The reaction of the press in later years, particularly during Likud's tenure, was sharply different. Then loud protest was voiced against the Committee which hesitated (Plato Sharon 1979/AbuHazira 1981), or refused (Amar 1986) to lift the immunity of accused MKs. By and large, the minor coverage and absence of critical commentary toward incidents of high-level political corruption strikes the reader of the press during Ben Gurion's period*.

* Actually, my first research plan was to trace "allegations" through the front pages of a newspaper, assuming that the subject matter was bound to be publicized there. Only after I scanned the Ben Gurion's era and discovered that accusations against high-level politicians "did not exist," - though the overall impression from other "generally reported" matters was different - I decided to scan all pages of each issue. Obviously, this was an extremely eye-and-time-consuming task.

Only toward the end of Ben Gurion's regime, and in relation to the scandal of "The Affair" (discussed in the next chapter), did this attitude begin to change, and to accordingly influence both the perceptions and image of political corruption (and its "existence").

Noticeably, in this era the seriousness of all initial accusations was no different from that against Deputy Minister Rosenberg, for example, who was prosecuted in 1954, or from incidents which became in subsequent eras the snowball of outrageous scandals. It has been already noted that a similar kind of allegation regarding the abuse of the state apparatus for party financing which was disregarded for Minister Sapir in 1958, was at the center of scandals related to his name in the Seventies. Then he was labeled in the press as "the man who corrupted a whole society." But, in essence, the "corrupt system" of which in the 1970s Sapir was accused of being the founding father, was embodied in the incident uncovered in 1958 and overlooked by the press.

As mentioned, criticism from political rivals, particularly from Herut (later Likud) and Maki (the Communist Party) did not go beyond partisan newspapers. Ben Gurion's political ban against the cooperation with both parties no doubt affected the negative attitude toward criticism voiced from the fringes of the political map. But it was more the press' own conception of the

authority of the governing Labor which underlaid the absence of criticism in this era. Substantially, the authority of those who governed to resolve allegations of corruption was viewed as appropriate and their decisions trustworthy, equal to their authority in all matters concerning the general management of the newly established state.

That this conception was shared by both the press and the government is clearly illustrated in reaction toward the first publicly known incident of political corruption at the national level. In 1954, when accusations against MKs Lorenz and Rosenberg came to public light by the initiative of the criminal justice system, Justice Minister Rosen revealed in public that the government had in the past dealt with criminal suspicions against two MKs without involving the public, the Knesset, or the court. The minister disclosed that in one case the accused was not reelected to the Knesset and in the second case "the government did not press for prosecution"²⁷. The odd statement did not elicit any criticism or commentary. On the contrary, the minister's purpose in disclosing this information to the public was to support his own criticism of the Attorney General who had decided to bring suspicions against two other MKs to the public and the judiciary. The influential Ha'aretz supported the Minister's attitude wholeheartedly²⁸.

The Justice Minister's firm and overt reprimand of Cohen coupled with the lack of public reproach, doubtlessly reflects the then widely-shared belief that the government was the legitimate agent to treat such issues; those who were responsible for the public good were similarly qualified to resolve events of political corruption in a responsible manner. In general, during the nationbuilding era the Labor rhetoric commonly presented party interests as synonymous with national ones, and the public generally approved such analogy. Hence, since the ruling party, the State and the welfare of the people were articulated as interchangeable values, anything which could undermine the one was apt to undermine the other.

However, the belief that the broad powers of the Labor political leadership were to be constrained only by their own discretion and judgement, was sustained by three additional factors: the broad legal power of the government; the negative attitude toward criticism in general; the special relationship between the press and the government.

Despite Israel's commitment to the United Nations, and Ben Gurion's declaration upon independence that a constitution would be drawn by October 1, 1948, he led the government's objection to enacting one. In February 1950, the Knesset concluded the debate on the subject

with a resolution to draw "a constitution in stages," that is, to gradually enact basic laws which eventually would form the constitution of the state²⁹. Up to the present (1990) only eight such laws have been enacted and Israel still does not have a constitution.

The major reason given for the government's opposition to a constitution was that a constitution would not correspond to the "dynamic" of the young and developing society, and furthermore, would generate an inevitable confrontation between orthodox Jews and secular Jews since for the former Jewish law was superior to the general law. However, for the NRP (the largest religious party) which since 1930 allied itself with Ben Gurion's Mapai, an "inflexible" legal framework was equally inconvenient from a political rather than religious perspective. Its posture over religious issues has always been intertwined with political and material benefits bargained in accordance with the weight of the party in the coalition constellation. A constitution could jeopardize such institutionalized arrangements and, moreover, in 1950, the NRP had feasible reasons to believe that its political power and thus influence over a constitution were about to grow due to the large immigration of Afro-Asian Jews, most of them observing.

Drawing a constitution was articulated as an impediment to the task of nationbuilding as Ben Gurion

explained: "The dynamic of [our] country does not bear a strict framework and artificial chains. The laws of Israel should adapt to this dynamic development". Joseph Burg of the NRP drew a metaphor from the collective experience: "we should build our constitution stage by stage, by basic laws, as we have built the country, mile by mile."³⁰

Despite strong opposition to this pointview in the Knesset, a "static" constitution was not enacted. However, Ben Gurion's first government embraced the legal framework of the British Mandatory rule. Adopting "the law of the land," which was perceived an entirely temporary stage due to the abrupt passage from British Mandate to Israeli statehood, was found useful and, consequently, the legislation of the Palestine Government during its three decade rule - including the Emergency Regulations - remained in effect. Simple pragmatism justified the unusual subscription to colonial rule: on the one hand, the powers of the British Mandate were excessively broad therefore useful for "Israel's special circumstances." On the other hand, it could presumably never be viciously applied since Israelis rather than oppressive foreigners were to govern their own people.

The opposition Herut Party, rejected this rationale and vehemently protested Ben Gurion government's

overexpansion of power. Menahem Begin sarcastically highlighted the irony of Israel's usage its former oppressor rule. Years later, when Begin became Prime Minister he faced the same criticism from the opposition and, like Ben Gurion, rejected it.

Underlying the lack of militant criticism over the unusual and very broad legal power of the government was a tacit consensus regarding its necessity in respect to the Arab-Palestinian citizens who remained after independence within Israel. Though obliged by the United Nations resolution of November 29, 1947, to grant full citizenship to the remanent of the former Arab majority, Israelis perceived them as a fifth column. Mandatory legislation, particularly the 1945 Emergency Regulations, provided the framework for restricting their citizens' rights under the spacious umbrella of "security" reasons. The Jewish majority tolerated the limitless legal power of the government since they believed this would not be exercised against those who it was meant to protect. However, a major implication of this state of affairs was the perception that laws are more a matter of government discretion than universally applicable.

Because Israel was, from its founding, under constant threat from its neighboring states and memories of the Holocaust atrocities remained fresh, the rationale of "security" has allowed to override the general

commitment to democratic requirements. Security of Jews and the Jewish state thus became the supreme value and likewise secrecy vis a vis "the outside"; Israelis were not ready to rely confidently on the outside world whose indifference had enabled the recent slaughter of six million Jews. Therefore, secrecy for "national reasons" was conceived by the general public as indispensable. This justified the contention of the Ben Gurion government that indiscriminate information on policies and activities of the government was detrimental to Israel's most basic interests. In this context, the inclusion of "The voice of Israel", the Broadcasting Service, in the PM Ministry, directly under the control of Ben Gurion, seemed adequate. Stringent laws against the freedom of information and the press were soon enacted³¹.

Accordingly, criticism was regarded as a tangible risk. Statehood was still fragile and in a malevolent world even "the good name of Israel," for example, was conveyed as vitally important to its security. It was the weapon of the weak, a necessary front, a sufficient justification for rejecting internal disapproval or for silencing any reproach of political wrongdoing.

The only societal organ that could communicate to the public a non-governmental perspective was the press. In 1948, most political parties owned newspapers, though

their circulation did not bypass their own constituencies. Only three independent newspapers, owned by private bodies, had a nation-wide circulation: Ha'aretz (founded in 1919) Yediot Aharonot (1939) and Maariv (1948). These newspapers succeeded in establishing the independent press as a nonpartisan and autonomous organ vis a vis the Labor political domination. The fact that Ben Gurion and other ministers frequently criticized the "irresponsibility" of the press³² reinforced the notion that this entity was maturing free from governmental control.

Yet, the press autonomy was limited and qualified. Its freedom of speech was constrained by both government and voluntary self-censorship. Government authority over the press has derived from the Mandatory "Press Ordinance" of 1936: in Israel no person is free to found a newspaper without a license granted by Interior Ministry district commissioners who have, moreover, the ultimate authority to dissolve a paper. The reasons for both declining to grant a license or dissolving a paper need not be released to the public and cannot be reversed by the court.

The office of the Military Censor similarly assumes its powers from British colonial legislation and, actually, its decisions are not subject to judicial review. It has the authority to forbid the publication of

information not only on "security" grounds but any that "could, in his opinion, damage the defence of the country, the civil order, or the public peace". Since these criteria are based on the subjective opinion of the Censor, the courts have never found legal ground to reverse the Censor's decisions³³. Furthermore, newspapers have not been allowed to enlighten the public about the Censor's acts, nor make any notice which could hint at such acts (i.e. leave blanks). The Military Censor has the authority to severely punish transgressors by halting the printing of a paper and confiscating its printing machinery.

Prime minister Ben Gurion as Defence Minister was politically responsible for this function and military censorship was applied to issues hardly excused as security-based, even by mainstream editors' patriotic standards. After several confrontations, these editors reached a written agreement with the Military Censor who promised not to censor "political issues" and not to close down a paper for censorial offenses. The arrangement however bound only those who signed it³⁴.

In principal, Mandatory-based authority over the press was not met by resistance from the independent press, nor did it protest the government attempts in the first years to harass both Communist and right-wing Herut partisan newspapers. It was the Supreme Court in a

precedent-making decision that in 1953 restricted the government from using its administrative power to close down newspapers on the grounds of "offensive" opinions³⁵. The tapping of journalists' telephones and examination of letters were known to happen³⁶. However, the editors of the Jewish mainstream press have secured their own freedom through a peculiar institution known as "The Editors' Committee"³⁷.

This institution has been a special forum where the government shares confidential information with the editors in order to convince them not to publicize it - even if editors have acquired it from a non-governmental source - for it may harm the "public interest." In return, both the editors' opinions and freedoms have been highly respected by the government. The members of this institution have been only editors of "respectable" daily press (independent newspapers as well as partisan newspapers, except Herut's and the Communists). Non-Jewish editors have never been among its participants. Throughout the years, this forum has held regular meetings and formulated its own code; and its members have been committed to the forum's majority vote decisions. The Editors' Committee has functioned from 1948 up to the present, though its importance and internal cohesion have gradually weakened over the years. Relations with the government were particularly strong

during the Ben Gurion era and entirely collapsed with Likud's victory: it was Begin who was not interested in this relationship³⁸.

In 1948, the editors of the independent press were not just "distinguished guests" in the corridors of political power, but rather perceived themselves as part of the state founding elite. Based on a productive cooperation between the Jewish press and political leadership against the British rule during the 1930s, the view that both powers could handle a joint strategy in the phase of statehood as well, was already established. The editors who shared the same causes and concerns as the government, believed they shared the same responsibilities. Yet, although the excessively broad executive powers were accepted as inevitable due to "Israel's special circumstances," the editors were aware of the implications of this broad power. Therefore, to be sure that the discretion of the authorities would be reasonably exercised, they demanded to be informed first-hand, as well as to be able to influence unwarranted censorship. The "national interest", moreover, included the premise that overt confrontations between the press and the government should be avoided as much as possible; Israel's unity was considered as a cornerstone in its security. Thus a "special forum" for mutual understanding was sought.

Hence, committed to "responsible journalism," as well as to "constructive criticism," and at the same time, entirely confident of their own genuine professionalism, the editors did not view their cooperation with the government as being at odds with their own duty to the public. In return to the institutionalization for the Press/Government cooperation arrangement, Ben Gurion granted them access to the decision-making process and the most secretive agenda of the state - thus virtually acknowledging their eminence and hoisting them up to the class of first-rate leaders.

Ben Gurion, who benefitted extremely from this institution, cleverly induced the prominent editors to join this volunteer cooperation by exploiting their "inferior" status vis a vis the state founding elite; as part of the "capitalist forces" the independent press editors did not have "natural rights" of the state-founding elite, and they were expected to show agreement that the "collective good" came before their own private interests.

In the meetings of the Editors' Committee, the Prime Minister himself briefed the editors on the national agenda of the government, disclosed highly confidential secrets, chatted about prominent leaders of the world, debated ideas of great philosophers, shared his worries about the future. In short, he coopted them into his

political domain by intimacy and camaraderie. The intimate relationship between the government and the press not only enhanced the sense of elite fellowship but the forum was actually the potter's workshop for shared values, concepts, ideas and terminology. There the government and editors defined together not only the meaning of "security" of the state, but were likely to assess and define various events and phenomena, among them political corruption.

This "cozy" relationship between the government and the press seems to suggest some explanation for the minor attention given in the press of that era to high-level political corruption; ministers were, after all, people that you "know." Obviously rumors could not only be explained away from first-hand knowledge but also be compared to the "whole record" of a minister or a party.

The authoritative command of Labor and the general deference toward it was, in my view, largely based on the personal authority of Prime Minister Ben Gurion. He concentrated in his hands enormous power and had under his direct control the defence, security and information apparatuses. More importantly, he succeeded in gaining ample compliance from both colleagues and subordinates. The most striking support for this observation is supported also through the subject matter of this research: during the year he was absent there was an

exceptional concentration of incidents of corruption, as well as the only independent initiative of the criminal justice system regarding prosecution.

In September, 1953, Ben Gurion began to express restlessness and disclosed to his peers that he was determined to leave the premiership and politics for good in order to live peacefully in the Negev (the southern undeveloped region of Israel). He said that he wanted to devote himself to writing and chose the remote Negev in order to stimulate Israelis to join him and settle the unpopulated desert. His colleagues, who believed this was a temporary fatigue, asked him to take a leave of absence for two months. To their dismay, Ben Gurion resigned in December, 1953. The press reported laconically that it was due to "emotional stress." Ben Gurion recommended that Foreign Minister Moshe Sharet replaced him as premier and Pinhas Lavon as Defence Minister. Fourteen months later, in February, 1955, Ben Gurion returned to the Defence Ministry replacing Lavon, who resigned for reasons undisclosed at that time, and, several months later, returned to the premiership as well.

Concentrated during a single year, from September, 1953, to September, 1954, was a third (31.58%) of the entire number of corruption incidents that came to public light during the fifteen-year period, as well as the only requests to lift parliamentary immunity of accused MKs,

as well as the only two trials held in the entire period. When Ben Gurion returned to the premiership the phenomenon of political corruption returned as well to its low-level average exposure, that is, one or two incidents per year. Toward the end of Ben Gurion's regime in 1963 there was again an increase in allegations which became public.

Noticeably, in that same year another incident occurred, later termed "The Affaire", which threw in 1960 both the country and the Labor Party into a five-year turmoil. The incident revolved around whether or not four-month Defence Minister Lavon was defied by his subordinates in relation to the failure of an Intelligence operation in Egypt. This cost the lives of three and the imprisonment of ten young Egyptian Jews who were recruited by Israeli Intelligence. It was also extremely embarrassing since the operation involved attempts to sabotage American institutions for the purpose of frustrating relations between Egypt and the United States and Britain. Defence Minister Lavon resigned from office. The reason for that, as well as the whole operation in Egypt, were not publicized in the press although obviously it was publicized in newspapers outside Israel. When the affair surfaced in 1960 it became clear, this regardless of whether or not Lavon ordered the operation, that when Lavon replaced Ben

Gurion he faced a defence apparatus which sought to be much more independent than under Defence Minister Ben Gurion.

As noted, an attempt to act independently was also demonstrated by the Attorney General Cohen in May 1954. Prime Minister Sharet discloses in his diary that Cohen deliberately frustrated his plan to conclude the matter by asking Rosenberg to resign; Cohen ordered a police raid on the NRP headquarters, a few hours after the premier told him about his scheme³⁹. However, in this case Justice Minister Rosen quickly regained his authority. When the Rosenberg case was dismissed in the preliminary hearings, rather than Cohen it was Rosen who responded to the question raised in the press about whether the state prosecution intended to appeal. He issued a statement confirming that "the file was entirely and definitively closed."⁴⁰

The demand of the citizens' watchdog group "Shurat Ha'Mitnadvim" that another MK, Abraham Nourouk, be prosecuted for perjury in relation to the Rosenberg case, did not get any response and the affair was let go⁴¹. Attorney General Cohen was then required to consult with the PM before he takes any step regarding a case which may cause "public complications."⁴² Indeed, no more such complications occurred during Cohen's tenure.

Entirely absent from the scene of high-level corruption during these years were the police, the major investigative arm for criminal suspicions and lawbreaking. This phenomenon was rooted in the very low prestige of the Police Ministry which was headed by Bechor Shitrit, a Sephardic (Afro-Asian origin) "token" minister. Although Shitrit had a first-rate education and was a former judge in the British Mandatory justice apparatus, he was politically marginal with neither roots nor political base in the Labor Party. He was elected to the first Knesset on the slate of a four-member Sephardic party, all of whom were immediately coopted by Labor. The fact that he owed his high office to his perceived inferior origin - since the need to have "a Sephardic minister" for the representation of the Afro-Asian Jewish community was overtly stated - and that the Police Ministry was the most unpopular among candidates for ministerial posts, increased the vulnerability of his authority. In effect, the authority over the police was in the hand of the police commissioner and, in sensitive issues, was in the hands of the Attorney General. This was underscored by Shitrit's reply in the Noy case and by his ignorance of the police raid on the NRP headquarters.

In general, it was Ben Gurion himself who maintained control over the ministry through the loyal police commissioner Yeheskel Sahar and his deputy, the premier's

eldest son, Amos Ben Gurion. Ben Gurion, as Defence Minister, controlled also the General Security Services (GSS). The use of the GSS for political surveillance was repeatedly raised in the Fifties by Opposition MKs who discovered hidden microphones in their desks, yet even when a Watergate-like incident was uncovered, the police covered it up⁴³. The inferior position of the police in particular, and the ministry in general, did not significantly change during Labor's post-Ben Gurion era, though then the press began to criticize its absence in corruption affairs. It was only in the last year of Labor's rule that the police advanced to the foreground and their involvement in the inquiry of corruption incidents highly intimidated Israeli politicians.

The shortcuts political corruption incidents were treated, coupled with the behavior of the press, gives a general appearance that Israel avoided the phenomenon of political corruption in its major era of nationbuilding. This is in sharp contrast to the widely shared experience in other newly established and developing countries. Political scientist Simcha Werner holds that this was due to the Zionist ethos and socialist values of the Labor leadership⁴⁴.

But in Israel's first years there was an abundance of conditions and opportunities susceptible to political

corruption. Politically corrupt practices which surfaced in the scandals of the Seventies went back to these formative years and even earlier to the prestate era under Mandatory rule. Also, these years witnessed the formation of the only citizens' watchdog group which has, in Israel's entire history, both fought political corruption and endured for several years.

Independence in 1948 caused the exodus of somewhere between 500,000 to one million Arab-Palestinian refugees (the numbers have become a political football and are disputed by Israelis and Palestinians), who left behind them a huge amount of property, from small household appliances to houses, shops, factories, farms and cattle, and land. In order to grasp what property and temptation laid just before the eyes of Israelis one should picture 50,000 households and workplaces, both rural and urban, left behind by their proprietors in escaping war and fear. Tom Segev, whose research deals with these first years, paints a devastating picture of mass-thievery⁴⁵.

The supervision and control of these enormous assets passed into the hands of the newly established Israeli state apparatus and the agency that was directly responsible stood helpless against what was carried out "by almost the whole society." Court trials were obviously not carried out against offenders and the state leadership considered the whole matter "highly

sensitive." However, the state apparatus itself was engaged in a large scheme of appropriating the Palestinian assets and replacing Palestinian owners by Jewish ones⁴⁶. Apartments and houses of Palestinians fleeing from Jerusalem, for example, became the resource of the governmental living-quarters distributed to high-level officials. The houses in the elegant neighborhood Talbia were given to Supreme Court judges, university professors and other privileged people⁴⁷. Many Kibbutzim were founded in deserted Arab villages⁴⁸. In the press the mass-theivery by citizens and soldiers is referred to, here and there, but it is impossible to even guess from that the nature, extent and pervasiveness of what was happening.

In parallel, hundreds of thousands of Jewish refugees entered the country and doubled its population within four years. This massive flow of immigrants was mostly penniless and the state assumed the responsibility to provide housing, employment and basic needs. Hundreds of new areas (many in former Arab neighborhoods) were populated and all existing towns and cities doubled and tripled their inhabitants. The absorption of the immigrants was, however, highly affected by the fact that they were immediately granted citizenship under the Law of Return. This meant that each month thousands of new voters threatened the existing political composition.

During the Mandate era, Jewish Palestine already experienced the phenomenon of massive immigration and in the 1920s Jewish parties, primarily the Labor Party, established party machines to absorb large waves of immigrants who were, as in 1948, entirely dependant on the political establishment for meeting the most elementary needs. Since the Jewish infrastructure was public and largely financed by Jewish contributions abroad - and controlled by the parties - partisan affiliation had already been in the prestate period an indispensable requisite for the new immigrants well-being.

In 1948 these machines were, therefore, already active. But obviously their role was much more crucial because, unlike in the Mandatory time when the political system was voluntarily organized, party members had now to be elected. That party's apparatchiks and party's officials were the representatives welcoming an immigrant to Israel during its first decade has largely been documented and this has become an accepted part of Israeli folklore. These party machines distributed openly various incentives and inducements⁴⁹ whose main sources, although obviously much less documented, were revealed in the scandals of the Seventies, and will be discussed in that section.

Yet, the buying of votes, for example, was publicized in the press throughout election years of the Ben Gurion era. However, since the most blatant manifestation of this practice - paying a few "lirot" (equivalent to a few dollars) for each vote - was associated with the new Afro-Asian immigrants citizens, it was generally reported as anecdotes and merely as the corruptibility of this "uneducated" electorate. Thus, electoral bribery, carried out even by the sophisticated General Zionists⁵⁰, was in the press more a source of poking fun and showing disdain toward those who have been corrupted rather than toward the corrupter. In many respects, the new immigrants were blamed for the existence of corruption. Werner's analysis echoes this conception.⁵¹

The bribery of the Arab-Palestinians electorate, who were under Martial Rule until 1966, was also regularly mentioned in the press although in considerably fewer instances since the entire relationship between the Jewish state and its Arab-Palestinian citizens was highly censored. Since the 1970s it was much more openly discussed in the press.

Likewise, the practice of patronage was actually established in the earliest days of the Ben Gurion first coalition-government. In July 1948, the parties agreed that each minister be allowed to appoint party's members

to the ministry he/she controlled⁵². It was reported in the press, generated a few commentaries and was let go. Ministries became then a powerful base of a political party from which incentives were distributed⁵³. A ministry personnel often reflected the human portrait of a party. In the Welfare Ministry which was first controlled by the religious Agudat Israel Party and then by the NRP Party this was easy to notice; almost all who worked there were religious. In election times the ministries could acquire votes in return for promises of future budgets and other privileges; it is again easy to trace where it is easy to notice. The distribution of the vote in Arab-Palestinian villages provide, it seems, the map of incentives' distribution. Many people there voted, for example, for the NRP Party. Obviously it was not the Jewish-orthodox ideology that attracted these citizens. All this information was reported in the press, usually within articles whose subject matter and frame of reference, however, were not political corruption.

The phenomenon of corruption was seen, by contrast, as a problem of the lower echelons of the administration. As such, the political leadership was the first to condemn them. The uncovering of corruption among individuals in state and local agencies generated special deliberations in the Knesset which resulted in the Bribery Law in 1952. Many MKs expressed their worry and

concern while the state leadership promised to punish severely the offenders since "corruption was the most damaging phenomenon for our young state."

One of the first decisions of the new government was to nominate a committee for the examination of those who worked in the administration under the Mandate in order to weed out the corrupt elements. A fifth of the manpower was fired upon the recommendations of the committee⁵⁴.

During the first years the government controlled almost everything for the purpose of stabilizing the economy. The "austerity program" imposed shortly after independence (1949-1952), restricted the consumption of food, clothing, electricity, construction materials, particularly cement and steel, and consequently a black market flourished. The government reacted with stringent measures against corrupt dealers and private citizens. Dealers were summarily prosecuted⁵⁵ and state inspectors were allowed to search the closets and refrigerators of private homes for unauthorized commodities⁵⁶

The press pointed out that main sources for the black market were located in the establishments of the Labor-controlled Jewish Agency and Histadrut which were allocated more resources than they needed by the government⁵⁷. Some Kibbutzim and officials were prosecuted⁵⁸. The ministries which allocated cement and steel to constructors were also engaged in a large-scale

favoritism, known as "Protekzia" (preferential treatment). In one trial, the judge declared that a certain ministry was "laden with corruption from up to bottom"⁵⁹.

In general, however, when allegations were directed higher to the political elite the reaction of the responsible politicians transformed the accusers into defendants. Accusations of political corruption were generally condemned as mean pettiness. As if one was to present chips of wood that fly under heavy pounding of an iron hammer as solid foundations. The accusers were irresponsible people, those who did not comprehend the greatness of the moment, nor the national effort, nor the devotion of its practitioners. Essentially these were the accusations against Dr. Shmorak, a distinguished member of the executive board of the Jewish Agency and its comptroller, who, in 1951, published a critical report indicating that corruption was prevalent enough and severe enough to warrant both publicity and stringent measures. He was passionately attacked and the reaction of the Jewish Agency's treasurer and most prominent director, Levi Eshkol, was loud and clear: do not impede the ox in his work⁶⁰.

Eshkol, who in a few years became the Finance Minister and later the Prime Minister of Israel, summarized what the political elite felt. Shmorak, who

was ridiculed, resigned. However, since the Seventies, Eshkol's dictum has been viewed as the legitimizing-key to political corruption.

A year later a group of young intellectuals and academicians, mostly from the Hebrew University, formed a citizens' watchdog group, called "Shurat Ha'Mitnadvim" (The Volunteers' Line) in order to fight against "widespread corruption in the political system." They generated similar reactions as did Dr. Shmorak: aversion and outrage from politicians and a noticeable coldness from the press⁶¹. Generally, during the era of Ben Gurion allegations of corruption required a word of refutation on the part of politicians that "it was not true". And if later it was found to be true, it was declared "an honest mistake". Once corruption was defined as an "error" the matter was closed. For example, in 1951 it was revealed that a group of high officials, including the Director General of the Finance Ministry, bought land from the Government for a very low price in the most expensive area of Tel Aviv. The Finance Minister gave his word that this was a fallacy and a day later he changed his tune and averred that the transaction was "a mistake"⁶². As far as the press was concerned the matter was concluded.

In 1956, with the sensational libel suit filed by Ben Gurion's son, Amos, against "Shurat Ha'mitnadvim" a

new trend began to arise which progressively strengthened. The suit was provoked by a report the group publicized in which they charged the police with closing files of high-level officials, and Amos Ben Gurion himself of covering up a corrupt enterprise carried out by a friend, with whom he allegedly had business interests⁶³.

The group was defended by Samuel Tamir, who was known for his sharpness and talent for dramatization, and the trial was largely covered by the press. Amos Ben Gurion won, but the Supreme Court which dealt with the group's appeal criticized the police and, in effect, supported the group's basic contention⁶⁴. The trial, however, critically injured the group which dissolved shortly after it began; it sharpened the internal debate on whether or not the group should fight against the system or against particular individuals. The trial which ended in 1960 signaled, however, a new trend which surfaced in the year which opened the Sixties.

The press became more critical and Ben Gurion authority was seriously challenged from within the Labor Party as a result of the scandal of "The Affaire." Shurat Ha'mitndavim won a posthumous victory with the onset of widespread attacks against the corruption of "the system."

Notes:

1. Henry Rosenfeld and Majid Al-Haj, Arab Local Government in Israel, Boulder: Westview Press, 1990

2. Dan Horowitz, Moshe Lissak, Origins of The Israeli Polity: Palestine Under The Mandate, Chicago: University of Chicago Press, 1978; S.N. Eisenstadt, Israeli Society, London: Weidenfeld & Nicolson, 1967; S.N. Eisenstadt, The Transformation of Israeli Society: An Essay in Interpretation, London: Weidenfeld and Nicolson, 1985. ; Yonatan Shapira, The Organization of Power: Historical Achdut Ha'Avoda, Am Oved Publication, 1975 (Hebrew); Asher Arian (ed.) Israel: A developing Society, Assen: Van Gorcum, 1980.

3. Their resignation or replacement was only briefly mentioned in the press and sometimes was not reported at all. For example, the replacement of the Mayor of Rehovot, BenZion Horovitz (Appendix A: Horovitz 1954), was not reported in Ha'aretz. Fourteen Years later, in 1968, when Yitzhak Katz retired from the mayorship of Rehovot, he recollected that, in 1955, he was rushed by the Labor Party to the city "in the midst of a severe crisis which labeled the municipality as the rotten-apple municipality" (Ha'aretz 4/2/68).

4. Yonatan Shapira, Democracy in Israel, Tel Aviv: Massada Publication, 1977 (Hebrew); Ehud Shprinzak, Every Man Whatsoever Is Right In His Own Eyes: Illegalism in Israeli Society, Sifriat-Poalim Publishing House, 1986 (Hebrew); Yosef Gorni, Achdut Ha'avoda 1919-1930: The Conceptual Foundations and The Political System, Tel Aviv University and Ha'Kibbutz Ha'meuchad Publishing House, 1973 (Hebrew)

5. Appendix A: Husshi 1955

6. See, for example, an autobiography of Yosef Almogi who refers to this period. Almogi was known as "the strong man of Haifa". Yosef Almogi, Total Commitment, New York: Herzel Press, 1982

7. See Chapter Eleven. During the scandals of Netivey Neft and Ha'chevra Le'Israel, for example, the intent to refer the investigation caused such uproar that the Comptroller himself contended these investigations were not under his authority. Yet, when circumstance allowed, investigations were referred to the Comptroller. For

example, appendix A: Rabin 1974; Rabinovitz 1977; Burg 1980.

8. Ha'aretz 8/7/52

9. Ha'aretz 12/8/52

10. Ha'aretz 14/2/58; 16/2/58

11. Appendix A: Shaked 1957; Shaked 1959

12. Ha'aretz 4/11/52

13. The General Zionists joined the government on 19/12/52 and Israel Rokach became Minister of Interior. The Progressive Party joined the government on 23/12/52 and Pinhas Rosen returned to the Justice Ministry. See, appendix A: Berman 1953

14. Ha'aretz 14/1/52

15. Yizhak Neventzal, "Parliamentary Supervision Over Governmental Administration: The Role of Supreme Institutions of Audit", in Asher Friedberg, State Audit in Israel, Jerusalem, 1987

16. Ha'aretz 2/5/75; 30/5/80 (Magazin)

17. Shapira, The Organization of Power, opp. cit., p. 165;208

18. Reports which were considered "harmful to the Histadrut" were not to become public knowledge. Ha'aretz 17/1/68; 28/8/68; 4/3/69; 6/4/69; 13/6/69

19. Appendix A: Levanon 1954; Husshi 1955; Ben Ari 1961;

20. "Pegia Be'Tohar Ha'Midot" in Hebrew means "harm to the purity of qualities." Twenty-year Comptroller, Yitzhak Neventzal, explains the term as "a concept of the practical ethic domain which points to a positive and even honorable quality and which invokes a positive emotional reaction": Yitzhak Neventzal, "The meaning of 'Tohar Ha'Midot' in the State Comptroller Law", in Schiffer Varda (ed.), Moral Integrity in the Public Service: Selected Readings, State Comptroller's Office, Jerusalem 1989, p. 24-32. In corruption incidents the resolution of the State Comptroller was that "there was no "Pegia Be'Tohar Ha'Midot." However, a footnote in the same article (note 4, p. 31) suggests that there was also an informal reaction. Neventzal refers there to what

seems to be the Ben Ari case (appendix A: Ben Ari 1961) and mentions that the comptroller's reservations caused the resignation of the mayor. To the public, the comptroller gave a different statement.

21. Ha'aretz 13/1/56; 26/1/56; 22/2/56; 20/2/73

22. Ha'aretz, 16/11/67; 9/7/70; 21/4/71; 27/4/72; 10/8/72; 15/8/72; 7/11/72; 30/4/73; 13/1/75; 2/5/75; 4/5/75

23. Appendix A: Eshkol 1956; Sapir 1958

24. Appendix A: Raphael 1956

25. Ha'aretz 3/8/56

26. Ha'aretz 29/11/56; 16/1/57

27. Ha'aretz 25/5/54

28. Yechiel Gutman, The Attorney General Versus The Government, Edanim Publishers, Yediot Aharonot Edition, Jerusalem 1981, p. 99

29. Ha'aretz covered the debate during February 1950. See Shprinzak, op. cit., p. 63-75

30. Ibid, p. 65, 66.

31. Goren Dina, Secrecy And The Right To Know, Ramat Gan, Israel, Turtledove Pub., 1979

32. Ha'aretz 10/4/51; 20/4/51; 9/10/51

33. Negbi Moshe, Paper Tiger: The Struggle For Freedom of Press In Israel, Tel Aviv, Sifriat Poalim, 1985 (Hebrew).

34. For example, in 1967 Maxim Gilan and Samuel Mor, the editors of "Bull", a sensational magazine, were arrested, tried behind closed doors and sentenced to one year in prison for publicizing the alleged involvement of Israeli Intelligence in the kidnapping of the Algerian Ben Barka. Prime Minister Levi Eshkol disclosed to the Editors Committee - of which the editors of "Bull" were not a participant - details about Israel's connection with the incident (Ha'aretz, 8/3/67). They did not publicize it, though after the trial of Gilan and Mor, Ha'aretz's criticism of the government action was very instrumental; the convicted editors were pardoned (16/3/67). For the subject of Palestinian Press, see Goldstein Eric, Journalism Under Occupation: Israel's Regulation of The

Palestinian Press, New York: Committee to Protect Journalists, 1988

35. Ha'aretz 18/1053. Supreme Court Decision 73/53, Kol Ha'Am v. Minister of Interior. This decision was preceded by a decision of a District Court to acquit the communist newspaper "Kol Ha'Am" (Ha'aretz 12/6/53; 17/6/53).

36. In May, 1952, three journalist who publicized the disagreement between the Minister of Transportation and the chair of the Trains Authority were arrested by the police because they refused to disclose their sources; They were charged with making false accusations (Ha'aretz 9/5/52). The Journalist, Uri Kesari, wrote in Ha'aretz that his letters were frequently opened by the censor. In December 1957, the journalist, Eli Tavor, of "Ha'olam Ha'zeh," a sensational magazine, charged the General Security Services with kidnapping him (Ha'aretz 4/12/57; 6/12/57; 10/12/57; 12/12/57; 13/12/57). In the same period, the magazine gave considerable coverage to the trial which involved allegations of police corruption (Amos Ben Gurion against Shurat Ha'Mitnadvim).

37. Information about the Editors Committee is conspicuously absent and journalists often refer to it as a sort of secret association. During the Bull affair, (previous note) an article in Ha'aretz disclosed that the Committee at that time comprised of 18 members, of whom 11 were editors of partisan newspapers (backing the coalition government). Also, that there was a semi-formal forum, termed "meetings with editors", which was more selective and was comprised of only some of the Editors' Committee members (Ha'aretz 10/3/67); Negbi, op. cit. has a chapter on the committee. p.

38. Negbi, p.

39. Sharet, Personal Diary, p. 513

40. Ha'aretz 29/1/55; 30/1/55

41. Ha'aretz 24/1/55 . Years later, Cohen avered that the accusation was let go because of "humanitarian reasons", meaning that Nourouk was an old, sick man. See, Gutman, op, cit, p, 106-107.

42. Ibid.

43. Ha'aretz 16/4/61. This information was disclosed by Isrer Harel, the Head of Israeli Intelligence during the 1950s.

44. Werner Simcha, "The development of political corruption in Israel", in Heidenheimer, Political Corruption, a handbook, p. 251-270

45. Segev Tom, 1949 - The First Israelis, Domino Press, Jerusalem 1984 (Hebrew).

46. Ibid, p. 86

47. Ibid, p. 91

48. Ibid, p. 98-99

49. Etzioni-Halevy Eva, Political Manipulation and Administrative Power: A Comparative Study, London; Boston; Routledge & Kegan Paul, 1979; Katz Elihu, Danet Brenda (ed.), Bureacracy and The Public: A Reader In Official-Client Relations, New York: Basic Books, 1973; All the books mentioned in note 2 refer to this issue.

50. Ha'aretz 11/1/60; 14/1/60

51. Evidence for this impression is reflected in the editors' introduction to Werner's analysis (Heidenheimer and al., Political Corruption: A Handbook, op. cit). The editors write: "...Israel started out in 1948 with relatively little public corruption; however, as it became increasingly socially heterogenous (with the arrival of large numbers of Oriental Jews beginning in the 1950s), the old socialist developmental ethos began to weaken, party machines began to make their appearance...corruption may well have helped the post-1950 immigrants to enter the national system more rapidly and productively, but the cost to the country...may have been too high." (p. 215). In this context, party machines which "helped" the mass immigration of the prestate era, and the immigrants from Eastern Europe who came in the 1950s, in similar numbers as the Oriental Jews, were apparently not an expression of corruption.

52. Ha'aretz 14/7/48

53. See Chapter Eleven and Twelve

54. Ha'aretz 2/7/48; 15/11/48; 3/12/48; 5/4/79; 7/4/49; 21/10/50

55. Ha'aretz 3/1/49

56. Ha'aretz 26/2/50; 28/2/50; 2/3/50

57. Ha'aretz 29/1/52

58. Ha'aretz 16/9/50

59. Ha'aretz 16/1/52. Trial of Mr. Gad Dohn.

60. Eshkol used the biblical admonition "You shall not muzzle the ox while he is threshing" (Deuteronomy 25:4). Shprinzak, *Illegalism in Israel*, op. cit, p. 82, quotes a very interesting response of Dr. Shmorak to Eshkol. Among other things, he asked Eshkol whether all were indeed treated as the privileged ox or whether others were treated as common sheep. He also reminded him that it was that the law of the State of Israel impeded the ox.

61. Friedberg Asher, *Public Criticism of A Voluntary Organization*, Master's Thesis, Hebrew University, 1974; Shprinzak, op. cit., p. 84-92

62. Ha'aretz 20/7/51

63. Ha'aretz 16/1/56; 17/1/56; 20/2/56 (initial accusation) 18/7/57 (Shurat Ha'Mitnadvim lost in the District Court) 29/6/59 (appeal) 5/6/60 (Shurat Ha'Mitnadvim lost in the Supreme Court). Between these dates many publications on the case can be found. However, as a result of the Supreme Court judgement, the former police commissioner, Yechezkel Sahar, was prosecuted for perjury (Ha'aretz 21/8/60) and convicted (16/1/61; 13/3/61). The Irso case, which was at the center of the whole affair, and involved Amos Ben Gurion's friend and alleged partner, Mr. Yeshayahu Yarkoni, was said to be opened again (7/6/60). However, it was reviewed for more than a year in the office of the State Attorney (18/6/62; 31/7/62; 3/8/62). Amos Ben Gurion retired from the police (18/6/63). Five months later the file was closed because "under the status of limitations it was too old an affair and some witnesses had died" (3/11/63).

64. Ha'aretz 5/6/90. see previous note.

64. Ha'aretz 5/6/90. see previous note.

CHAPTER ELEVEN:

BEN GURION'S SUCCESSORS ERA:

ESHKOL, MEIR and RABIN (1965-1977)

If for the reader of the Israeli press the political system during Ben Gurion's fifteen-year rule seems free of political corruption, in the subsequent regimes of his successors it appears nothing but politically corrupt. The change is so drastic that one might easily believe that an entirely new group of people had come to power. Aside from Ben Gurion, however, Labor's old guard as well as old coalition partners continued to hold their positions in the government. In 1968, upon the formation of the Alignment (Ha'ma'arakh), the Labor Party (Mapai) expanded by absorbing Rafi (Ben Gurion's short-lived party) and the Achdut Ha'avoda Party. Former ministers

such as Pinhas Sapir, Moshe Dayan and Yigal Alon advanced to more powerful positions. Shimon Peres, presently Labor's leader, made his entry into the state leadership. In general, however, the post-Ben Gurion era witnessed a reconfiguration in the hierarchy of the powerholding elite rather than a change in substance. By and large, the same old Labor Party continued to govern and the same personalities, to whom Israelis were so accustomed, continued to dominate the political scene.

This period, which started with Levi Eshkol's first government, ended dramatically in the spring of 1977 when Yitzhak Rabin handed over to Likud's leader Menahem Begin the ruling mandate. When the light dimmed on Labor's hegemony, corruption scandals were still swirling in the air. Commentators and Labor leaders alike immediately attributed the downfall of the party to "political corruption and rot which surfaced" during the last decade. Although later analyses regarded the 1973 War as the decisive determinant for both the public rage against the Labor leadership and its own disintegration, while others attributed the electoral failure to hostility and resentment of the Afro-Asian majority, none underestimated the weight of political corruption's outrageous scandals in the breakdown of the Labor Party.

There were two major reasons for the radical change in the image of the phenomenon. First, the coverage in

the press changed sharply. If, in earlier years, incidents of political corruption were pushed to a distant niche, in this period the press made them a front-page issue and followed them up with new revelations and critical commentary. Investigative journalism played a major role. Television was founded in 1968 and added colors and dramatization to the events. The Opposition's political discourse was no longer confined to the partisan press, and a blatant opposition phrase could easily make front-page headlines in nationwide newspapers. Hence, the press completely abandoned its former general reporting attitude and rather became a leading power in exposing and denouncing dubious enterprises and shady political practices. Consequently, political corruption emerged as a major subject on the public agenda and the phenomenon appeared ubiquitous. Moreover, the press no longer sided with the governing power but, conversely, challenged it by aiming at the soft belly: political corruption.

The second reason was related to the protagonists. In this period accusations were predominantly directed at the state leadership. Rather than unknown mayors or marginal religious MKs, the accused were major members of the government. The list of Labor politicians accused of abuse of power, either for private advantage or for party purposes, was very distinguished. It included a Prime

Minister (Rabin), a Deputy Prime Minister (Alon), a Defence Minister (Dayan), a Treasury Minister (Sapir), a Deputy Treasury Minister (Dinshtein), a Justice Minister (Shapira), an ex-Foreign Minister (Eben), a Housing Minister (Offer), a Deputy Speaker of the Knesset (Sardines), and at the edges of scandals, another Treasury Minister (Rubinowitch) and an Education Minister (Yadlin)¹.

There was no doubt, the ruling party sat in the dock. In sharp contrast to the earlier period, Labor's politicians were in the majority (82.35%) of those publicly accused whereas the representation of politicians affiliated with religious parties significantly declined, though the single prosecution was of a religious deputy minister (Raphael 1965).

Noticeably, and strangely enough, the local government which during Ben Gurion's time had the greatest share in the record of political corruption, entirely disappeared from this scene. In fact, during an entire decade (1965-1975) not even a single incident of corruption was charged to mayors. In other words, the same years in which the state level appears "corrupt", the local level appears "clean" and vice versa.

The new social reality of political corruption in this era was also related to the recomposition of the opposition power. Begin's Herut, the extreme right-wing

party, allied in 1965 with the Liberals (formerly the General Zionists Party and part of the Progressive Party) and together formed the Gahal Party (Gush Herut-Liberalim). The opposition to Labor was stronger and much more confident. Obviously, Gahal took all the advantage it could from the unprecedented exposure of Labor's corruption.

The alignment between the prestigious figures of the centrist Liberal Party and Herut, those previously condemned as saboteurs of the "interests of the state," was possible due to an internal process through which Herut passed. During the Sixties the party changed both its self-revolutionary image and political strategy. While in the Fifties Herut was associated with subversive operations² that reinforced its prestate terrorist image and enhanced the threat of an armed coup on its part, in the Sixties Herut entirely abandoned the insurgent course and adopted the strategy of electoral change.

Without the subversive component Herut rhetoric could be accepted as patriotic and thus legitimate. Furthermore, the party concentrated its efforts on the poor neighborhoods and towns, populated mostly by Afro-Asian immigrants. To this audience, Menahem Begin emphasized social criticism and recurrently focused on Labor's corruption: "Where is the money Mapai got on your behalf? Where are millions of dollars which good American

Jews sent for you?" he used to ask rhetorically and then went on picturing sarcastically the fat of the system. Since Herut did not have a part in the patronage system, controlled by the government coalition parties, Begin could appear before Israelis with clean hands. The new and embittered electorate of Afro-Asian origin gradually passed to his side. At the same time, it gave to Herut a new appeal which was important for its legitimization among mainstream political parties and press.

In May 1967, when Eshkol asked Menahem Begin to join a National-Unity government due to the war, the years-long delegitimization of Herut by Labor dissipated. Three years later when Gahal left the government Begin was a respected leader.

Gahal's attacks on the government in the Knesset could not have gotten the enormous attention they received without the invaluable assistance of two brilliant fresh parliamentarians who played the role of "intruders". Political intruders are those who are still not part of the political system, in the sense of both the cordial relations and reciprocal arrangements this partnership entails among oldtimers. In referring to political corruption political rivals usually cling to conventional generalizations. Therefore, in those instances where accusations center straightforwardly on

specific politicians, the unpleasant brutal exposure is led by, or left to, political intruders.

In this period two played such a role: MK Samuel Tamir (Ha'Merkaz Ha'Chofshi Party: The Free Center), and MK Uri Avneri (Ha'olam Ha'zeh - Coa'ch Hadash Party: This World New Force). The former, a shrewd and well-known lawyer who had a previous record of fighting corruption, and the latter, the editor of a sensational magazine who had been elected to the Knesset in protest against a new press censorship law and for the purpose of getting parliamentary immunity to avoid its enforcement on his magazine. In the Knesset Avneri was assisted by another eminent lawyer, Amnon Zichroni, who provided him with the vital legal base he needed for his criticism. It was primarily the work of these figures who, wittingly and aggressively, pushed political corruption's revelations to the center of public attention.

It is, then, the change in both the press and political arenas which was responsible for the new phase of political corruption. Both exposed the phenomenon and, at the same time, reacted to it in a way which did not let corruption pass as a marginal and/or normative aspect of politics. Though it was still not articulated as a crime in the sense that politicians were exposed as ordinary criminals, the phenomenon was clearly conveyed as abuse of power which is largely illegal.

The radical change in both arenas was directly linked to the internal crisis and fracture within the Labor Party that began in 1960. Since rivalry and competition from within undermined Labor's own legitimacy, and unbridled accusations were rather made in the open, external criticism accordingly became legitimate. The traditional justification for silencing criticism because this "damages the security interests of the state" was in this context less convincing and hence often rebuffed.

The press, in particular, gained power as a result of the war within Labor. It served as the major forum for the rival factions which sought to present the public with their argumentation. The press was therefore assiduously courted by politicians in power who, moreover, pushed the press to acquire its previously little-exercised function as the "courtroom." It is through the press that ruling politicians and supporters were addressing their pleas. This enormously enhanced the press' self-image as a mighty power vis a vis politicians. Nevertheless, a general deference still underlaid the basic position of the press toward the Labor leadership. Only during the Likud's tenure did this kind of general respect toward governing politicians largely disappear. The difference in attitude is extremely apparent when the two periods are compared,

though during Likud's corruption scandals were generally less damaging since they were relatively less broad in scope and much shorter in duration.

Legitimacy for relentlessly criticizing the state leadership was given by no other than the first man at the top of the pyramid and the one who for years tenaciously held together its segments with his charisma and power: David Ben Gurion, founder and leader of the Labor Party from the early Twenties, launched from 1960 to 1965 an unprecedentedly fierce campaign against his colleagues, accusing them of obstruction of justice and political corruption. The prolonged war within Labor revolved around "The Affaire" (Ha'parasha)³, which was in fact two interrelated affairs of which the second was more damaging from the standpoint of Labor's leadership and Ben Gurion's charges.

"The Affaire" was the longest scandal in Israeli history and caused, as mentioned, Labor's first serious fragmentation while it strengthened the political opposition and critical press. In the context of the themes of this study "The Affaire," however, signifies more than this. In its content it epitomizes the major argument of the study which maintains that it is, particularly, the judicial process that politicians want to avoid, even at the expense of a public scandal which is no doubt considerably damaging. As argued, outside the

boundaries of the court politicians are able to control the outcome in both direct and indirect ways, as they are also aware of the advantage embodied in the dynamic of scandals which generally exact a lower price than the judicial process might demand. Both information and disinformation on the part of politicians, which make a scandal so confusing and its subject equivocal, are constrained under the rules of the court. All of which is important for the outcome; what becomes upon the verdict of a court a "fact", will remain but a "rumor" or "opinion" in the aftermath of a scandal.

In substance, "The Affaire" exemplifies these points and illustrates very clearly the relationship between political power and the control over the frame of an investigation. Therefore, although the affair did not involve direct charges of political corruption, it is dealt with at some length.

The first affair of the scandal was related to the Intelligence operation in Egypt in 1954, which has already been mentioned. Being a national-security matter (since Israel denied any connection to the operation), the inquiry was held secretly and only a few knew of it. The Olshan-Dori Commission which inquired into the case could not support Defence Minister Pinhas Lavon who contended that he was not the one who gave the order for the operation, yet neither could it contradict him.

Nonetheless, Lavon resigned from his office and from the Knesset. He was, however, nominated by the Labor Party as the Secretary General of the Histadrut, a prestigious and powerful position. Three years later, in December, 1957, an Intelligence agent who had participated in the Egyptian operation, testified that he had been compelled to lie against Lavon before the Olshan-Dori Commission and that Army documents related to the incident had been falsified. After three more years, in which a secret investigation and trial were held, the agent was sentenced to twelve years in prison on various violations of state security.

Several months before the verdict, in May, 1960, Lavon learned of the testimony and demanded a public exoneration from Prime Minister Ben Gurion. The latter, who had a different view of the incident, refused. Instead, Ben Gurion decided to appoint a new commission of inquiry for the case and to choose as its chairman Supreme Court Justice Haim Cohen. Cohen had concluded, less than six months earlier, a ten-year appointment as Attorney General in the Ben Gurion government and was nominated to the Supreme Court upon the government's recommendation. To facilitate a shortcut for Cohen to form and head the commission under the auspices of the army, Ben Gurion, who was also Defense Minister,

instructed the IDF Chief of Staff to call Supreme Court Justice Cohen to reserve duty⁴.

It appears that Ben Gurion was naive enough to believe that Cohen's prestige and outstanding skills would remove the skepticism from the minds of experienced politicians allowing them to simply ignore the advantages this particular choice entailed for Ben Gurion⁵. Lavon refused to appear before the commission⁶. In that instance Ben Gurion still did not anticipate that his own circumvention of a judicial process, conveniently made possible by his power, would be used against him to the advantage of his rivals when the power pendulum swung to their side. When later he began to ardently advocate a judicial inquiry, challenging the resolution of a new nonjudicial commission of inquiry, he found that he was unable to wrestle with the dynamic of rationales and factors which came into play.

Instead of appearing before the Cohen Commission, Lavon made his way to the Foreign Affairs and Security Committee of the Knesset and there presented his version. He contended that through forgery and fabrication, his subordinates had made him to blame for the specific operation in Egypt, and that this was part of a web of intrigues aimed at undermining his authority within the Defence Forces and Ministry. Therein laid the sting. In 1954, Moshe Dayan, then-Chief of Staff of the IDF, and

Shimon Peres, then-Director General of the Defence Ministry, had appeared before the Olshan-Dori Commission. Both testimonies supported, indirectly, Lavon's adversaries.

By now Dayan was Agriculture Minister and Peres Deputy Defense Minister, but more importantly, they were Ben Gurion's proteges whom he had promoted and had come to greatly rely on. Although Lavon did not contend they had had direct link to, or knowledge of the fabrication of evidence, he hinted that they were not blameless. Lavon's testimony was leaked to the press and a scandal ensued.

Two weeks later in October, 1960, the Cohen Commission completed its work and submitted the findings to Ben Gurion, concluding that neither the various claims of forgery nor the new testimony of the agent had been proved⁷. This, in effect, left the case and Lavon's "guilt" as they were prior to 1957. Lavon, who was not a powerless politician, could both criticize the findings and be heard. He also had inside sources and knew that the commission had preferred to disregard some testimony and "did not find" certain documents. Even Hagai Eshed, the new investigator of Ben Gurion in 1963, whose report thoroughly supports the premier's charges against Lavon, admits that the work of the Cohen Commission was highly flawed⁸. From that point, however, Ben Gurion began to

insist on a judicial inquiry whose procedures and judgement would concur with "the rule of law". Lavon objected to Ben Gurion's intent and demanded immediate exoneration.

Ben Gurion soon realized that Lavon was supported by his major colleagues in the government, particularly Levi Eshkol and Golda Meir. Eshkol led the opposition to a judicial inquiry and rather proposed a ministerial commission of inquiry. The government overrode Ben Gurion's objections and voted for a seven-minister commission of inquiry, to be chaired by Justice Minister Rosen and to include Eshkol himself. In January, 1961, after two months of deliberation, the commission issued a resolution concluding that there was "no case"⁹. The resolution, in effect, cleared Lavon. Ben Gurion was furious and vigorously charged the ministers with superficial investigation which conveniently narrowed the framework of inquiry. Moreover, he felt that he had been deliberately misled by the ministers and concluded that a political body cannot judge; that is for judges to do.

From this point evolved the second affair which unfolded over a period of five entire years. Ben Gurion dissolved the government and new elections were called. In his letter of resignation, addressed to the President of Israel, he complained that "ministers set themselves up as judges, countering the law of the land."

As incredible as it may sound, "the Affaire" revolved during its five-year scandal around the insistence on a judicial inquiry and the opposition to it. Levi Eshkol and Golda Meir led the opposition against Ben Gurion's intent to probe into the matter within a judicial framework, probably because they knew Ben Gurion would be able to control it, particularly through the framework and the selection of inquirers.

Very early on it was clear that it was not Lavon's reputation which was at stake. Facing Ben Gurion's anger Eshkol offered him Lavon's head without a trial; in February, 1961, immediately after the resolution of the ministerial commission and Ben Gurion's reaction, a special Labor convention was called to approve Eshkol's recommendation to discharge Lavon from office as Secretary General of the Histadrut¹⁰. It was a public repudiation instead of the public exoneration Lavon had aspired to. The party voted for it though the public reacted with anger.

The scandal, largely covered by the press, became the center of public discussions. Soon, however, most people did not understand what or who was to blame. Almost everything was thrown into the dispute: military and Intelligence operations, old and new stories of deception and rivalry, debates over the values of justice and democracy, and so on and so forth. Both camps were

also presumably fighting for noble causes; Ben Gurion for the "senior officer" (Lavon's subordinate in 1954 who allegedly had given the order) and Eshkol and Golda for the rehabilitation of Lavon. Strict censorship laws made many press reports read like an obscure crossword puzzle. Therefore, what was fairly easy to comprehend, namely, "who gave the order?" in the 1954 incident, was largely perceived to be the core of the conflict (Eshkol's allegation) rather than the refusal to resolve it by judicial inquiry (Ben Gurion's allegation). The fact that Eshkol's camp could rely on the resolution of the Seven-Minister Commission made it very difficult for Ben Gurion since his insistence on a judicial commission implied that cabinet ministers, among them the Justice Minister, were unreliable.

Therefore, in general, the public and particularly the intelligentsia sided with Lavon and his supporters Eshkol and Golda. Lavon was seen as a scapegoat and Ben Gurion an old spoiled despot. Generally, Ben Gurion's insistence on a judicial inquiry was objected to on the rationale that it was but "a vexing demand without moral or public basis, with no roots in justice or honesty." Ben Gurion's general response that "He who has nothing to hide is not afraid of the court," did not get public support, not because this statement was regarded to be

false but because it was made by a man whose authority and power were in decline.

During the next two years the affair quieted down, but Ben Gurion did not. He formally appointed one of his acquaintances, the journalist Hagai Esshed, to probe into the matter. Accordingly Ben Gurion ordered all State bodies "possessing material directly or indirectly connected with the affair to place them at the disposal of Esshed"¹¹. In 1963, upon the completion of Esshed's report - which concluded that Lavon was blameworthy - Ben Gurion again resigned from the premiership and renewed his demand for a judicial inquiry into the affair¹².

Eshkol, who replaced him as premier, finally understood that Ben Gurion was determined to drag the issue all the way to the judge. He declared war on Ben Gurion. Both sides accused each other of deception, abuse of power and political corruption. The term "Tammany Hall" was appended to the Labor Party by its own leaders. In the election of 1965 Ben Gurion, followed by the party's young generation, broke with the party he had founded and formed Rafi. He vowed to eradicate "Labor's corruption and abuse of power."

However, "The Affair" was entirely buried in 1968 when Dayan and Peres returned to Eshkol's Labor. They left David Ben Gurion behind, a lonely and powerless man and a broken legend. "The Affair" has remained in the

public memory in the image his adversaries conveyed: a war of succession. Years later, in 1983, Yosef Almogi, who was in 1960 Secretary General of the Labor Party, was interviewed by Prof. Shlomo Aronson and disclosed that Levi Eshkol's unequivocal refusal to bring "The Affair" to a judicial inquiry was because Lavon, then six-year Secretary General of the Histadrut, threatened to open a "Pandora's box."¹³ In Almogi's words:

- He had a secret file!
- What file?
- About the party, all sorts of things...
- What things?
- About money for elections and these sorts of things..
- Whose sources were illegal?
- Of course illegal, what do you think?

The Pandora's box was nevertheless opened in the following scandals which exposed the illegal party financing Eshkol was apparently afraid of. This underlaid almost all scandals and culminated in the last year of Labor's rule with the Asher Yadlin's revelations. Both Ben Gurion and Eshkol had by this time died.

In 1965, however, political corruption scandals made an initial entrance. Labor's general authority which was weakened by "The Affair," had put the Eshkol government in a shaky situation. It was attacked by Ben Gurion's Rafi and Gahal's parliamentary opposition and thwarted by

a failing economy. Shortly thereafter Eshkol and the Labor leadership regained firm authority and public support upon the celebrated victory of the 1967 War. The opposition parties, Rafi and Gahal, became part of a national-unity government. In 1969 Eshkol died and Golda Meir was nominated by the Labor Party as his successor.

In 1970, corruption scandals erupted again. Due to their intensity and massive coverage they appear as almost one interminable scandal. Essentially, they revolve around two axes: corrupt practices and corruption for party advantage. Noticeably, a specific allegation against a particular minister was usually immersed within a larger scandal. Thus, although by their content most allegations against politicians refer to private ends, the eagerness of accusers to broaden the prism of their charge by adding revelations of more corrupt practices usually assisted in absorbing the specific allegation.

Therefore, the general notion conveyed is that there is both widespread and systemized corruption in the political system which is, however, general: i.e. in general, for the private advantage of politicians and, in particular, for their general political parties. Hence, political corruption was termed in this era as "the system"; the system was corrupt rather than those in charge.

Despite outspoken criticism, there was a certain reluctance, on the part of both established parties and the press, to accuse Labor's leaders of private corruption. They were seen as "personally honest men" who led a "highly modest lifestyle." The general defense strategy of the Labor leadership revolved around nationbuilding reasons and their own selflessness, contribution and devotion to the nation. Although rejected as a justification, this nevertheless enhanced the feeling that the attacks were a sort of ingratitude "compared to the whole record". Thus, scandals which revolved around the channelling of public money to party institutions did not flow over to the area of the narrower circle of private advantage, and even those cases which pointed directly to a politician's pocket were, in comparison, more restrained in coverage and the degree of denunciation.

Whatever their content, both the politicization of the allegations and the dynamic of scandals worked in all affairs to frustrate an investigation. The press and the political arena were those which insisted on investigation but they simultaneously conducted a quasi-investigation and trial of their own. Almost all allegations were absorbed within a larger scandal which was likely to be investigated by a Knesset Committee. The opposition often initiated the investigation in Knesset

committees since this forum was advantageous in terms of its own publicity. Deliberations were obviously leaked and so more revelations, more accusations and more confusion were added to the already loaded scandal. However, at some point the government majority in the committees was likely to halt the investigation.

Noticeably, in the midst of some scandals a criminal investigation started against a participant who was addressed as the major corrupter, either a private business person or an appointed executive. Their trial was regarded as a victory for public opinion and a concession on the part of politicians. These usually signaled the conclusion of the preceding scandal since a trial was perceived as the device which "had sorted out" those who were "guilty." However, in one case which had the potential to expand over dubious contributions to the Labor Party, the judicial proceedings were frustrated by an odd explanation: the documents had disappeared from the coffers of the Treasury Ministry¹⁴.

Thus, in general, during this period the 'mechanism' for treating an allegation of political corruption was most likely to work in this order: an initial financial debacle; a "small" scandal; then an accusation of corruption; then a "large" scandal; then more accusations and more scandal; then pressure for investigation; then investigation in a Knesset committee; more revelations

and more scandal; then a halt in the investigation, either by vote, or procedure, or for unpublicized reasons; finally, the accusation disappeared.

Now, one should bear in mind that corruption scandals were obviously not the sole news of the day. Israel is well known for the intense and dramatic events which characterize its day-to-day reality. After the short 1967 War, there were continuous clashes along the southern border with Egypt and daily casualties ("The War of Attrition"). The Seventies witnessed the emergence of the radical right-wing "Gush Emunim" movement, illegal settlements, Palestinian disturbances, peace movement actions. It was the period of social unrest and ethnic conflicts led by the "Black Panthers" movement. There were many terrorist attacks, among them the Munich murder of Israeli athletes, the Okamoto massacre in the airport, the murder of children in Maalot, as well as various airplane hijackings. And, in 1973, there was the war with Egypt.

In other words, even though the press and the political opposition did not allow an allegation to pass, the fact that it was politicized (by politicians) and scandalized (by the press) made it eventually disappear. Thus, in this era both politicization and scandalization had facilitated the subtle, almost unfelt, decriminalization of a specific allegation against a

high-level politician. Nonetheless, the scandals and the related criminalization of high-level executives increased the impression that politicians were more and more besieged by a furious public.

In two instances, allegations of corruption were investigated through a commission of inquiry. This method has been uncommon in Israel and it was employed only three times, two in this period. The commissions were formed after public and political pressure, upon a decision of politicians who had a direct interest in the case in question. Yet, the resolutions of both commissions did not satisfy the public in terms of their outcome. Not only did they not appease the public uproar but, conversely, fortified the former scandal which they aimed to resolve. In this respect, the commissions were not serviceable - neither the one which engendered a prosecution nor the other which cleared the accused.

The first commission, in 1965, was formed in order to investigate the suspicion that Deputy Minister Raphael had been privy to the extortion of kickbacks, in the form of contributions to Yeshivoth, by his subordinate who was a party member (NRP). The decision was made by Prime Minister Eshkol and Minister Shapira, the NRP leader of whom Raphael was a political rival. Rumors against Raphael had already been spreading in 1963 when Shpigel, was arrested and then Raphael was also investigated by

the police. In October 1964, in the beginning of the election year, pressure resumed and Judge Golan was nominated as a one-member judicial commission of inquiry. His report, which includes detailed testimonies of witnesses, reveals that Golan probed into areas which had been apparently unexplored in the previous investigation by the police in 1963.

Golan's resolution upheld the suspicions against Raphael. He also pointed out that Shpigel had not testified due to pressure from religious circles. Raphael contended that this was calumny and that the whole procedure was defective but his charges were regarded as an affront to both the judge and justice. His immunity was lifted and he was prosecuted. However, the indictment against him relied solely on the expected testimony of Shpigel who was serving a prison term and who, when brought to court, refused to testify. Raphael was immediately acquitted. The police, to whom the Golan report was embarrassing since it implied that their decision regarding Raphael in 1963 had been erroneous did not hide their satisfaction. They "knew that one cannot rely on Shpigel." The police did not address the question, which had not been raised, as to why other witnesses were not asked to testify in court. Whatever the opinion of Golan's judgement, it is clear from his

report that judgement did not solely rely on Shpigel's testimony.

Despite Raphael's acquittal, the Golan's judgement enormously damaged his reputation and political career, and particularly, hurt his prospects of challenging Shapira's faction and of leading the NRP Party.

The second commission of inquiry was known as the Netivey- Neft Commission and was related to a governmental company which was responsible for the oil fields in Sinai taken over from Egypt after the 1967 war. The affair was initiated by a whistle blower from inside who accused the company executive, Moti Friedman, of blatant corruption. As to the government, the charges were directly linked to Deputy Treasury Minister Zevi Dinshtein. The Justice Minister Shapira, who together with Dinshtein was involved a few years earlier in another affair, was accused of hindering the investigation. It was soon revealed that his law firm was the representative of Friedman's major alleged-to-be-corrupt enterprise with the government. The public also learned that Shapira's resignation from the Knesset in the early fifties - which was then not publicized in the nonpartisan press - was related to allegations of personal profiteering related to oil bonds¹⁵.

The scandal extended to outrageous corrupt practices, including a summer camp organized by Friedman

for the sons of prominent Labor figures, and therefore centered on the main corrupter, Friedman. After pressure, Prime Minister Meir and Justice Minister Shapira decided to form a judicial commission of inquiry, to be chaired by Supreme Court Justice Agrenat and to include a former army general and a businessman. Deputy Minister Dinshtein, the government official directly responsible for Netivey Neft company, was formally an accused, though Shapira's involvement was not within the framework of investigation. The sessions were largely covered by the press and each day more outrageous revelations shocked the public. Nevertheless, the commission's resolution (by a majority vote) cleared the main accused, including Friedman¹⁶. The public reacted with anger. As a result, Friedman resigned from his company post and was soon prosecuted¹⁷.

Shapira, who was at the center of a subsequent scandal due to the very high fees he granted to defence Attorneys who appeared before the commission, resigned. The excuse was the government's decision to cut the fees, but the rumors as to his involvement in the whole affair continued to spread. According to Shapira this "unfair allegation" was the decisive reason for his resignation¹⁸, though the latter immediately calmed down the scandal. Three months later, Prime Minister Meir nominated him again as Justice Minister.

But corruption scandals continued to explode one after the other. The most outrageous revelations revolved around the channeling of public money to party institutions, either through contributions of private companies and businessmen, or through a "revolving door" kind of involvement. Treasury Minister Pinhas Sapir, the most prominent Labor leader after Golda Meir, emerged as the main person behind "the corrupt system" which "has corrupted a whole society." Yet, practices revealed in these scandals and depicted by the press as "outrageous" went back to the fifties and even earlier, to the prestate era. More important, they were widely known.

What was revealed in the 1970s was essentially associated with a peculiar phenomenon that the newly established state of Israel inherited from the period under British Mandate. From the 1920s the voluntarily-established Jewish political system (known as the Yishuv) controlled the flow of capital from the Zionist Federation abroad which was designated for the establishment of settlements and networks of public services for the Jewish community. These were founded and managed by the Histadrut (the General Federation of Workers) and the Jewish Agency, which have consequently become very powerful and instrumental establishments. Both were controlled by the political parties, first and

foremost Mapai (Labor), and their myriad networks were openly used for partisan purposes¹⁹.

Alongside the construction of a public infrastructure, the parties institutionalized arrangements for the distribution of resources and political control according to an agreed "political key."²⁰ Both material and human resources, such as immigrants, were shared among the major parties. The parties thus founded a variety of partisan networks in the form of nonprofit organizations. Hence, in 1948, the State of Israel found most political parties controlling their own institutions, from health funds to kindergartens, from construction companies to newspapers, from sport's teams to publishing houses, from agricultural settlements to theater groups. In many respects, it was a parallel system to the state apparatus.

The new phase of statehood meant, however, that the capital which entered the country, whether in the form of Jewish contributions or from any other sources, was to go to the state treasury and to be distributed according to government policies, as well as the state rules and laws. It meant, in other words, that either the parties had to dissolve their institutions or to find other routes to finance them. Since the dissolution meant ceding political control and losing a party machine's

incentives, the parties agreed to keep those same arrangements which were serviceable before independence. The fact that all political parties had partisan institutions which needed financial support, made these arrangements widely-acceptable. Noticeably, even Herut and the Communist parties had their own partisan structures which required financial support and both managed to find sources for financing them.

More importantly, the distribution of resources between the parties became an integral part of government coalition agreements, though this was usually the unpublicized part of agreements. Even opposition parties regarded such arrangements as a normal feature of governmental power and when, for example, the General Zionists joined the government in 1952 it immediately demanded a share in the distribution system²¹. However, although it was not publicized and apparently also fairly well concealed, this often came to public light, from 1948 onward, whenever there was a disagreement or dispute about a party "not receiving its share."

What facilitated the channeling of public money to these institutions was the fact that many organizations, such as publishing houses and educational networks, or cultural organizations and welfare services, or economic companies and banks, or agricultural settlements as Moshavim and Kibbutzim, were both "universal" and

"partisan." They were "universal" for they served the general public, and they were partisan since both personnel and policies served party-political goals and were directly controlled by the political party. The legal status of these institution was usually "public" rather than "private", that is, non-profit organizations, cooperatives, company-shares and the like. The political party which controlled them was then responsible for finding sources of financial support. A ministry's budget could easily provide support for numerous purposes to these institutions which had "public purposes."²²

These networks and institutions constituted, in effect, a political party's apparatus and a political machine of the party. In times of election they were engaged in a party campaign, with all resources and in the open.

The Labor Party which politically controlled the Histadrut and nominated Labor's members at the upper hierarchy of its manifold companies and organizations, had in election times obviously more material and human resources at its disposal. Since election campaigns obviously made enormous demands on the regular budget of these institutions, some served as "revolving doors" for campaigns financing. The scandals of the 1970s revealed, for example, that major institutions of the Histadrut such as the General Sick Fund and the nation's largest

construction company Solel Boneh, served such purposes for the Labor Party. Asher Yadlin's book, "Testimony," disclosed these and other sources which the party exploited during many years.

Although the Labor Party was the target of public uproar, it was not the only party involved. The religious NRP Party, which was in coalition with Mapai since 1930 onward, had a similar structure, though smaller. Next to the direct or indirect ownership and control of economic companies, including a bank, as well as cultural and social organizations and numerous welfare and charity foundations, the party sponsored the Yeshivoth which were, as the Kibbutzim for the Labor Party, a partisan base. The party also directly controlled through its settlement movement various Moshavim (agricultural settlements), particularly of Afro-Asian immigrants, who were "allocated" to the party upon their arrival by coalition agreements for "they were religious."

The allegations related to Minister Burg from the NRP, since the early Sixties actually, revolved around the usage of both the Welfare and Interior Ministry' budgets for channeling money to partisan institutions, including Yeshivoth, and for party purposes. Likewise, they revealed that municipalities serves as revolving doors for NRP Party-controlled networks; the Interior Ministry which controlled the local government budgets

coerced, or induced, various mayors to channel money to religious institutions which were outside their locality. The NRP party was also related to the scandal regarding Jewish American Mafia figures, Meir Lanski and Joe Stasher, and dubious relationships and contributions were exposed.

The Independent Liberals (Ha'miflaga Ha'liberalit Ha'atzmait), a middle class party which was for many years Labor's coalition partner and served in Labor governments, also controlled Moshavim, not a few populated by Afro-Asian immigrants. It was the Independent Liberals' share in the distribution of political control and resources and therefore, in this context, the "religious background" of the Moshavim was overlooked. The party's representative in the government, Minister Moshe Kol, controlled the Tourism Ministry and was alleged to use it for partisan purposes.

The scandals revealed that even Herut was among the recipients of public money for partisan purposes. This was channeled to the political parties by the Jewish Agency which controlled Jewish contributions from abroad. Money was distributed according to "the political key" (relative to seats in the Knesset) and termed "constructive funds." This name was useful also for concealing their purpose, apparently because of concern

for U.S. laws regarding financial contributions of American citizens abroad.

The scandals, therefore, encompassed too much and too many. The patronage system of the governing parties reached everywhere since most of the Israeli infrastructure is public-financed. The histadrut, for example, has been the largest employer after the government. It was almost the entire society which was, in one way or another, linked to a governmental or Histadrut or Jewish Agency (the settlement arm) patronage networks and privileges. The scandals also disclosed that many industrialists were among those revealed as contributors to the Treasury Minister Sapir's "educational fund." This was not surprising since the private economy has been since 1948 highly dependent on government money and Sapir "conducted the economy by his black pocketbook."

That political corruption involved too much and too many no doubt helped account for the fact that both the press and the political opposition did not push for criminal investigations. These could have virtually mean that almost an entire political class would be put on trial.

As noted, all of these were well known in the preceding era, and occasionally reported²³ yet in different frame of reference; in the Fifties these

practices came to light as "political conflicts", whereas since the mid-Sixties as "political corruption." The license for a bank given by Labor to a small party, which has already been mentioned, was publicized in 1964 in relation to Eshkol's attempt not to honor the promise to the Agudat Israel Party. In 1971 Ha'aretz reported it as though it had just become known. Likewise, the distribution of resources, including immigrants, was carried out entirely in the open during the fifties and reported whenever the parties disputed the share of "their immigrants."²⁴

The buying of votes which was recurrently mentioned did not generate questions about the sources of this money. In general, the press did not question or investigate during Ben Gurion era the identity of sources for the expensive election-campaigns of Labor and coalition partners. Yadlin reveals in his book that the costs of the election of 1965, in which Eshkol stood against Ben Gurion's Rafi, was the equivalent of Kennedy's campaign for the presidency of the White House²⁵. Even Herut's share in the Jewish Agency's "constructive funds" which was "revealed" in the 1970s was already mentioned in the 1950s, though in relation to conflicts concerning the amount of money shared²⁶. In the 1950s it was the political conflict which was "news", not the corrupt practice.

However, although the scandals exposed a system which was laden with corruption - and from reading the press' accounts and Yadlin's book it is clear that this was not borderline corruption but rather clear-cut criminality - politicians which was mainly linked to it were not prosecuted. Nevertheless, the changing perceptions greatly influenced the demands for appropriate methods of investigations since generally the question of control mechanisms for the executive branch were repeatedly raised. The press harshly criticized "the automatic impulse" to refer criminal investigations to the State Comptroller and similarly questioned the absence of the police. During the 1970s the police were still controlled by a Sephardic minister, Shlomo Hillel, and suffered from low prestige. Yet, the "emergence" of corruption during this period made the police much more involved in the investigations of affairs, particularly related to high-level officials in the Histadrut and governmental companies. This gradually increased its role and prestige.

In 1974 the police established a department for the investigation of white collar crime. It was headed by Benjamin Zigel, a smart police officer who used ruthless tactics of investigation. The same year witnessed the political demise of the Labor Party old guard elite as a result of the 1973 war. Golda Meir resigned as well as

Pinhas Sapir and Yitzhak Rabin became Labor's premier. Among the administration's new appointments was Professor Aaron Barak who Rabin appointed as Attorney General. For the first time in the history of the office the Attorney General did not come from the state apparatus. Barak was a well known and distinguished legal scholar from the Hebrew University. Two years later, in October 1976, Zigel swiftly transformed the police, and his department in particular, into a powerful institution. This occurred through the investigation and arrest of Asher Yadlin, who had just been nominated by the Labor government and party) to be the chairman of the National Bank of Israel. The event shocked the country since Asher Yadlin was the highest Labor political figure ever arrested and criminalized. And, his family ties were rooted in the aristocratic founding elite. At this moment the police rose as a leading power in the area of high level political corruption. The fact that Zigel's action against Yadlin had the support of Attorney General Barak increased its impact.

Asher Yadlin's investigation and trial have become the most remembered and quoted event in Israeli public discourse related to political corruption. The criminalization of Yadlin provoked tremendous excitement and has been perceived by Israelis as a turning point, the moment afterwards powerful politicians were no longer

immune from the common process of justice. When, two months later, Zigel's investigation pointed to Housing Minister Abraham Offer, and he committed suicide, respect for the police enormously grew. Zigel's department hence became "the sword" above the heads of high level politicians in Israel.

Although Zigel's department played a major role a few more years, it was the Attorney General who emerged as the ultimate authority in relation to political corruption. Begin's Likud was then the ruling party.

Notes:

1. See Appendix A under their names.
2. See Chapter Twelve
3. David Ben Gurion, Israel: A Personal History, Funk & Wagnalls INC. New York: Sabra Books, New York, Tel Aviv, 1971; Things As They Are, Tel Aviv: Am Hasefer 1965 (Hebrew). Hassin, Eliyahu, Horowitz Dan, The Affaire, Tel Aviv: Am Hasefer 1961 (Hebrew); Haggai Eshed, Who Gave The Order: The Lavon Affair, Edanim Publishers, 1979 (Hebrew); Isser Harel, When Men Rose Against Men: A Reevaluation of the Lavon Affair, Keter Publishing House, 1982 (Hebrew); Anatomy of Treason, Tel Aviv: Edanim Pub. 1980 (Hebrew); Arieli Yehoshoua, The Conspiracy, Tel Aviv: Kadima 1965 (Hebrew). Cohen, Mitchel - "The Lavon Affair", in Markovitz and Silverstein, Power and Process in Liberal Democracies, New York: Holmes & Meier 1988: 230-253. "The Affaire" is also addressed in many books that refer to this period.
4. Ha'aretz 29/9/60
5. Lavon objected to Cohen's chairmanship in a private discussion with Ben Gurion in September 1959. He also expressed his fears that Cohen's colleague, Supreme Court Justice Yitzhak Olshan who was the inquirer in the 1954 commission, would influence Cohen's views. David Ben Gurion, Israel: A Personal History, Funk & Wagnalls INC. New York, Sabra Books, New York, Tel Aviv, 1971. pp.605-606
6. Ha'aretz 28/9/60
7. David Ben Gurion, Personal History p. 622
8. Eshed, p. 208-227
9. Ben Gurion, Personal History, p. 628; Ha'aretz 13/1/61
10. Ha'aretz 5/2/61
11. Ben Gurion, Personal History, p. 695-696
12. Ha'aretz 17/6/63; 7/7/63

13. Ha'aretz 11/11/83; 16/11/83
14. Ha'aretz, 1/12/74. This was related to the AutoCars Scandal (see also Appendix A: Sapir 1971; Alon 1971). The disappearance of the documents frustrated a trial of businessman Asher Shovinski on the charge of tax evasion. Apparently many of the favors the latter distributed were written under a variety of headings. Attorney General Meir Shamgar recommended therefore closing the file against Shovinski for this charge (Ha'aretz 23/1/75). Shamgar was criticized for the way he dealt with the whole affair against Shovinski (Ha'aretz 29/11/74; 23/1/75 editorial).
15. Ha'aretz 13/1/66; Yediot Aharonot 16/6/72
16. Ha'aretz 16/4/72
17. Friedman resigned Ha'aretz 30/4/72; indicted 28/8/73
18. Yediot Aharonot 13/6/72; Davar 16/6/72
19. Sapira, The Organization of Power, p. 20-24
20. Horowitz Dan, Lissak Moshe, "The Yishuv as a political society", in Lissak Moshe and Gutman Immanuel (ed.), The Israeli Political System: A Reader, Am Oved Publishing House 1977, p. 15-50 (Hebrew). The authors write "The political-key was the term given to the arrangement of distributing jobs, budgets, immigration visas, settlements etc., according to the political power of the parties", p. 43.
21. Ha'aretz 15/1/53; 26/2/53; 30/7/53; 5/10/53
22. See Chapter Twelve
23. Ha'aretz 15/1/53; 26/2/53; 30/7/53; 5/10/53; 5/6/53; 22/6/53; 26/5/53; 24/5/55; 25/5/55; 26/5/55; 2/6/55; 28/10/56; 29/3/57; 31/1/58; 11/9/58; 24/8/61; 25/8/61; 29/8/61; 20/11/61; 12/11/63; 23/11/64; 12/12/66; 24/12/66; 11/11/68; 4/4/69; 17/4/69; 13/6/69; 4/11/69. Most references relate to coalition parties since they were arguing for "their share", while the distribution of the ruling Labor to its own structure did obviously not entail argument with the power that "gives".
24. Ha'aretz 24/5/55; 25/5/55; 26/5/55; 2/6/55; 24/8/61; 25/8/81; 29/8/61
25. Yadlin, Testimony, p.

26. In 1959, Samuel Tamir threatened to appeal to the American Congress and disclose that American contributions were distributed by the Jewish Agency to political parties for political purposes rather than for charity as designated (Ha'aretz 16/9/59; 20/1/60;). He apparently contacted Jewish figures who protested the practice (Ha'aretz 3/3/60; 20/3/60; 11/4/60). In 1963, the Herut Party (of which Tamir was on and off a member) again raised the issue in relation to its own share (24/3/63) and Senator Fulbright inquired into the subject (Ha'aretz 26/5/62; 1/8/63; 2/8/63; 9/8/63;). As a result, new rules were implemented (23/7/64). This did not change the practice (27/5/66). In 1969, Samuel Tamir, now an MK, raised again in the Knesset the same issue. Prime Minister Golda Meir called him "a liar", and so did other ministers. He referred to the PM a written letter with the same allegations and asked her to charge him with libel (25/7/69). In 1974, under PM Rabin, the subject was "revealed" and became a scandal.

CHAPTER TWELVE:

THE LIKUD ERA: BEGIN AND SHAMIR (1977-1988)

Labor's electoral defeat in May 1977 was depicted by Israelis as a convulsion of nature. They termed it "The Earthquake" and "The Upheaval." Indeed, as a formidably brusque and unexpected shift, election day swept from power the party that had governed Jewish Palestine and Israel for more than half a century. Shock and surprise could be seen even on the faces of the winners who hardly believed their victory. The Labor Party's representation in the Knesset declined to 33 seats and Likud's grew to 45 seats out of the 120 total. For the first time in Israel's history, it was not a Labor leader whom the President requested to form a government. Instead,

Likud's leader, Menachem Begin, a wanted terrorist in the 1940s and an outcast politician in the 1950s, became legitimately Israel's Prime Minister. The NRP Party, a traditional coalition partner of Labor which during the early Seventies moved radically toward the right pole of the political map, provided Begin with the majority he needed.

Six years later, after Likud's second victory, Begin resigned from the premiership and shut himself up - withdrawing completely from colleagues and supporters. Since the fall of 1983, he has never addressed the public. It has been speculated that the 1982 war in Lebanon, particularly its high casualties, are the major reason, though neither Begin nor his confidants have supported this explanation.

Yitzhak Shamir was nominated by the Likud to be Begin's successor. He is presently Israel's Prime Minister. Between 1984-1990, Shamir headed a National-Unity government with the Labor Party [although as part of the coalition agreement, Shimon Peres, Labor's leader, was premier for two years (1984-1986)].

Compared to the previous periods, in the Likud era allegations of political corruption against high-level politicians were much more prevalent: in the eleven-year time-span period which represents 27.5% of the forty years examined, 48.3% of all incidents came to public

light. There was also a significant increase in prosecutions. In this period, the Knesset lifted the immunity of four politicians, whereas in each of the previous periods only a single removal of immunity occurred. Further, all convictions of accused politicians occurred in Likud's tenure; during Labor's rule those prosecuted were all acquitted.

The general attitude of the press toward political corruption also underwent change. Press accounts on both governmental "lawlessness" and the usage of the spoils system by Likud's politicians were more negative and the tone of denunciation sharper and more aggressive than in the past. By and large, the characteristic reluctance to depict politicians as ordinary lawbreakers disappeared.

This period also witnessed the involvement of the criminal justice system in the investigation of the allegations against politicians, including Likud's. Compared to the three decades of Labor rule, this was something entirely new. The police initiated many investigations and, in the majority of cases, the final decision was made by the Attorney General. Although the latter decriminalized many cases, the mere fact that allegations passed through the criminal justice apparatus contributed to the perception that political corruption involved, primarily, illegality.

Both the prosecutions and convictions of one minister and two MKs during Likud's first years in power - preceded by Yadlin's trial and Rabin's near-criminalization - added hard evidence to this perception. Also, the critical and hostile coverage of AbuHazira's trials sharply underlined the "criminal" aspect. He was the first minister ever to be tried in Israel and the press rushed into the case uproariously. Although AbuHazira was a freshman minister, he was depicted as the symbol of long-time political corruption. The frustration of both the press and the public regarding political corruption exposed in the preceding decade might have been one reason why, in his case, the press painted a picture of "criminality," not "politics as usual."

However, the impact of these changes on the overall image of political corruption was qualified and limited. A close examination reveals that the impression of a phenomenon which is more "criminal" than "political" was confined to the first term of Likud's tenure.

It is between 1977-1981 that four politicians were prosecuted out of the total five prosecutions in the entire Likud period. Furthermore, aside from the AbuHazira trials which unfolded from the summer of 1980 to the summer of 1983, and the Shabak scandal in 1986, incidents did not generate large-scale scandals. In contrast to the post-Ben Gurion era when the press

expanded the dimensions of incidents by investigations and revelations of its own, in the Likud period - despite most allegations being initially publicized on the front-pages as scandalous news - their subsequent coverage was limited to following the course of official procedures. The analysis of the Weitzman affair gives an example of this kind of coverage in which the press does not produce new and independent information, aside from that which comes from the participants. The fact that many specific allegations were against politicians of small parties, and/or politicians who did not hold executive power, was also responsible for the limited coverage.

On the whole, although in the Likud period many more allegations came to public knowledge, they also disappeared much faster from the center of public attention. In many respects, they were absorbed in, or replaced by, an all-encompassing denunciation of the Likud Party and its policies by the press, on the one hand, and by a wild counter-campaign against the press led by the Likud, on the other. As a result, the impact of the press on public opinion during the Likud era has decreased compared to previous years. The self-awareness of its declining role further injured the press' own confidence in playing a leadership role vis-a-vis political power. The government-press relations are discussed later in the analysis.

Noticeably, as in Labor's time, during the Likud era most allegations were decriminalized before they reached the stage of prosecution. In fact, AbuHazira was the first and last member of government prosecuted in this period. The other four politicians prosecuted did not hold any state executive office, and only one of them was affiliated with the governing Likud.

The activity of the police in the domain of political corruption was major during the Likud period, though its effectiveness has gradually declined since most of their recommendations to prosecute were reversed by their superiors.

In forming the new government in 1977, Begin decided to include the Police Ministry within the Interior Ministry, and so Interior Minister Burg (NRP) became responsible for the police. Burg, who was busy with affairs of the state¹ and with internal challenge in his party, left the police a free hand. In 1980 he appointed Herzel Shafir, an ex-general who made a prestigious career in the army, as the new commissioner. The Department For the Investigation of Fraud, under Zigel, again aroused excitement in 1978 with the successful criminalization of the Rechtman case. Achievement was attributed to Zigel's personal shrewdness and to the professionalism of his staff. However, it was in August 1980, when the police raided the Religion Ministry and

started an open investigation against its minister, that Zigel reached the zenith of his career and fame.

His reputation for treating accused politicians as ordinary delinquents was met with sympathy by the public. Even when it became known that one of his men used racist labels for manipulating ethnic sentiments in the course of the investigation, it was somehow tolerated; the public felt that the department conducted its investigative efforts under enormous pressures. Like any investigation of high-level corruption, this also was seen as the "goods" wrestling with the "bads and powerful." Even AbuHazira's supporters complained far more against the press than against the police who "were doing their job."

However, the AbuHazira investigation which materialized into indictments toward the end of 1980, signals also the decline of Zigel and his department. Baruch Leshem in his book "Zigel,"² which is based on interviews with the famous investigator and with many police officers, claims that the dismissal of the commissioner by Minister Burg in January 1981, struck a blow at police self-confidence. Shafir, who did not rise in the ranks of the police, was apparently a stranger to political considerations. He brought new ideas and standards, particularly a new spirit. But when his initiative in authorizing and playing a leadership role

in a police investigation against his political superior failed, his subordinates could read the message on the wall. Despite having public opinion on his side, the highest officer of the police was forced to resign with his prestige shattered. "The spirit" withered.

It might also be that AbuHazira's acquittal in the much-scandalized first trial, in May 1981, had alarmed high-officials in the State prosecution apparatus. From that moment, however, D.As and their superior, the Attorney General, acquired control over the police in determining the fate of cases. Though the overall prestige of the police in following years did not decline, and police involvement in an investigation continued to intimidate politicians, it gradually became clear that this no longer meant the start of a legal prosecution; many recommendations of the police to prosecute did not materialize.

Twenty-eight out of the thirty-four politicians involved in incidents in this period (82.35%) were interrogated by the police, among them prominent members of the Likud. Even the PM Shamir and his deputy Peres were interrogated during the Shabak affair, though it was largely an act of "noblesse oblige" without major impact on the outcome. The police had recommended prosecution of at least fourteen (50%) of the twenty-eight interrogated (the number may actually be higher since for many other

cases I did not find information in the press)³. The police issued a statement that cleared the accused politicians as a result of its investigation in only two incidents⁴. Only five politicians (6.8%) were prosecuted.

Throughout the years, the decisions to prosecute high-level politicians have been made by the Attorney Generals who, by their decision, determined the definition of what was or was not political corruption. This definition has already been thoroughly dealt with in this paper.

As Yechiel Goutman reveals in his book on the office of Attorney General⁵, those who designed in 1948 the program for the Israeli Justice Ministry conceived the office of Attorney General along the lines of the British system. This meant that the Attorney General should be a minister who is accountable to the Knesset. Nevertheless, the office and its title (in Israel: The Government's Justice Counsel) followed the principles of the office as it was in the British Mandatory administration in Palestine; a distinct variation from the original domestic model. Thus, the Attorney General is the top Government lawyer. He is an appointee of the Justice Minister, and is not accountable to the Knesset.

In 1962, a confrontation arose between the Justice Minister and the Attorney General on the question of who

had the authority to decide about prosecution⁶. As a result, the Agrenat Committee was formed to provide the answer. Both the confrontation and the decisions of the committee were not detached from the power relations and perceptions related to the scandal of "The Affaire." The Agrenat Committee established the tenet that the Attorney General is independent and accountable to the directive of the law alone⁷. On the other hand, the committee also said that the Justice Minister can take back the authority from the Attorney General, or replace him, whenever he deems fit. The underlying meaning was that the Attorney General acts "professionally" (i.e., "objectively") while the Justice Minister acts "politically". In 1962 the Justice Minister indeed acted politically and forced the Attorney General to resign⁸. Then he appointed a new Attorney General who, in the critical question of the Lavon affair, viewed the case professionally eye to eye with the Justice Minister⁹.

The problematic aspect, and elusiveness, of "professionalism" and professionals who are brought into the political arena by politicians for resolving judicial questions which have political consequences has already been discussed in relation to special investigators and inquiries. The office of Attorney General in Israel has also been played by this ambiguity.

Eight men have served in the office, including the

present Attorney General, Yoseph Harish. Six were appointed by Labor government, and two - Yitzhak Zamir and Harish - by the Likud. Aaron Barak, who was appointed by the Rabin government in 1975, also served for a short period under the Begin government. It was Barak who made a difference in the area of high-level political corruption. In fact, it was during Barak's tenure that both the famous Yadlin case and the investigations of Labor ruling politicians materialized, as well as the prosecution of the Likud mayor and MK, Rechtman, in 1978. He resigned from office much earlier than expected and was nominated as Supreme Court Justice.

Barak's tenure also set the stage for the more vigorous role of the police. There was an increase in the independent function of the police, meaning that more allegations against high-level politicians were investigated by them and more prosecutions recommended. Accordingly, the role of the Attorney General in ultimately deciding the fate of these investigations became more visible. Zamir and Harish officially closed eleven files of politicians, of whom six were affiliated with the Likud; four with the Labor; and one with the small coalition party, Tamy. The file against the latter was closed after the minister retired from politics¹⁰. In five more cases, there was an intervention during the investigation; four were referred to the State

comptroller and one to another state agency. Four of these cases were related to senior ministers of the National-Unity government and one to the leader of a small coalition party¹¹.

These decisions were all criticized in the press. Yet the fact that they were usually taken long after the scandalous allegations made headlines, and that the decriminalizing process was not publicly scrutinized, rendered the sharp pen of journalists futile¹². However, a further reason for the press' modest impact on this issue derived from a self-made contradiction. When it was convenient to its own attitude the press emphasized the "nonpolitical nature of the office." For example, when politicians in the House Committee argued with the Attorney General about his requests to remove the immunity of Plato-Sharon, Amar and AbuHazira's (second time), the press vehemently defended the "long established" autonomous and professional status of the Attorney General vis a vis political power and considerations. Later on it was obviously difficult to be effective in criticizing other decisions of the same Attorney General.

The same convenient selectivity was reflected in the attitude toward the new Attorney General, Joseph Harish, who was appointed in 1986. Criticism of him was heavily based on some reconstruction of the image of the office.

He was compared to his predecessor, Zamir, who was then depicted in light of his decision to prosecute the head of the GSS. This decision extremely embarrassed the government and incited the Shabak Scandal. However, the fact that this decision was made during Zamir's last days in office, when it had already been decided that he would not be recommended to be appointed as Supreme Court Justice as were his predecessors in office, was entirely left out of the picture. Press accounts then gave the impression that Harish, a former District Judge, was the "political" man who was brought by a unscrupulous government to replace Zamir who was dismissed because of the Shabak affair. Certainly, Likud supporters who did not miss any of these points lost confidence in the press' own objectivity¹³.

The prestige of the subsequent careers of the Attorneys General - two became ministers and three Supreme Court Justices - also projected a light of honor on the office itself. The variety of areas and the range of decisions any Attorney General did make during the course of his office provided a further evidence for "professionalism." Yet, the political aspects have always underlaid the office and they were debated throughout the years. However, the dilemma of the press, and perhaps also of the men in office, in tackling the contradictions between an office which is both and at the

same time political and nonpolitical, seems to have worked to the advantage of the governing politicians. They have always succeeded in exploiting the contradictions of the office while remaining behind the scene of this debate.

Criticism from within the system itself sometimes leaked¹⁴, though functionaries did not blow the whistle. In the Likud period the public learned that Attorney Generals practiced (either established or followed¹⁵) a direct involvement of the office in the investigations related to high-level politicians.

First, the police informed on, and consulted about the investigations with the Attorney General. Second, the Attorney General conducted "preliminary hearings" of a case where the politician, or his lawyers, argued the allegation involved. Both practices were communicated to the public as longtime "customs," and as necessary because of the "sensitivity" of the issues in light of the high status of the accused. These rationales were generally accepted. Therefore, later criticism over the decisions of the Attorney General to decline to prosecute a case had blunted beforehand. Obviously, the practice of conducting a semi-trial in the form of preliminary hearings in the office of the Attorney General opened the door for both negotiability far from the eye of the public, and an overempowerment of the office.

On the whole, the fact is that the definition of Likud's governing politicians as to what was, or was not, political corruption overrode the definitions of their accusers. As a result, what seemed to be political corruption had been reshaped once again as "no-crime," not illegal and thus not corrupt.

Therefore, the criminal investigations against Yadlin, the late Minister Offer and Prime Minister Rabin between September 1976 and May 1977 cannot be viewed as part of an evolutionary process in which the Israeli state and its executive apparatus gradually developed a commitment to democracy and impartial application of the rule of law. Compared to the entire history of Israel, this short period has been rather exceptional in terms of attempts to criminalize politicians of the ruling party. The fact that the Labor Party participated in the Likud government between 1984 and 1990 rules out the argument that blames the Likud Party for forcefully halting a genuine process which presumably began to develop under the last year of Labor's rule¹⁶. On the contrary, Likud merely reestablished the pattern which existed during the three decades of Labor rule. In many respects, the greatest victory of the Likud Party has been its ability to recapitulate many of the patterns that had characterized the Labor Party's rule.

Above all other factors, the degree of political authority possessed by the ruling party determines its ability to politicize and decriminalize allegations of corruption which may seriously harm the leadership's authority to govern. This phenomenon is universal: it is an integral part of the political process and only one expression of any ruling party's overall power to dominate the definitions and concepts of social phenomena - poverty, development, human rights as well as corruption - and thus to shape their "reality" along the lines of the ruling politicians' own version. When a political authority is fragile and hesitant, its definitions are likely to be overridden, if challenged; while the definitions of a political authority which is strong and self-confident are likely to successfully rebuff alternative definitions from both the opposition and the media, and hence to "make reality."

Accordingly, the behavior of the state executive apparatus is symmetrical with the strength of a political authority. When a political authority is strong, state functionaries are likely to hesitate to publicly criticize their political superiors or to independently initiate investigations against them. The personal price might be too steep since the political interpretation of the "motives" behind such criticism or action is likely

to both discredit the functionaries and frustrate their initiatives.

The analysis of the Israeli political scene thus far lends support to this universal assumption. In Israel, the "definitions" of political corruption have largely depended on the strength of the hegemonic authority in a given period. The political authority of Labor's old guard who governed Israel until 1974 was established during the prestate era, strengthened in Ben Gurion's time, and maintained by his successors up to the accession of the Rabin government. The legitimacy and vigor of their authority were deeply rooted in the respect accorded to the founding fathers. Rabin, who was not part of the founding elite and was also politically inexperienced and insecure, could not rely on the credit of the "Labor's giants" for maintaining the party's authority intact. He was therefore vulnerable and his views on what was, or was not, political corruption were easily overridden, as were his views on other affairs of state¹⁷.

Menachem Begin, by contrast, succeeded in establishing the Likud's firm political authority although he did not enjoy the status of the "legitimate" founding fathers, despite being one of them. Thus, Begin's achievement deserves a special focus. It provides insights for grasping both the political environment and

the climates of public perceptions in which the process of politicization and decriminalization is located. It also explains why specifically in the Likud period political corruption, as other social phenomena, has easily been interpreted within the larger conflict between the government and its opponents.

When Menachem Begin gained power in May 1977, his new regime faced enormous obstacles in terms of public legitimization of its authority to govern. Though the Labor Party lost the election, the 15-seat Dash Party reflected, in effect, the political views of the Labor electorate. Those who founded Dash shortly before the May elections were mostly former Labor Party members and supporters who wanted only "to punish" and "to reform" the party and by no means to cede power to Likud. Realizing after election day that they would, in fact, share with Labor the opposition bench, they were embittered by disappointment and rancor. More important, the Labor/Dash defeat and its attitudes toward the Likud embodied a weighty threat for Begin's new government since the opposition's voters came from the dominant strata of Israeli society.

In addition, the state apparatus, especially at the highest levels, was comprised mostly of Labor-appointed officials. The influential government-controlled

television and broadcasting were similarly headed by Labor nominated executives, and their journalistic networks were known to hold liberal-oriented views. The independent press, too, if not "controlled by the Labor Party and the Leftist Mafia," as many Likud spokespersons averred, was far from being a Likud favorite. Thus Likud's victory antagonized and frightened many, since Begin himself and the Herut old guard were bound to bring to the surface old perceptions and fears.

Since the early days of Zionism, the Revisionists, Likud's founders, have formed a radical opposition to established Zionism. Revisionists promoted an aggressive strategy, termed "activist", which aimed at asserting Jewish rights in Palestine along the biblical borders of "the Land of Israel" (Eretz-Israel). They viewed themselves as the true believers and the true followers of the founder of the Zionist movement, Zeev Herzl; while they charged his successors in the movement's leadership, among them Haim Weitzman, Haim Arlozorov and David Ben Gurion, with falsifying the Herzelian vision. From the 1920s up to the late 1950s, Revisionists were associated with terrorist actions. Vladimir Zeev Zabotinsky, the movement's founder, was sentenced in 1920 to 15 years in prison by the British Mandatory authorities for his part in violent actions against Arab-Palestinian anti-Jewish rioters. He was released after

worldwide Jewish pressure but was not allowed to enter Palestine under a British order from 1929.

In the mid 1930s, Revisionists also directed their "activism" against the British authorities in response to stricter policies and measures imposed on the Jewish community. The movement-armed underground Lehi (Fighters for Israel Liberty) and Ezel (Military Fighting Force) were involved in numerous violent attacks against the British army. Menachem Begin was wanted by the authorities for his leadership role in various actions, the severest among them, the 1946 King David Hotel (Mandate headquarters) bombing. Yitzhak Shamir was associated with the murder of United Nations mediator, Count Folke Bernadotte, in 1948¹⁸. During the first decade of Israel's existence, subversive anti-government operations were directly linked to the Revisionists and Herut (the political party of the movement founded in 1948): from the Altalena ammunition boat incident, through the riots before the Knesset in reaction to Israeli-German agreements on retribution, to a number of violent actions by armed underground organizations¹⁹.

During the prestate era, Ben Gurion's Mapai fought against the Revisionists using material and ideological methods. Rather than freedom-fighters as Revisionists viewed themselves, they were depicted as saboteurs of the national interests; not in terms of their ideological

posture and national aspirations, but because of their zealous way of realizing them and their approval of violence. In the 1940s, Mapai which objected to violent actions against the Mandate authorities, occasionally cooperated with the latter in monitoring hiding activists²⁰. In 1948, Ben Gurion ordered the bombarding and sinking of the Altalena boat and the imprisonment of hundreds of Revisionists²¹. He banned the possibility of any coalition with Herut and did not hide his contempt for Menachem Begin. Begin was often portrayed as a fascist and, in Mapai's election posters, his photograph was placed next to that of Mussolini²². Although such blatant propaganda disappeared over the years, the 1977 Labor campaign revived many of these old perceptions.

By 1977, both Begin and the Likud were much more respected and accepted as legitimate political actors; yet it was a different matter to have them as the government of the state. Moreover, in spring 1977, Israelis discovered that, together with Begin's Likud, Begin's electorate also rose to power. Men and women of Afro-Asian origin (known in Israel as "Mizrachim") gave the Likud 70% of its winning vote. By contrast, men and women of Eastern-European origin (known as "Ashkenazim") gave the Labor Party a similar percentage of support. The fact that in 1977 the former became a political majority intimidated the latter, in looking to future elections.

As it did for the Likud, the victory of this electorate reactivated old sensitivities. Mizrachim have been, since the 1920s and particularly after their mass-immigration to Israel in 1948, at the lower strata of society. The economic gap between them and Ashkenazim has been explained by the Israeli establishment as the result of their upbringing in the backward Arab countries of their origin²³. This kind of explanation inevitably depicted the Afro-Asian Jews in demeaning terms. The fact that in Israel this large population reflected the effects of poverty and social marginality inevitably reinforced this image. The prison (Jewish) population, for example, has been almost 95% comprised of Mizrachim²⁴.

In 1977, not only did the ostracized Herut rise to power but it seemed as though the entire social structure had been turned upside down. Moreover, the trend that began in 1970 with the emergence of the Black Panthers movement, which charged the Ashkenazim with racist prejudices and the Labor-led political system with deliberate discrimination, aroused hostility from the accused. On the night of Begin's victory the triumphant crowd which surrounded him in the Likud headquarters was, then, not regarded with indifference by the losers. Fears were often expressed through aloofness and contempt.

When Begin nominated David Levi, a former construction worker of Moroccan origin, to be a minister in his first government, the socialist Labor's electorate exploded with laughter and produced humiliating jokes²⁵. Begin's Afro-Asian voters were labeled in much debasing terms as "the mob" and the "pickle sellers." Such hostile reactions strengthened the Mizrachim's loyalty to Likud, though most of them were not a party to the Revisionists' Greater Israel ideology. Thus, the longtime ethnic friction turned into a "political" conflict, hence open to politicians' maneuvers and manipulations. In this context, the politicization of the ethnic relationship added importance and strength to the authority of politicians since they became the representatives of the "interests" of each ethnic voting bloc.

Next to Begin's Likud and the Afro-Asian electorate, the extreme right-wing religious movement Gush Emunim (Bloc of The Faithful) was a third winner. The movement that emerged in 1970 was comprised of students and rabbis of Yeshivoth institutions which were mostly under the auspices of the NRP Party. They were determined to fight any concession on the part of an Israeli government in regard to Arab territories captured in the 1967 war. They had already launched large demonstrations during the Golda Meir regime and, in 1974 under the Rabin government, implemented a strategy of illegal settlements

in the occupied West Bank aimed at forcing the government to legalize them²⁶.

The members of Gush Emunim symbolized more than their ideological convictions. They were the new generation of the religious population in Israel which has been, since the establishment of the State, outside the pale of its national myths and images. Quite similar to the native-born Mizrachim, religious youngsters were, in effect, excluded from the symbols of the 'Sabra' national portrait whose characteristics conformed with that of the secular Askenazis. The kibbutz system, which has renounced almost all Jewish rites, was promoted as the "real Israel"; while the Yeshivoth remained in the shadow as a sort of anachronism. Moreover, the secular majority has generated over the years an abundance of degrading and hostile expressions against religious Israelis. The fact that many religious men and women did not serve in the army legitimized in the public mind the tendency to ridicule them as "parasites."

Conflicts between secular and religious date to the first days of the state. They have been intertwined with the contradictions between the Jewish creed and the Zionist ideology - particularly regarding the Zionist version of what the "new Jew" should be - as well as with mixed emotions of blame/guilt related to painful memories of Jewish experience in racist Europe. However, in actual

terms, conflicts have usually revolved around questions of conversion to Judaism ("Who is a Jew?"), abortions, public transportation on the Sabbath, Kosher food in public places, autopsy and organ transplantation, and the like. The secular majority has articulated these controversies as anti-liberal harassment. The attempts of religious parties to translate their political power, and sometimes crucial position in the government-coalition, into laws has constantly enraged the spokespersons of the secular majority who denounced them as an assault on democracy.

As noted, when the Gush Emunim movement emerged, its members and followers represented the "new religious person." Many of them did serve in the army and their rhetoric basically expounded Labor's old pioneerism; they sought to settle and cultivate the land of Israel, as did the kibbutzim. Like the early pioneers, they belittled material life and were prepared to live with their families under tents in the barren hills of biblical Israel. This fascinated many Israelis, not a few among them Labor's prominent figures, who portrayed the Gush Emunim's settlers as idealists and the movement as the vanguard of the new Israel²⁷. The "religious facet" was now articulated as "spiritualism" and "mysticism," which could find accommodation with secular perceptions. Hence, the movement also appealed to many religious youngsters

because of this success in breaking the former stereotypes and charming mainstream Israel.

Although Gush Emunim's strategy of illegal settlements was condemned, their non-violent resistance to their evacuation was praised. These mixed reactions underlaid the general tolerance during Labor rule toward Gush Emunim's 'illegalism.' However, the increased acceptance of the value of their actions appeared to fade away upon Begin's 1977 victory. The fact that Gush Emunim pressured the NRP Party to join the Likud government brought about noticeable change in the general attitude toward the movement among the dominant majority. In many respects, religious Israelis were again conceived as outsiders and as antidemocratic burden.

The union of Herut's former terrorist image with Gush Emunim illegality and the proletarian portrait of the Afro-Asians voters made Begin's first regime appear as though it represented a "vagabond government". Menachem Begin was entirely aware of the dangers.

He launched a clever strategy. His first surprise was the nomination of Moshe Dayan, the charismatic Labor leader and former Defence Minister, to be Likud's Foreign Minister. Abba Eban was recruited for a public-relations mission to the United States. Begin did not deprive the Labor-nominated directors-general of their ministries. He asked Aaron Barak, the Attorney General, to remain in

office and he left the Justice and Welfare Ministries unoccupied for the Dash Party which hesitated to join his government but did so four months later. Dash leader, Professor Yigael Yadin was nominated to be Deputy Prime Minister, and Dr. Israel Katz was named Welfare Minister. Both gave Begin's government a liberal and scholarly-like appearance. A few months later, Begin recommended that the Knesset approve the nomination of a Labor MK, Yitzhak Navon, to be Israel's president. It was almost as if Begin represented a continuation of the Labor government.

In parallel, Begin presented to the Israeli public and worldwide Jewry, an ambitious Project of Renewal for Israel's poor neighborhoods and towns, mostly populated by Afro-Asians. With a budget of more than a billion dollars, financed in equal parts by the government and Jewish communities abroad, the Mizrachim/Ashkenazim ethnic conflict was converted into an anti-poverty campaign. All were satisfied: the poor residents who expected to better their conditions of living, the radical Afro-Asian activists and intelligentsia who were recruited as social workers and community organizers, the Eastern European skilled sector who were engaged as managers, architects and social workers, and the Jews in the diaspora who were only too happy to alleviate Israel's social problems hand in hand with Israel's new government.

Begin expressed his appreciation and respect for the Jewish religion and observing Jews on many occasions. In his inauguration ceremony in the Knesset, he wore a yarmelke in a demonstrative act affirming his reverence for the Jewish religion and touching the hearts of many Israelis who longed for a bit of "Yiddishkate." Begin also expressed empathy for the demands of the religious parties and, when they were not met, he assured them that religious laws were desired and that only overriding political considerations prevented their enactment.

Begin, who was apparently sincere in his respect for religious people, won their trust and loyalty. Thus, the Likud appeared as more "Jewish" than any other secular party, particularly compared to "atheist" Labor. This image proved politically rewarding: in both the 1981 and 1984 elections, as the result of crises within the religious parties, the NRP and Tamy, thousands of voters passed to the Likud.

However, the most stunning surprise was Begin's historic peace treaty with Anwar Sadat's Egypt. The perceived extremist right-wing government, after less than four months in power, hosted Sadat in Jerusalem and the Knesset. A month later, Menachem Begin was the first Israeli leader to be welcomed by the Egyptian government in Cairo. A year later, in September 1978, the Camp David agreement between Sadat and Begin was signed. Begin, who

had vowed never to give back any territory taken over in the 1967 war, returned to Egypt all of its territories, including those parts inhabited by Jewish settlers, except for the Gaza Strip which Egypt did not want.

Seventeen months after "the terrorist" Menachem Begin was elected, he was a Nobel Peace Prize winner, along with Anwar Sadat, for an outstanding contribution to the peace of the world. Begin won not only almost wall-to-wall support by Israel's political system and public, but he won also the world's.

Then, from spring 1979 - after signing the peace agreement with Egypt in March - until his retirement, Begin implemented his policies according to his ideological beliefs. The right-wing opposition to his territorial concessions, led by MK Geula Cohen and by the Gush Emunim movement, provided the frame of reference for his policies. The trauma of giving up Sinai and Jewish settlements (the city of Yamit, which was founded on Egyptian land in the early 1970s, was to be destroyed) was healed by new settlements and large investments in the West Bank and by the official annexation of the occupied Golan Heights. More Arab lands were confiscated and more illegal actions of Jewish settlers were disregarded, usually being justified as their desperate response to the withdrawal and/or Palestinian aggression.

Toward the end of 1979, Begin lost the support of the Labor/Dash electorate. Dayan resigned from his government and the Dash Party was disintegrating. The Labor Party's popularity, particularly Rabin's, increased and the NRP Party was torn by internal rivalries. Its leader, Joseph Burg, who was fighting there for his political life, considered therefore a Labor/NRP plan of early elections.

Similarly, Begin's Afro-Asians voters expressed overt disappointment since the Project of Renewal was dawdling and high inflation eroded their wages. In the beginning of the election year, Likud's Finance Minister, Yoram Aridor, introduced a new economic policy of "liberalism," whose immediate effects were an increase in wages and the ability to acquire low-taxed imported commodities. This policy brought the inflation rate to its highest peak ever, and it was termed in the press "the color television bribery policy."

At this juncture, the press made its critical mistake. It shifted sharply from the support it granted Begin's peace initiative and former policies - in accordance, of course, with Begin's own shifts. Yet this was, obviously, in conflict with the views of Begin's supporters who did not disapprove of the government's "new order". Hence the press appeared as the reflection of the political opposition rather than as "objective"

and "nonpolitical." Both the prospects of removing the Likud from power and the eagerness to do so made many press accounts read as partisan ones; commentary in the press was mostly confined to anti-government criticism and, generally, was not free of degrading expressions toward Begin's supporters. This played right into the hands of Begin and the Likud. The independent press was faced by a wild counter-campaign which depicted it as a partisan power, specifically controlled by "the Labor Party and leftists".

The political authority of the Likud which Begin had masterfully established and secured in his first two years in power, and the related broad legitimization he enjoyed, were not easy to confront. Begin now launched a strategy of the "underdog." He presented the Likud as the party of the "outsiders" who fought against established and privileged powers, such as the press, the intelligentsia and the Kibbutzim. In Likud rhetoric, the ruling party were still in the opposition, whereas the Labor Party was the real party in power. Begin succeeded in regaining the loyalty of his supporters and, in 1981, formed the second Likud elected government.

Then, both the Likud and the coalition parties engaged in large-scale partisan appointments, of which the loud condemnation of the press was ineffective.

Favoritism and patronage became commonplace and Likud rejected any and all criticism by referring the objectors to Labor's longtime practices prior to 1977. The press which had then orchestrated with Gahal (Likud) a successful campaign against Labor's corruption was now accused of hypocrisy, and its crucial role in eroding Labor legitimacy was forgotten. However, as mentioned, the press facilitated the acceptance of this distortion by its overwhelmingly negative attitude toward the actors, not only their policies. "It's ain't what the newspapers say, it's the way they say it," as Likud's supporters have often remarked.

A year later, in June 1982, the Begin government initiated the war in Lebanon, termed "The Galilee Peace Operation." The military victory and the prospects of signing a peace treaty with Lebanon thrilled the public. As these hopes withered and the "short and limited operation" transformed into the "Lebanese swamp," the Likud government was vehemently attacked by the Labor opposition and the press. The large demonstrations against the war and the press' criticism was seen by the Likud's supporters as being "of one skin."

The hostile attitudes of the Likud supporters toward the media in general continued to grow and, in times of crises, reporters faced brutal audiences. The right of criticism itself thus became disapproved. Substantively,

this trend resembled that in the early years of Ben Gurion regime, though both the overt confrontation between the government and the press, and the public being active in "taking sides," were new. In many senses, the content of conflicts became unimportant; everything was immediately interpreted in terms of "the war between Likud and Labor"; it was one electorate against the other.

The dramatic resignation of Begin in August 1983 coupled with the rumors that this was related to deep disappointment with some of his Likud's colleagues, primarily Defence Minister Ariel Sharon, could have struck a blow to the Likud's overall authority. The hastiness to test it brought about a Labor no-confidence vote, supported by Tamy, a coalition party. Early elections were called but election day, in July 1984, proved that the lose of power of Shamir's Likud was negligible. The seats achieved by both the Likud-led bloc and the Labor-led bloc were even.

Shamir's strategy in Likud's election campaign promoted a unity-government with Labor. This was perceived by his supporters as a gallant invitation for reconciliation with the Labor Party. The Labor Party itself was anxious to return to power since the party believed that the political authority of the Likud had been successfully established only because Likud held

governmental power; the legitimacy of the Likud government was seen as inherent in governmental power and prestige. Obviously, this analysis omitted the first two years of Begin's powerholding and the decisive contribution of Labor/Dash leaders to the Likud's authority and legitimacy. Hence, the Labor party decided to join Shamir government - justifying it by the deadlock revealed in the popular vote, the failing economy and the war in Lebanon. In doing so, however, the Labor Party provided Shamir both the legitimacy and time for consolidating his own authority and strengthening that of his party.

Reconciliation between the electorates of the two parties, or blocs, was not reached. The Labor Party acquired a share of governmental power but was bound to find accommodation with Likud's policies, thus eroding the trust of its own supporters. On the other hand, when Labor challenged Likud policies, Likud's electorate blamed it for sabotaging the government "from within." Thus, when six years later the Labor Party left the Likud government and attempted to form a Labor-led government, Shamir's Likud defeated it.

The consolidation of Begin's personal power and the political authority of the Likud government were achieved in a relatively short time. However, the fact that

Likud's leaders could claim that they were following the steps of Ben Gurion's historic Mapai and of his successors' Labor - whether in the issue of settling the occupied territories or in the issue of tolerating corrupt practices - worked enormously to their advantage. The elections placed the Likud at the head of the government but the justifications of both its policy and practice went back to what the Labor Party had already established and validated.

Thus, the Likud became the major source of the dominant definitions in society. It was the Likud that was now drawing the frame of reference for perceiving the social reality of actual events. Challenging definitions were therefore bound to be both expressed and interpreted within the dominant frame of political reference rather than in one which was more appropriate to their content and meanings. Whether based on ethnic, religious or national hostilities, all social conflicts and their related perceptions took their shape within Likud's interpretive framework.

Thus, like any other, the phenomenon of political corruption and its perceptions were shaped along the lines of the ruling party's framework. While in the Labor era dominated the "Nationbuilding" formula, in the Likud period this was "political/ideological conflict" formula.

Allegations against governing Likud's politicians were immersed in this overall context. For example, the allegations of political corruption which surfaced in the Land Scandal were related to the prevalent practice of exchanging favors for election financing. Nevertheless, they were obscured through invoking the larger conflict surrounding the occupied territories. Other allegations were similarly politicized. The Ezer Weitzman affair (Chapter Four) exemplifies the instant ability to present a quite obvious breach of law as, on the one hand, treason (Likud's allegation) and, on the other, as a national peace-initiative (Labor's allegation).

The fact that the Labor Party as the leading opposition between 1977-1984 did not scandalize political corruption - as Gahal (Likud) did during Labor rule - was obviously a further reason for the diffusing trend of political corruption associated with ruling politicians.

As has been noted elsewhere in this study, the Labor opposition was from the start a feeble candidate for an anti-corruption crusade. The widespread corruption which was exposed prior to its electoral defeat inhibited a possible use of moral argumentation against the new powerholders. Furthermore, Labor's control of the Histadrut's manifold networks made the party vulnerable to counter-accusations; each time Labor members criticized corrupt practices on the part of the Likud,

one of the Likud young-generation forums was joyfully firing back. When, in 1980, Asher Yadlin's book "Testimony" was publicized and a scandal was about to ensue due to its outrageous revelations, the Labor Party launched an offensive against Likud's questionable "Tel-Hay Foundation" [Keren Tel Hay]. Both parties therefore quickly agreed "to draw a line on the past".

Another event in late 1983 - the "Levinson Affair," similarly exposed the Achilles' heel of the Labor Party. In this affair which was connected to Jacob Levinson, a prominent Labor figure and the chair of the Histadrut bank [Bank Ha'Poalim: The Workers' Bank], a new "Pandora's box" threatened to open. The affair ended brusquely and tragically when Levinson shot himself in February 1984. Later on, the dubious involvement of the multimillion-dollars industry of the Kibbutzim in financial investments in the monetary "grey-market," exhibited similar vulnerabilities.

When the Labor Party joined the government in 1984, an opposition became virtually nonexistent. The small opposition parties, though vocal and critical, could not make a difference. Unlike the "political intruders" in Labor's time, they were not backed up by a large militant opposition. During the Shabak scandal, in 1986, which was initiated by the "Hadashot" newspaper and then expanded by the three other independent newspapers, the press

fought virtually alone both the large National-Unity government and one of the most powerful state apparatuses - the General Security Service (GSS).

The scandal which exposed a questionable involvement of both Shamir and his deputy, Peres, as well as of various high-level officials in the GSS, displayed many of the same features which have been discussed in this study in relation to corruption-related scandals. In the end of the affair, the official resolution regarding all of the participants was the decriminalization of both alleged acts and offenders. The affair also produced a commission of inquiry whose framework of investigation was general, namely, to inquire into the methods of the GSS²⁸.

In the Likud period, however, political corruption displayed another trend which was more narrower and more specifically focused. It revolved around corruption of politicians affiliated with religious parties. Because of its specific focus this trend dominated, to a large extent, the definitions of political corruption. The reactions of both accusers and accused were also highly influenced by the underlying themes of the broader "conflict" framework.

This trend began to take shape with the prosecution of Religion Minister AbuHazira. From August 1980, the last and most agitated year of Likud's first term, to

August 1983, his two trials did not leave the foreground of the public arena. The phenomenon of political corruption, in its "criminal" facet, revolved therefore merely around him. Both trials and the subsequent focus - since 1984 onward - on the "corruption of religious parties," painted the phenomenon of political corruption in specific colors.

In the tense and highly politicized climate of the Likud period, this tendency seems to be linked with the pivotal position of the religious parties in the government coalition.

Since Israel's first government, religious parties and particularly the NRP [which was until 1984 the largest] provided the political majority for almost all governments. However, after the Labor defeat in 1977, their political support has become more influential: in 1977 the NRP preferred Begin's Likud over a Labor/Dash government; in 1981 both the NRP and the new religious party, Tamy, supported Begin's second government despite Labor regaining the seats lost to Dash and evening its power with the Likud. In 1984 and 1988 the religious parties' support was indispensable to both leading parties when the National-Unity government fell (as it did in summer 1990 and religious parties made possible a Likud government).

In face of the neck-to-neck competition between Labor and Likud since 1981, the religious parties which represented only around 15% of the Knesset evolved as the powerful force. This reality was, of course, more crucial and distressing for the Labor and its electorate since religious parties favored the Likud, particularly due to pressures from their constituencies. The pictures of both Likud's and Labor's leading politicians, with yarmelkes on their heads, visiting homes of the rabbis who controlled small religious parties to seeking their support, was therefore depicted in the press as the epitome of "humiliation" the leaders of the secular majority were presumably forced to take from the religious minority. While Likud's supporters were amazed but, of course, not hurt, Labor's were enraged. This scene occurred not only after election days, but on every occasion when a political crisis shook the system.

More disturbingly, these events exposed in plain light another reality; both contenders competed in offering "gratuities and inducements" to the religious parties for the sole purpose of influencing their preference. The religious parties needed large and specifically-designated budgets for maintaining their partisan apparatuses, including various Yeshivoth which were under the auspice of each of these parties. In other words, they needed large sums of money for both securing

and directly controlling their "own" spoils system. The press revealed that Shamir or Peres were engaged in negotiations in which they promised to these parties not their own private assets or the private property of their parties, but the capital of the Israeli taxpayers.

Specifically, the leaders of both chief parties were offering the religious parties a coalition agreement whose content mainly depended on numbers: how many millions of dollars would be transferred from the state treasury to their direct control and distribution. Thus, the courting of the religious parties by both Likud and Labor appeared not only as an embarrassing parade but also as a shameful conspiracy on the part of the men who intended to lead the nation. The premiership appeared, then, as an offer to the highest bidder.

Interestingly, although generally and harshly condemned, the label of "corruption" was much less appended by the press to the leaders of the secular majority - those who had the power to corrupt and practically offered to use it for this matter; and more, sometimes only, to the leaders of religious parties who agreed to be corrupted. Corruption on the part of the leaders of both Likud and Labor was somehow tolerated since they were conceived as "the Nebech Samson" [an Yiddish expression for the powerful who looks powerless, often to his advantage]: they were forced "by necessity"

to corrupt, while the religious parties were the "real Samson," therefore the real corrupter.

However, this phenomenon was not an innovation of the Likud era, nor a secret, nor spotted for the first time. The religious parties have always given the ruling party a free hand in all affairs of state in return for what they have also insisted on since 1977, meaning religious laws and public budgets. "Their share" was part of the long standing "distribution system" which has been employed from the early days of the Israeli government, and which does not seem to have discriminated against the ruling parties. Both this phenomenon and that of party-related institutions have been already discussed in the previous chapter.

Evidently, in the Likud era the fact that almost, if not all, Israeli parties maintained networks of partisan organizations and patronized various institutions was already widely-known. Likewise were known both the facts that many of these organizations and institutions served as a party's political machine, and that these institutions have required throughout the years special budgets which have been secured by their political patrons. There can be little doubt that both the public and particularly the media were aware of the relationship between the proximity to political power and the ability to meet these partisan needs. The scandals of Labor's

last years in power, and Yadlin's revelations, have already exposed and detailed this specific "tip of the iceberg."

Yet, the fact that during the three decades of Labor's hegemony, not a single ruling politician was indicted and sanctioned for these practices, worked now to the advantage of the Likud. The element of 'illegality' that underlaid this phenomenon was, however, always potentially dangerous. Before proceeding to this point, a quick look into the basic methods employed is required.

Since 1979, and particularly since 1981, the Likud, whose many years in the opposition prevented it from founding a large-scale party machine, has enthusiastically been engaged in establishing its partisan structure. The new powerholders learned that the method is indeed simple. It requires, first, that seven or more people form a nonprofit organization and state whatever public purpose (cultural, social, charity etc.) it intends to serve. Second, these founders need to send the official application to the Nonprofit Organization Registrar Office in the Interior Ministry and register the new institution. This is a formality.

Third, one of the party's MKs, who is a member of the Finance Committee of the Knesset should include the new organization within a list of other public

organizations and institutions to which the party had agreed to grant financial support. Forth, the party needs to acquire the agreement of the rest of the coalition members who serve in the committee and who have, of course, their own "lists." Fifth, in one of the sessions - determined by the committee's chair who is a party to the coalition - the Finance committee needs to vote for providing financial assistance to various public institutions. These are usually short and relaxed sessions since the institutions needed, and detailed in the lists, have already been agreed upon by the Finance Minister and the coalition parties whose majority is reflected in the Finance Committee membership.

Sixth, special budgets and lists of institutions are distributed among the appropriate ministries (Interior, Education, Welfare, Religion, Immigrants' Absorption etc.) which then deliver public budgets to the listed institutions. In this simple course of affairs, millions of dollars have been channeled throughout the years from the state treasury to partisan institutions and/or party-influenced institutions.

Those nonprofit organizations which get their yearly budget provide, subsequently, various services to a party's actual and potential constituencies. Those who receive the benefits - either a loan for relieving economic shortage, or a financial aid to publish a book,

or a student fellowship, or an excursion to the countryside, or a subsidized vacation, and so on and so forth - know who provide the goods (and who "could provide also next time, if..."). Such organizations also serve ideological purposes: for example, actual and potential members are offered a low-price excursion or weekend, in which pleasure is intertwined with learning. It may be an excursion for visiting and learning about Judea and Samaria (the occupied territories); or a weekend in Givat Haviva (the Kibbutzim' education institution) for relaxing and debating the prospects of trading occupied territories for peace; or a weekend in a hotel in Tiberia for studying peacefully the writings of great rabbis. From the standpoint of a political party, these encounters serve for both communicating the agenda of a party and reinforcing the cohesion of its members. In election years, however, these organizations are extremely active.

Next to those explicitly partisan, the "distribution system" encompassed public institutions which are close to a party. They have already been mentioned; these are institutions related to a party either ideologically - such as Kibbutzim or Yeshivoth whose members' election vote reflects, overwhelmingly, a specific party - or functionally, through personnel and policies, - such as publishing houses, research institutions, local museums,

artistic groups and so on. The dependency of such institutions which are included in "the lists" on their political benefactor for future assistance is bound to affect their interrelationship. They usually provide to the political party "ideological services."

Noticeably, the "distribution system" has been for the same purpose of patronage which the more-known "spoils system" serves, namely - awarding government favors for exchange of political support. Yet, the latter which award supporters with jobs, noncompetitive contracts, franchises and the like, is different from the former. The "distribution system" provides a political party direct control for particular partisan needs.

As did the Likud, all new religious parties which were founded since 1981 - upon the disintegration of the NRP Party after the AbuHazira trials - and which all joined the Likud coalition, engaged in a rapid and intense establishment of "their" partisan apparatus. They founded organizations and sponsored "deserving institutions in need." These included Tamy, Morasha, Shas and Degel Ha'tora parties. Obviously, the established parties as the NRP Party and the Labor Party since 1984, have regularly provided their own lists of "institutions in financial distress."

The "robbery of the public cash," as the press labeled the lists' practice, became the focus of

attention from 1979 onward. It surfaced, as during Ben Gurion's time, as the result of confrontations regarding a party's share. However, when a dispute between two religious parties, the NRP and Agudat-Israel, exposed a tip of the coalition agreement signed with the Likud in 1977, Finance Minister Simeha Erlich responded to criticism simply by saying that "Labor governments have paid more."²⁹

Then more information was publicized in relation to internal rivalries within the NRP Party. The two factions headed by the ministers, Aaron AbuHazira and Zevouloon Hamer, joined forces to remove from active leadership and ministerial post Joseph Burg who controlled the third and leading faction of the NRP. Disputes revolved usually around the allocation of public budgets to a faction-controlled-organizations and around appointments.

Parallel with this, AbuHazira who actually forced upon Burg his nomination as Religion Minister in Begin's 1977 government, was strengthening his faction's base by diverting budgets from Burg's controlled-institutions to those under his own control. While Burg was battling for his political survival in his party, voices in the press asked for a "commission of inquiry" for the channeling of public money through the Interior Ministry Burg controlled. Burg, who served in Israel's governments

since 1954, succeeded in previous years in avoiding any vigorous investigation despite repeated allegations.

Moroccan-born Minister AbuHazira intimidated Burg's faction also by his "ethnic-based" argumentation; he contended that more than two-thirds of the registered members of the NRP Party were of Afro-Asian origin, as well as its voters, but that the numerous appointments, and particularly the many positions in the religious councils of the country, were distributed to Ashkenazim. These appointments were controlled by both Interior and Religions Ministries. The NRP leadership, which had been agitated for the same issues in previous years, was sensitive to these contentions.

A month after AbuHazira fired the Director General of the Religion Ministry who was a Burg appointee, a criminal investigation started against him. He was accused of receiving a personal cash-money bribe from a NRP deputy-mayor, who was given immunity by the prosecution, in return for special budgets for Yeshivoth through the Religion Ministry he controlled. Thus, in the pre-trial stage press coverage largely depicted the system of channeling budgets to party-related institutions. The critical and hostile coverage which focused on AbuHazira drove his supporters to offer information against Burg and other NRP leaders who were, they said, responsible for the longtime practices.

Similarly, the State prosecution - which did not succeed in finding any supportive evidence in AbuHazira's bank accounts for the allegation of personal bribe and whose major witness performed very poorly on the stand - elaborated instead thoroughly on the corrupt practices. Defending himself the minister, who was only two years in office, volunteered information on the system of financing partisan institutions since, he said, he only had pursued what has been established in the longtime NRP-controlled Religion Ministry. To the best of his knowledge, he said, these were practices employed by other ministries as well, and they were widely known for many years.

As a result of these events, the phenomenon of political corruption emerged as though it were confined to religious circles. The eagerness of the press to pin down "a corrupter," allowed it to largely disregard the fact that the freshman minister was, in effect, on trial for a longtime and known "corrupt system," since the charge of personal bribery had not been substantiated. But AbuHazira's defence was brushed off by the general statement that "two wrongs don't make a right." His many supporters who cried out that the press coverage was saturated with ethnic prejudices aggravated the matter; this increased the emphasis on "morality."

The vulnerability of AbuHazira was reflected in the different outcome that the allegations against Burg have generated. As noted, upon AbuHazira's criminalization Minister Burg was fiercely attacked. Among others, mayors of small towns appeared on television and attested once again that they were serving as revolving doors for Interior Ministry's budgets channeled through their municipal budgets to religious institutions outside their locality. However, when Burg learned that his subordinate, the freshman Police Commissioner, Herzl Shafir, was conducting a criminal investigation on these charges, he fired him.

As the scandal around this dismissal and the "Peach File" (the name given by the police to Burg's investigation) was developing, out of the blue the press publicized the information that there was a secret file in the coffers of the Police Ministry³⁰. The file, named "The Chosen People," contained reports on investigations conducted during Labor time. As could be expected, a Likud MK zealously raised the issue in the Knesset and demanded the disclosure of the file. Obviously, Labor MKs both rejected the obscure accusations and attacked the Likud. This uproar was then calmed down by Interior and Police Minister Burg, who held the file and assured the public that it was an old one which included only copies of fully-dealt with investigations.

Eventually, the dismissal of Shafir was dropped from the public consciousness and the "Peach File" engendered a criminal investigation against a mayor of a tiny village. In dealing with the allegations against him Burg had no doubt succeeded in breaking through the tendency to sort out and brand religious politicians as chiefly and solely responsible for the corrupt "distribution system." Though his performance in the affair was named "The Burger Theater," his three-decade service in Israeli governments and his intimate knowledge of its practices allowed him to keep his seat in the first row.

AbuHazira did not enjoy similar power. He was acquitted on all the counts of his indictment, yet both the judges and the press criticized severely the corrupt practices in the allocation of public resources. AbuHazira broke with the NRP and founded a new party, Tamy (The Movement for Israel's Tradition). The NRP declined from twelve Knesset seats to six; most of its Afro-Asian electorate deserted the party. Three seats went to Tamy and the other three to the Likud. However, before his trial closed, the Attorney General asked the Knesset to remove again AbuHazira's immunity on the charge of conspiracy and fraud related to his activities, six years earlier³¹.

The three seats of the new religious party, Tamy, provided Begin with the majority he needed to form a

61-seat government in 1981. AbuHazira was nominated as minister with two portfolios; the two other members of his party were nominated as his deputies and practically took charge of the ministries. The party, whose leader awaited trial and whose three members were all of Afro-Asian origin, vexed many Israelis, particularly Ashkenazim. Moreover, Tamy's 1981 election campaign revolved entirely around the ethnic conflict and the need to fight against "token" political representation. Numerous attempts of Mizrachim to form an independent political party, from 1949 to the 1981 success of Tamy, failed. Tamy, therefore, signaled the independent political empowerment of Mizrachim, as well as the revival of sensitive charges of discrimination.

In the political context of both Likud and Labor, this trend roused a political alarm. Likud drew its major electorate from the Afro-Asian community, whereas the Labor Party was coping since 1977 with the blame for discrimination (which went back to the mass-immigration of Mizrachim in the 1950s and 1960s) and with the related inclination toward the Likud.

Three months after joining Begin's 1981 government, AbuHazira's second trial opened. He was accused of conspiring, in 1976 when he was the Mayor of Ramleh, to deceive the Interior Ministry by acquiring and then misusing public funds designated for a nonprofit charity

organization which he founded and chaired. The charity foundation provided no-interest loans as well as fellowships for students. The prosecution alleged that this was a sham institution for partisan purposes and that AbuHazira himself used a few cheques for his personal expenses.

The trial was closely followed up and widely covered by the press; AbuHazira's Tamy held the key to Begin's narrow majority. Inevitably, during this two-year trial political corruption also continued to be portrayed as the misdeeds of religious persons who were, this time, of Afro-Asian origin [the first trial was related to Ashkenazi Yeshivoth; while in the second trial the recipients of loans and fellowships were mostly Mizrachim]. The arrogant appearance of AbuHazira who remained cool during his trials antagonized many since he continued to challenge the society's conscience by contending that thousands of foundations as the one he chaired have been operated by the Israeli political parties, and that his apprenticeship in politics was in the NRP Party and in the Knesset. Thus, he insisted on the defence that he did not deceive anyone and particularly not the NRP-controlled Interior Ministry since the foundation got public funds primarily because he was an NRP politician.

As during AbuHazira's first trial, these attitudes generated in the press attacks on his own personal standards and integrity. The "corrupt system" was not news, nor was the indictment on the name of "the system." As the prosecutor argued, the system was not on trial, he was.

The minister's supporters held a different view, and they were vocal and furious. AbuHazira was a member of a much-honored family and the son of the late Rabbi Yitzhak AbuHazira, one of the most distinguished spiritual leaders of the Moroccan Jewry in Israel. He conducted a modest lifestyle and was a high-school teacher prior to his political career. Moroccan-born Jews had become the largest ethnic group in Israel and many reacted toward the trials as a symbol of longtime discrimination. Therefore, scores of Moroccan-Jews attended each session of the trial. In press accounts, this was often translated as a latent-but-deliberate attempt to intimidate the judge.

Tamy's AbuHazira also succeeded in attracting many among the radical Afro-Asian intelligentsia, most of them secular. These people threw into the heated debate "hard data" about the long years corrupt system and accordingly the discriminatory reaction of the press toward the freshman minister. However, very few politicians stood publicly by AbuHazira. The political scientist, Professor

Shevach Weiss, who was a Labor MK and publicized his views on the matter, was an exception.

A year later AbuHazira was acquitted on most of the counts on his indictment, though the court found him guilty for unaccounted expenses and theft which amounted to 4,100 dollars. When in fall 1983 his appeal to the Supreme Court failed, he resigned from his ministerial post and Aaron Ouzan replaced him. A few months later, in February 1984, Minister Ouzan was accused of political corruption for personal profit. The third MK of the party, Benzion Rubin, was also under criminal investigation related to his activities as deputy-mayor of Netanya, few years earlier. The party thus appeared as totally "criminal."

Tamy's own political power was critically injured [in the 1984 elections the party lost two of its three seats]; yet both the trials and the politicization of the event by Tamy's supporters, enormously enhanced the ethnic consciousness of both Ashkenazim and Mizrachim. In political terms, AbuHazira's trials were the catalyst for the empowerment of Mizrachim.

In the eve of the 1984 elections, there was an intense and significant increase of Afro-Asian representation. David Levi rose meteorically to top leadership in the Likud Party and Labor's supporters advocated the candidacy of Yitzhak Navon - Israel's

popular ex-president who returned to active politics and was also of Afro-Asian origin - for Labor's next premier. Similarly, Ezer Weitzman who founded a new party, Yahad, prominently placed on his slate two figures of Afro-Asian origin. The NRP also advanced to high places politicians of similar origin. Afro-Asian members of the Agudat Israel Party broke with this party on the same grounds of ethnic discrimination as AbuHazira's supporters in the NRP, and founded the new party, Shas.

Another significant consequence of the trials was the legalization of the "distribution-system." There is no doubt that the criminalization of AbuHazira sensitized politicians of religious parties to their vulnerability regarding the institutionalized but not legalized practices. A lawsuit was the catalytic factor. In February 1984, the religious movement Habad appealed to the Supreme Court charging that the large amounts of "particularly-designated money" distributed to the religious parties discriminated against its own institutions and Yeshivoth, since the movement was not affiliated with a political party.

Within 72 hours the religious parties together with the Finance Minister found a way which both frustrated the lawsuit and legalized the lists' practice: instead of listing the money under the general provision termed "funds for religious institutions and activities -

coalition agreement" as it had been in the past, the institutions and organizations would be mentioned by name under independent provisions of the state budget.

As was expected, the Supreme Court dismissed the lawsuit though it criticized the practice and recommended that "fair, equal and objective criteria" govern the allocation of public money. The small liberal Shinouy Party issued a statement charging that "the decision of the Finance Minister is inauspicious since it clearly legitimizes political corruption and political bribery as well as provides a formal seal to lawlessness in the public administration."

Nevertheless, this practice continued. The coalition agreement in 1985, for example, revealed that the Likud/Labor National Unity Government granted to each of the twelve members of the religious parties 1.5 million dollars for distribution to religious institutions and activities which these MKs had named. Similarly, the negotiations around forming a government in both 1988 and 1990 exposed again the generous offers of the competing Likud and Labor leaders to the religious parties.

The related scandal has become a ritual: the religious parties contend that this is only a "small repayment" for the longtime discrimination against religious activities and Yeshivoth, in the allocation of public resources. Opposition MKs charge that "these are

payoff and political bribe". The press and the public make a similar outcry. Religious parties respond that "their share" is only a small part of the "particularly-designated funds" granted to secular parties. The Knesset votes for the state budget and then the scandal calms down until the opening of the next budgetary year, or the next political crisis. The practice has continued up to the present, as well as its approval by the Knesset (March 1991).

These events reveal an extraordinary fact. Political corruption which refers to the abuse of political power for private or party ends has become in the 1980s in Israel a legitimized phenomenon. The particularly-designated funds serve for both the personal empowerment of specific politicians (i.e.: those who give and those who take) and for partisan purposes. The powerless position of public opinion vis a vis political cynicism and tactics has been similarly underscored.

The decriminalization of the corrupt practices by governmental power is, however, a chancy matter. These arrangements continue to embody a danger of becoming illegal since the budgets which are channeled through ministries continue to be used for partisan purposes (as unofficially designated) rather than merely for social and cultural ends for which they are officially designed.

Obviously, the unofficial and widely-known purpose cannot stand as a defence in court. Thus, the question of who will be or will not be brought to court and under what circumstances becomes then largely a matter of discretion. Political power as well as the vulnerability to negative perceptions seem to play a role when either the process of politicization, or that of criminalization, is put in motion.

In this context, the criminal investigation which started in summer 1990 against the present Interior Minister, Arie Derie, has been suggestive; Shas, the new religious party whose six MKs are of Afro-Asian origin, is following a track similar to that taken by Tamy. The minister is charged of misusing the ministry he controls for channelling budgets to Shas-sponsored institutions. Derie has also been accused of fraud related to the ownership of his apartment. The newspaper "Yediot Aharonot" has been following the investigation up with revelations of its own. Similarly, the trend in the press that insists on personal "morality and integrity" began to evolve.

Both the accusations and their vigorous investigation occurred after Derie initiated the dissolution of the Shamir National-Unity government with Labor in the summer of 1990. By now, also two other Shas MKs, Yair Levi and Raphael Pinchasi, are under criminal

investigation. This followed a critical report of the State comptroller which raised criminal suspicions in using public funds for election purposes. Hence, the image of "criminality" began to envelop the party. Within the six-year party, signs of disintegration begin to surface. Contentions of both religious and ethnic-based discrimination have spread among the party's supporters. In so many aspects, both the processes and the reactions of all actors and social groups in this event bear remarkable resemblance to that of AbuHazira.

* * * * *

Substantively, in the area of political corruption the Likud period has been no different from the Labor era. It has only provided a more vivid picture.

The aggressive competition over power since 1977 has sharply exposed both the practices and patterns of political corruption which have existed since the foundation of Israel. Likewise, politicization and decriminalization have always been employed by governing politicians. The specific content of politicization reflected different themes and argumentation in each period, and decriminalization was carried out by different methods as well. Nevertheless, the process as

a whole has displayed strikingly similar patterns and outcomes.

Thus, politicization and decriminalization has proven to be a successful strategy of political power in both confronting the damage of allegations and reshaping the perceptions of political corruption; presenting it as non-corruption and as "common politics."

From the public standpoint, this process is no doubt difficult to confront since it works in many dimensions, invokes a disturbing, overwhelming confusion and hides itself behind a veil of elusiveness. However, the moment mechanisms and patterns are discovered, the picture becomes extremely lucid. And, once acquired, the new understanding never evaporates.

Notes:

1. Begin nominated Burg to conduct negotiations with Egypt on the question of Palestinians' autonomy.
2. Leshem, Baruch - Zigel: the unabridged story of corruption investigations, Maariv Publishing House, 1988.
3. See Appendix A
4. Appendix A: Gil 1981; Sharir 1985
5. Gutman, Yechiel - The Attorney General Versus The Government, Edanim Publishers, Yediot Aharonot Edition, Jerusalem, 1981 (Hebrew)
6. Ha'aretz 7/6/62; 12/6/62; 14/6/62; 28/6/62
7. Ha'aretz 12/10/62; Gutman, op. cit. p. 137-149
8. Ha'aretz 3/12/62; 4/12/62; 6/12/62; 20/12/62
9. Justice Minister Dov Joseph appointed Attorney General Moshe Ben Zeev (Ha'aretz 4/2/63). When Ben Gurion resigned and officially renewed demand for a judicial inquiry of the Lavon affair both supported it (13/11/64). This spurred loud debate (see Gutman, p. 166-179).
10. Appendix A: Ouzan 1984
11. See appendix A
12. Zevi Harel and Zeev Yeffet from Ha'aretz, sharply and consistently, criticized those decisions in their columns.
13. Zamir notified Justice Minister that he wished to leave office. It was also reported that he aspired for a nomination of Supreme Court Justice (Ha'aretz 30/1/86). Two weeks later Zamir officially notified the government of his intention. On this occasion it was reported that Zamir denied his resignation was related to pressures on, or criticism against him (Ha'aretz 12/2/86). On 30/3/86 Ha'aretz criticized the Justice Minister for not finding during 50 days a candidate for the office. Two months later, the press reported that Zamir intended to leave office even if no replacement is suggested (23/5/86). An oppositional MK, Mordechai Virshovsky, appealed to Justice Minister to immediately appoint candidate to

replace Zamir (25/5/85) [rumors said delay was due to searching for a "political candidate"). For a different account see Moshe Negbi, Above The Law", Am Oved, 1987

14. Criticism on decision in the Reisser case by senior State Attorneys (Ha'aretz 9/12/87;). Police criticism in cases of Reisser 1986; Gadot 1986; (20/12/87); and mayors Kollek 1986 (8/10/86) and Gibbshtein 1984 (2/3/84).

15. The practice was written as an official instruction by Attorney General Shamgar on 1/5/70 (Ha'aretz 1/7/87). However, the practice came to public light since 1977, during Barak tenure and particularly Zamir's.

16. This has been a recurrent theme in public discourse since the rise of Likud to power, in 1977.

17. In 1976 Rabin was challenged by Peres within the party, often criticized by the press (for example, Ha'aretz 8-22-23/2/76; 9-14-26/4/76; Also both coalition parties, the Independent Liberals and NRP expressed their intention to leave government (14/11/76; 15/12/76). Rabin resigned and early elections were called (21/12/76).

18. Accounts for this period: Bell B., Terror Out Of Zion, St. Martin's Press, 1976; Clarke T., By Blood and Fire: The Attack on King David Hotel, Putnam 1981; Perlmutter A., The Life and Times of Menachem Begin, Doubleday, 1987; Temko N., To Win Or To Die: A Personal Portrait Of Menchem Begin, W. Morrow, 1987; Nadel B., The Assassination of Bernadott (Hebrew); Ha'aretz 17/9/68.

19. Ha'aretz 21/9/48; 10/2/49; 8/1/52; 4/4/52; 6/10/52; 28/5/53; 1/6/53; 7/9/53; 25/3/57

20. Period known as "The Sezon." See Perlmutter, op. cit.

21. Ha'aretz 21/6/48

22. Herzog Hanna, Contest of Symbols: The Sociology of Election Campaign Through Israeli Ephemera, Harvard University Library, 1987, p. 67, figure 54.

23. For accounts on ethnic relations see Swirski Shlomo, Israel: The Oriental Majority, Zed Books Ltd, 1989; Shiran Vicki, The stigmatizing label: Mizrachim in Israel, Master Thesis, Instit. of Criminology, Faculty of Law, Tel Aviv University, 1978 (Hebrew); Kraus V. Hodge R., Promises in The Promised Land, Greenwood Press, 1990; Ben Rafael Eliezer, The Emergence Of Ethnicity, Greenwood Press 1982; Eisenstadt S.N., Israeli Society, Weidenfeld & Nicolson, 1967; Efrat Elisha, Geography And Politics In

formal education which inspired many jokes, for example, has been a common characteristic of the majority of Israel's founding fathers as well as present leaders.

26. For accounts on the movement see Raanan Tsvi, Gush Emunim, Tel Aviv: Sifriat Poalim 1980 (Hebrew); Rubinstein Danny, Gush Emunim, Tel Aviv: Ha'Kibbutz Ha'Meuchad, 1982 (Hebrew); Rubinstein Amnon, The Zionist Dream Revisited: From Herzl to Gush Emunim And Back, New York: Schocken Books, 1984; Newman David (ed.), The Impact of Gush Emunim: Politics And Settlement in the West Bank, London: Croom Helm 1985; Shprinzak Ehud, Every Man Whatsoever Is Right In His Own Eyes: Illegality in Israeli Society, Sifriat-Poalim Publishing House, 1986

27. Shprinzak, op. cit.

28. Appendix A: Shamir 1986

29. Ha'aretz 20/8/79

30. Ha'aretz 10/1/81; 12/1/81; 15/1/81

31. Appendix A: AbuHazira 1981; Appendix B:

SUMMARY

This study covers a great deal of ground, introduces many theoretical concepts and cites a large number of examples. Taken as a whole, however, it leads to certain major conclusions. To summarize the highlights:

- The major impediment to treating political corruption as a crime stems from conceiving the phenomenon as an aspect of practical politics. In theoretical terms, this reinforces the notion that political corruption is elusive and lacks well-defined boundaries which, in turn, hampers agreement on its criminal character. In practical terms, this animates the perpetuation of political corruption. This study suggests that political corruption is a crime and should be treated as such.

- Political corruption is not so much directed at financial gain, as is sometimes popularly perceived, but at the acquisition and maintenance of political power. Personal material privileges are usually intertwined with positions of power and dependent on them. Therefore, corruption for the maintenance of power deserves major attention.

- Although individual politicians have been the "unit of analysis" in my empirical research, their alleged misdeeds have not been the significant focus. Rather, these have served as symbols to trace and uncover an important aspect of the political system; the ways it distances itself from the scrutiny of the judicial arm. Thus, one of the most praised features of democracy as a system of government - the independent watchdog and enforcement role of the judiciary - becomes merely a decorative ornament when it comes to dealing with the high echelons of politics. This, in itself, corrupts the democratic system.

- Political corruption reflects the power relations in society. An allegation, a scandal or a prosecution are usually initiated by political forces and mirror them.

Political power shapes the perceptions through which the public will eventually redefine corrupt acts as noncriminal. Politicians succeed in doing so by politicizing their lawbreaking and lawlessness and then decriminalizing them. The only way to minimize politicization and decriminalization, and bring offenders to book, is to legally treat politically corrupt acts as criminal offenses. Public awareness of the politicization process will, in the long run, change perceptions and attitudes.

- Scandals do not reform the political system. On the surface, a "corruption scandal" appears to uncover corrupt politicians. Yet for the most part, by confusing and sensationalizing, scandals actually assist in decriminalizing the acts of high-level politicians involved. The public and particularly the press should be aware of this dynamic. This will help ensure that scandals lead to effective action against corrupt politicians.

- The press has no doubt a crucial role in uncovering political corruption and pinpointing its deviant components. Nevertheless, in the course of a scandal the

media is likely to be "taken over" and manipulated by politicians. In my view, the press can play a decisive role only at the stage of disclosing political corruption and then in working to see that the politicians involved are treated in the same way as ordinary citizens.

- Special inquiries and special inquirers are frequently politically controlled and, hence, their activities rarely result in legal prosecutions and convictions. By creating the impression that strong action is being taken against corruption, when, in fact, it is not, they actually tend to function as simply another tool for decriminalization of high-level corruption.

- Power seems to be the name of the game and power sets its rules. Tracing the pattern of prosecution for high-level corruption has proven instrumental in uncovering the nature of these rules. Only the vulnerable, e.g. the lower ranking, the social outsiders or those who lack powerful political backing, are likely to suffer the sanctions of the law. Thus, the law becomes a servant of politicians and political interests rather than of society and the judiciary.

- Finally, the Israeli political system has its own specificities. Yet this work suggests that the strategy of politicization and decriminalization of political corruption transgresses geographic borders.

I believe that more studies such as this should be undertaken in order to enlarge understanding of the workings and effects of political corruption. Public consciousness, in the final analysis, will be the decisive factor in successfully fighting the abuse of political power by those who are elected to be the servants of society.

APPENDIX A - LIST OF ALLEGATIONS

This appendix contains allegations publicized in the Israeli press. Apart when convictions are reported, the material is not intended to imply that any of the persons mentioned are guilty of criminal conduct or corruption.

The dates mentioned refer to days of publications in Ha'aretz. Almost all allegations have also been publicized in the two other nationwide newspapers Yediot-Aharonot and Maariv. On this occasion I thank Yediot-Aharonot for letting me use its archive and Mr. Eli Kenan for his assistance.

Barouch Noy 1952 - Mayor (Acre). Labor Party (Mapai). Allegedly misused his authority to advance private interests involving his ownership of a local theater (8/7/52; 17/7/52; 20/9/52). Treatment: by sub-committee of the kneset; Interior Ministry commission; State Comptroller. Cleared of wrongdoing (26/10/52; 27/10/52). Mayor resigned (29/10/52).

David Berman 1953 - Mayor (Hadera). Labor Party (Mapai). Was allegedly involved in fraud and forgery related to municipal funds (4/11/52; 1/2/53; 16/10/53; 18/10/53; 20/10/53). An official complaint was filed with the police. Treatment: trial halted by Attorney General Haim Cohen, who served also as Justice Minister at that time

(4/11/52). A year later Mayor was tried (preliminary hearings) (16/10/53). Court dismissed charges against him (29/10/53). No appeal by the state. Mayor resigned (30/6/54).

BenZion Horowitz 1954 - Mayor (Rehovot). Labor Party (Mapai). Allegedly was privy to embezzlement of municipal funds (22/1/54; 22/2/54; 6/4/54). Treatment: by Interior Ministry commission; State Comptroller. Mayor replaced by the party [disclosed years later by mayor who replaced him 4/2/68].

Haim Levanon 1954 - Mayor (Tel Aviv). General Zionists Party. Allegedly used municipality workers and materials for his private home (21/1/1954). A month earlier chief manager of maintenance workers testified he had done the work for the mayor, as well as for other high-level officials. He and other workers of Department in charge of supplying materials were tried (28/1/54). Treatment: by State Comptroller. Cleared of wrongdoing (22/1/54).

Shlomo Lorenz 1954 - MK. Agudat Israel Party. Allegedly violated foreign currency laws in relation to party contributions (23/5/54). Treatment: by Attorney General Haim Cohen who requested Knesset's House Committee to lift the MK's immunity. Committee refused (27/5/54).

Y. S. Rosenberg 1954 - Welfare Deputy Minister. National Religious Party. Allegedly violated foreign currency laws in relation to party contributions (25/5/54). Treatment: by Attorney General Haim Cohen who requested Knesset's House Committee to lift the MK's immunity (29/11/54). Committee approved (15/12/54). Trial (preliminary hearings) opened (8/1/55) and concluded in dismissal of charges (16/1/55). No appeal by the state.

Moshe Norouk 1954 - MK. National Religious Party. Allegedly perjured himself in relation to the Rosenberg case above. Official complaint by the citizen watchdog group "Shurat Ha'Mitnadvim" was made to the Attorney General. Treatment: by Attorney General Haim Cohen who declined to prosecute [Years later, Cohen disclosed in an interview that he agreed to request by Justice Minister for non-prosecution on grounds that MK was old and sick (Gutman 1981, p. 106-107)].

Abba Hushi 1955 - Mayor (Haifa). Labor Party (Mapai). Allegedly exchanged favors with citizens who needed his assistance and then were required to contribute money for the "Mayor's Foundation" which was allegedly used for patronage purposes (28/6/55; 3/7/55). Mayor claimed this was strictly a charity Foundation (30/6/55). Interior Minister [affiliated with the General Zionists] declared Foundation was illegal. Treatment: by State Comptroller. Report said Foundation was a channel for illegal revenues (12/7/55). Foundation dissolved (22/9/55).

Levi Eshkol 1956 - Treasury Minister. Labor Party (Mapai). Allegedly abused his office for personal profit. As the Jewish Agency's treasurer he allegedly acquired construction materials at no-cost for his private home, then sold it and received governmental living-quarters. Herut Party demanded his resignation (20/5/56). Eshkol claimed this was "a common custom for many in the Jewish Agency". Treatment: Minister and PM Ben Gurion issued a joint statement recognizing "an honest mistake" on the part of Eshkol (24/5/56). The State comptroller was then asked to prepare a report on the general issue of "governmental living-quarters." (12/7/56).

Yitzhak Raphael 1956 - MK. National Religious Party. Allegedly smuggled diamonds and, when arrested in the airport, reportedly called PM Ben Gurion who allegedly ordered the Custom's Authority and the police to disregard the case. (30/7/56; 1/8/56) Allegation made by Professor Yeshayahu Leibovitz and citizen watchdog group "Shurat-Ha'mitnadvim." Treatment: PM Ben Gurion denied allegation in a letter to Ha'Aretz (3/8/56). Raphael filed a libel suit against Leibovitz (6/8/56) but later dropped it (29/11/56; 16/1/57).

Moshe Shaked 1957 - Mayor (Netanya). Labor Party (Mapai). Allegedly misused his authority for personal gain by lending his private capital with interest to the municipality he headed (27/12/57). Treatment: by State Comptroller. Cleared partially (27/12/57). Then an official complaint was filed with the police. A few days before trial opened (preliminary hearings) Attorney General Haim Cohen ordered the trial halted on the ground that such trial needed his authorization (14/2/58; 16/2/58).

Pinhas Sapir 1958 - Commerce and Industry Minister. Labor Party (Mapai). Allegedly used chair of Israel's Commercial Delegation in the United States for helping acquiring a contribution for the Labor Party (27/10/58). Herut Party demanded investigation, averring that this was the "tip of the iceberg". Both Herut and the General Zionists Party brought a motion of no-confidence. Treatment: PM Ben Gurion denied Sapir's deeds were illegal. Motions defeated in the Knesset (28/10/58).

Hanoch Nanar 1959 - Mayor (Eilat). Labor Party (Mapai). Allegedly was privy to embezzlement of municipal funds (28/6/59). Treatment: by Interior Ministry commission. Mayor replaced by his deputy (14/8/59).

Moshe Shaked 1959 (2) - Mayor (Netanya). Labor Party. Again allegedly misused his authority for personal gain by lending his private money to the municipality he headed (13/2/59). Treatment: by State Comptroller. Cleared mayor from accusation of personal gain though criticized his continuing violation of the law, despite prior reprimand (6/4/59). Mayor resigned; Labor lost majority in city council (14/7/59).

Abraham Krinizi 1959 - Mayor (Ramat Gan). General Zionists Party. Allegedly misused his authority for personal gain in relation to land and illegal planning permission for developing an area owned by his kins. Also allegedly asked constructors who were granted permits and business licences to contribute to Mayor's "charity foundations" (21/7/59; 22/7/59; 29/7/59). [Krinizi was Ramat-Gan's popular mayor; when allegations voiced he was in office already 33 consecutive years. Was also a prominent leader in his party] Treatment: Interior Ministry commission; State Comptroller (29/7/59; 30/7/59). Ministry commission's report severely criticized mayor (30/10/59).

Joseph Burg 1961 - Minister of Welfare. National religion Party. Allegedly misused his office by channeling Ministry funds to party institutions used for partisan ends (14/2/61; 15/2/61; 23/2/61). Treatment: Minister denied wrongdoing in Knesset and said Ministry was audited by State Comptroller.

David Touviyahou 1962 - Mayor (Beer-Sheba). Labor Party (Mapai). Allegedly misused his authority for personal benefit and for gaining political support by distributing land to himself and to other city council members (20/12/62; 3/1/63;). Treatment: by State Comptroller who criticized self-recommendation of land (2/7/63). Revelation frustrated Mayor reelection by city council (2/1/63). Replaced by another candidate in next election.

Ben Ari 1963 - Mayor (bat-Yam). Labor Party (Mapai). Allegedly misused his authority for private gain in relation to development of an area where his sister owned land (28/11/63). Police apparently halted their initial investigation on the case (2/12/63). Treatment: by State Comptroller. Cleared mayor of wrongdoing (12/3/64). Mayor resigned (1/4/64).

Joseph Burg 1964 (2) - Minister of Welfare. National Religion Party. Allegedly misused his office for channeling Ministry funds to party institutions for partisan ends (5/6/64; 8/6/64; 10/6/64; 12/6/64; 14/6/64). Voices for a commission of inquiry (17/6/64) Treatment: by Knesset's Interior Committee. [Minister fired Welfare Ministry's spokesman who refused to deny revelations made by Ha'aretz (23/7/64; 24/7/64; 11/8/64)].

Arie Tagar 1964 - Mayor (Ashkelon). Labor Party (Mapai). Allegedly misused his authority for private profit in relation to development of an area where he owned land (20/7/64; 22/7/64; 31/7/64; 17/8/64). Treatment: by Mapai's auditor (4/8/64). Mayor was ordered dismissed (12/10/64) but the party requested postponement until municipal election (26/3/65). Mayor replaced by another candidate (23/8/65).

Joseph Burg 1965 (3) - Minister of Welfare. National Religious Party. Allegedly misused his office by distributing welfare funds in the form of welfare assistance for Passover (Pascha De'Kamcha) to ineligible families for election purposes; 2300 families in Ashdod allegedly got this assistance while only 900 households were on welfare (23/3/65; 14/4/65; 18/4/65;). Treatment: Knesset's Services Committee.

Yitzhak Raphael 1965 (2) - Deputy Health Minister. National Religious Party. Was allegedly privy to plan to extort kickbacks, in the form of contributions to Yeshivoth under his auspice, from contractors submitting bids to Ministry. Allegations were voiced sporadically since the 1963 arrest of Director General of the Ministry (20/1/63; 10/2/63; 9/9/63; 29/7/64). Treatment: Judge Golan nominated as one-member Commission of Inquiry (27/10/64). His report raised criminal suspicions against Raphael (22/3/65). Attorney General Moshe Ben Zeev requested Knesset's House Committee to lift the MK's immunity (20/6/65). Committee approved (9/7/65). Trial opened (7/9/65) and concluded with acquittal (14/9/65). No appeal by the state.

Pesach Yifhar 1965 - Mayor (Herzeliya). Labor Party (Mapai). Allegedly misused his authority for patronage purposes in relation to illegal construction permits permits (24/6/65; 29/6/65; 1/7/65). Accusations were voiced previously (12/6/63) and he was also criticized by State Comptroller (11/7/63; 3/12/63; 9/5/65). Treatment: by Interior Ministry; State Comptroller (19/1/66; 20/7/66). Mayor resigned (21/9/66).

Yigal Alon 1966 - Labor Minister. Labor Party (Achdut-Ha'avoda faction). Alon was leader of Achdut Ha'avoda. Allegedly acquired a contribution for his party's 1959 election campaign, from Dan, a public transportation cooperative which was dependent on the Ministry of Transportation (25/2/66; 28/2/66; 3/3/66; 7/3/66). Ministry was controlled by Achdut Ha'Avoda. Minister admitted responsibility for the contribution (10/3/66). Treatment: PM Levi Eshkol asked Justice Minister to investigate the case (21/3/66). Interior Committee of the Knesset inquired into the case (27/3/66; 19/4/66) but was blocked when Justice Minister opposed its authority to do so (11/5/66).

Jacob Shimshon Shapira 1966 - Justice Minister. Labor Party. Allegedly exchanged favors with businessman Meir Halevi for his private gain. In 1962 Minister allegedly used his contacts for helping Halevi acquiring a governmental guarantee for his "Somerfine" shipyards corporation, while he concealed the poor financial conditions of the corporation. Minister, whose law firm represented Halevi, allegedly received luxury

accommodations in Geneva (24/11/66; 15/12/66). Allegations surfaced after the financial debacle of Somerfine and Government's million-dollars loss because of the guarantee. Treatment: by Knesset's Finance Committee in camera. Decided to refer investigation of the whole "Somerfine" affair to State Comptroller (4/1/67; 18/1/67). Comptroller cleared of wrongdoing (29/10/67).

Zevi Dineshtein 1966 - Deputy Defence Minister. Labor Party. As chair of governmental Investment Authority in 1962 allegedly exchanged favors with businessman Meir Halevi. Deputy-Minister allegedly recommended a governmental guarantee for "Somerfine" shipyards corporation, although he was allegedly aware to the corporation's weak financial condition (15/12/66). Deputy-Minister allegedly received luxury accommodations on shipyard cruises (30/11/68). Treatment: By Knesset's Finance Committee in camera. Decided to refer investigation of the whole "Somerfine" affair to State Comptroller (4/1/67; 18/1/67). Comptroller cleared of wrongdoing (29/10/67).

Moshe Sardines 1969 - MK. Deputy-Speaker of the Knesset. Labor Party. Allegedly abused his office in the Moshavim Movement (Tenouat-Ha'Moshavim) for private gain, in relation to no-interest loans he acquired improperly (7/2/69; 10/2/69; 14/2/69). Treatment: By Moshavim Movement's auditor. Sardines dismissed from office there (13/5/69). He refused to resign from the Knesset (16/5/69) but was not included in the party next slate.

Jacob Shimshon Shapira 1971 (2) - Justice Minister. Labor Party. On this occasion, allegedly misused his authority by interfering with an investigation in which he had private interest (2/11/71; 3/11/71; 8/11/71; 21/12/71; 24/12/71; 3/1/72). Investigation involved "Netivey Neft", the governmental oil company in Sinai; Minister's law firm (passed to his son when he became Minister) was the representative of "Continental", the private company of Moti Friedman, Netivey Neft's director and the principal accused of corruption for his private interests related to "continental". Treatment: Justice Minister nominated the former Attorney General Moshe Ben Zeev as a special inquirer who then recommended investigation by State

Comptroller (19/9/71; 26/10/71; 29/10/71). Public uproar led the Minister to nominate the Vitkon Commission of inquiry (11/11/71). Both the Minister's alleged private interests and alleged involvement in hindering the investigation were not placed in Commission's framework of investigation. Nevertheless, Minister resigned (12/6/72) but was nominated again, three months later (1/9/72; 5/9/72).

Zevi Dinshtein 1971 (2) - Deputy Finance Minister. The Labor Party. Impropriety alleged in favoring Moti Friedman, Director General of Netivey Neft [see Shapira 1971]. Dinshtein was the Government official directly responsible for the company (26/10/71; 4/11/71; 7/11/71; 15/11/71; 30/11/71; 7/12/71; 2/3/72). Treatment: Vitkon Commission of Inquiry. Deputy-Minister was formally an accused and was represented by lawyers. Commission cleared all accused, including Deputy-Minister Dinshtein (16/4/72).

Pinhas Sapir 1971 (2) - Finance Minister. Labor Party. Allegedly acquired illegal contributions for the Labor Party from businessman, Asher Shovinski, whose corporation "AutoCars" received generous financial support on the recommendation of Sapir (6/12/71; 26/3/72; 10/4/72; 25/3/73). AutoCars went bankrupt and this caused lose of millions of dollars of public money. Scandal revealed financial condition of Autocars was not scrutinized and forged financial reports were disregarded. Sapir was allegedly privy to weak financial conditions (6/12/71; 22/12/71). Treatment: by Knesset's Economic Committee. Committee, chaired by Gahal, decided to discontinue its inquiry (30/11/72; 13/12/72). [Group that bought the bankrupt corporation was headed by Kremerman, an MK of Gahal and Herut's treasurer 19/11/72, who was also provided a large governmental loan for that 4/4/73; 5/4/73]. Attorney General Meir Shamgar did not find evidence for illegality (18/12/73).

Moshe Dayan 1971 - Minister of Defence. Labor Party. Allegedly dug and illegally appropriated archeological treasures (8/12/71). Likewise, allegedly illegally exported to the U.S.A. antiques for commercial purposes by using a governmental company chaired by his wife (13/1/72), as well as a joint Israeli-American foundation (23/10/72). Prominent figures as Professor Igael Yadin

(17/1/72), Professor Shemuel Yevin (27/1/72) and Supreme Court Justice Haim Cohen (23/10/72) supported basic allegations. Treatment: by Attorney General Meir Shamgar who did not find any impropriety or illegality (19/1/72)

Yigal Alon 1971 (2) - Deputy Prime Minister. Labor Party (Achdut Ha'avoda faction). Allegedly exchanged favors with a businessman, Asher Shovinski, whose corporation "AutoCars" depended for financial support on the Transportation Ministry (controlled by Achdut Ha'Avoda). AutoCars went bankrupt and this caused loss of millions of dollars of public money. Scandal revealed financial condition of Autocars was not scrutinized (6/12/71). Alon allegedly received as a gift from AutoCars a racing boat for his home-Kibbutz, Genosar (6/12/71). Treatment: by Knesset's Economic Committee. Committee decided to discontinue its inquiry (30/11/72; 13/12/72). Attorney General Meir Shamgar did not find evidence for illegality (18/12/73).

Abraham Offer 1972 - MK. Labor Party. Allegedly misused his authority as the chair of Histadrut's largest housing company "Shikun Ovdim" (the Workers' Housing), and distributed apartments to ineligible relatives of party members (26/12/72). Shikun-Ovdim was the major housing company employed by the government. Allegations against the MK had been voiced in previous years (1/4/69; 27/1/70; 30/1/70). Treatment: by Knesset's Economic Committee; the Histadrut's Auditor. Six years later, when a new scandal related to Offer began to ensue, the Histadrut's auditor disclosed that 60 "irregular cases" were found but Police did not ask for them (21/11/76).

Pinhas Sapir 1973 (3) - Finance Minister. Labor Party. Allegedly abuse his authority as Finance Minister for acquiring contributions from businessmen in Israel and abroad to a special "Education Fund" (Keren Sapir), and using some of its funds for partisan purposes. Ministers not allowed to found Ministry's own foundations and acquire independent contributions. Foundation acquired millions of dollars and Minister allegedly concealed in previous years its existence (13/4/73; 19/4/73; 24/4/73; 8/5/73; 9/5/73; 10/5/73; 14/5/73; 15/5/73; 20/5/73; 20/7/73; 10/7/74; 14/8/74). Treatment: Knesset's Finance Committee. Minister denied Foundation ever existed (15/5/73).

Yitzhak Rabin 1974 - MK. Labor Party. Party's candidate for the premiership after Golda Meir government resigned (21/4/74). Allegedly abused his office as Israel's ambassador in the United States for personal gain, charging American audiences (particularly Jewish) high fees for lecturing about Israel's policies (22/4/74). Allegedly avoided tax for this income in both U.S. and Israel (26/4/74; 20/9/74). Rabin argued that this was a "common custom" (5/5/74). [Three years later it was revealed that Rabin made 90,000 dollars from these lectures (11/4/77)]. Treatment: Knesset's State Committee of Audit; State Comptroller who was asked to provide a general report on the question of paid-lectures by diplomats (20/9/74).

Pinhas Sapir 1974 (4) - MK. Labor Party. Allegedly was privy in his capacity as ex-Finance Minister to illegal transactions related to Tibor Rosenbaum, owner of "Kredit Bank" in Geneva. Rosenbaum was allegedly a channel for party financing. Revelation began with financial debacle of "Ha'chevra Le'Israel" (Israel's Corporation), as well as of Bank Kredit (22/9/74; 2/10/74; 24/10/74 and more). Treatment: by Knesset's Finance Committee; by State Comptroller; By Attorney General Meir Shamgar. Michael Zur, Director General of Ha'chevra Le'Israel was prosecuted.

Gad Katz 1974 - Mayor (Eilat). The Party. Impropriety alleged in relation to a municipal financial enterprise with businessman Abner Tomer (7/11/74). Treatment: Interior Ministry's commission; Knesset's State Committee of Audit. Interior Ministry recommended dismissal of mayor (25/3/75; 3/6/75), and police investigation. Police received Ministry's report (11/11/75).

Joseph Kremerman 1975 - MK. Gahal Party (Likud/Herut). Allegedly involved in tax evasions by his company "Etz-Lavod" (21/9/75; 22/9/75). This was already known in 1973 but Finance Minister Pinhas Sapir allegedly exerted his influence to frustrate judicial proceedings [in late 1972 Kremerman helped to resolve the AutoCars debacle by purchasing it]. Treatment: Both Attorney Generals Meir Shamgar and Aaron Barak recommended prosecution (16/11/75). Not implemented during MK's tenure [Kremerman was not elected to the Knesset in 1977].

Kuba Kreizman 1976 - Mayor (Givataim). Labor Party. Allegedly exchanged favors with constructors for bribes (15/1/76; 26/6/76). Similar allegations were voiced previously (9/5/75). Mayor was asked by the party to resign but refused [in 1975 the law for direct elections of mayors had been enacted and the party could no longer forced mayors out of office]. Mayor left the Labor Party (22/12/76; 26/12/76). Treatment: by police investigation (22/6/76). Attorney General Aaron Barak closed file (19/9/76)

Joseph Burg 1976 (4) - Interior Minister. National Religious Party. Allegedly misused his office for channeling large amounts of public funds to specific religious institutions through municipalities (3/6/76). Revelation made by Tel-Aviv's Deputy Mayor who was ordered to release 2/3 of budget he received from Interior Ministry to a list of religious institutions provided by the Ministry. Treatment: Knesset's Interior Committee.

Abraham Offer 1976 (2) - Minister of Housing. Labor Party. Allegedly misused his authority and provided discounts on apartments of the housing company, Shikun Ovdim, to his acquaintances and relatives (20/10/76; 10/11/76; 7/12/76) [see Offer 1972]. Also, allegedly received commissions from law firm that handled land transactions between the government and Shikun Ovdim (3/1/77). Official complaint was filed with the police. Treatment: by police investigation. A day after Attorney General Aaron Barak conferred with PM and Police Minister regarding the Offer case, the Minister shot himself (4/1/77). [The whole affair began to unfold after Offer's friend, Asher Yadlin, was arrested. Offer was among the few who stood by him. It was later alleged that commissions went for Labor Party's election financing]

Joshua Rabinowitch 1977 - Finance Minister. Labor Party. Allegedly was privy to illegal contributions for Labor election financing (15/2/77; 21/9/78). Revelations were made by Asher Yadlin in relation to the "Elison File" for which he was tried separately in 1978. The opposition in the Knesset demanded Minister step down. Treatment: by Knesset's State Committee of Audit (1/3/77); Attorney General Aaron Barak decided to refer investigation to State Comptroller (11/3/77).

Aaron Yadlin 1977 - Minister of Education. Labor Party. Allegedly acquired illegal contributions through the Sick-Fund (Kupat-Cholim) for Labor election financing, when he served as Secretary General of Labor Party. Revelations arose from the Asher Yadlin case. Minister refused to comment on the ground that Asher Yadlin was still on trial. The opposition in the Knesset demanded Minister step down. Treatment: by Knesset's State Committee of Audit (1/3/77); Attorney General Aaron Barak decided to refer investigation to State Comptroller (11/3/77).

Yitzhak Rabin 1977 (2) - Prime Minister. Labor Party. Allegedly violated foreign currency laws in relation to illegal bank accounts in the U.S.A. (15/3/77; 21/3/77; 7/4/77). When this was uncovered both PM and wife allegedly tried to deceive the public by concealing details which were important for deciding the nature of the violation (Whether accounts were active and what amounts possessed). Treatment: by Attorney General Aaron Barak who decided to prosecute Lea Rabin and to treat Yitzhak Rabin's offense as administrative (8/4/77). Rabin declared that he would not be Labor's candidate for the premiership. He decided only to take a leave of absence until election day (17/4/77). The latter spurred criticism since Attorney General Aaron Barak allegedly treated Rabin leniently because he believed PM was going to resign (25/4/77). Immediately after Likud's electoral victory Rabin returned to be premier (22/5/77; 24/5/77) and after a few weeks handed over the ruling mandate to Begin government.

Abba Eban 1977 - MK. The Labor Party. Allegedly violated the foreign currency laws in relation to illegal bank accounts (24/4/77; 25/4/77). The revelation about Eban was made a few weeks after the Rabin's affair [Eban was known to be the PM's rival; Rabin refused to renominate Eban as Foreign Minister in his 1974 government]. Eban contended that he believed he possessed a permit but could not find it (26/4/77). Authorities rejected Eban's lawyers attempt to present Eban's status in Israel as a "visiting resident" who is allowed to have bank accounts out of the country (29/5/77). Treatment: by Labor's departing Finance Minister who ordered the case to be treated administratively (8/6/77). Attorney General Aaron Barak did not object and officially declined to prosecute

Eban (7/7/77). [in the midst of affair Likud won elections (17/5/77)].

Aaron Hayvi 1977 - Mayor (Ashdod). Labor Party. Allegedly fraudulently acquired funds from a charity organization "Kupat Ha'Mizrach" (24/2/77). Treatment: by police investigation which recommended prosecution (29/7/77). Attorney General Aaron Barak received the file for decision (17/8/77). Mayor resigned (25/11/77).

Samuel Plato-Sharon 1977 - MK. Fash Party. Allegedly bribed voters in his 1977 campaign (5/6/77). Official complaint was filed with the police. The MK countered with a libel suit against the accuser (29/7/77). Treatment: by police investigation which recommended prosecution (11/10/77). Two years later, Attorney General Yitzhak Zamir requested Knesset's House Committee to lift MK's immunity on election bribery charges (31/5/79). Committee approved (31/7/79). Trial opened (16/10/79) and concluded with conviction (16/4/81). MK's appeal to both District and Supreme Courts failed (2/1/83; 28/6/84). [The same month Attorney General requested lift of immunity a trial opened in Paris against the MK on charges of large-scale fraud (3/5/79). Before Plato-Sharon became Israeli citizen he resided in France and was a generous contributor to Israel. His connections with the Israeli Embassy in Paris were dealt with in the trial (22/5/79).]

Joseph Burg 1978 (5) - Interior Minister. National Religious Party. Allegedly misused his office by channeling money to his party-related institutions through the municipalities and in violation of the state budgetary law (15/5/78). Treatment: Knesset's Interior Committee.

Samuel Rechtman 1978 - Mayor (Rehovot) and MK. Likud Party (Liberals). Allegedly misused his municipal authority and exchanged favors with a constructor in return for discounts in apartments purchased by him (5/4/78; 17/4/78; 19/4/78). Similar allegations were voiced two years earlier (11/4/76). Treatment: by police investigation which recommended prosecution. Attorney General Aaron Barak asked Knesset's House Committee to remove the MK's immunity. Committee approved (12/7/78). Trial opened (4/9/78) and concluded in conviction

(31/1/79). His appeal to the Supreme Court failed (16/2/79). [When he served his prison term he was convicted on a second charge of receiving a bribe in the form of two airflight tickets 8/12/80].

Abraham Aloni 1978 - Mayor (Kiriath Shmona). Citizens For Kiriath Shmona Party. Allegedly acquired funds fraudulently (9/4/78). Allegations were voiced in previous years by a local newspaper. Treatment: by police investigation which recommended prosecution (20/7/78). Two years later, the D.A. still had not reach a resolution because the mayor's lawyers were still arguing the case (18/1/80). Nine out of eleven council members voted for his dismissal (25/1/80). Attorney General Yitzhak Zamir notified them decision was illegal because of flawed procedures (29/4/80). Trial opened (28/11/80) and concluded with acquittal (4/6/81). [Indictment revolved around Aloni's 1973 election campaign and judge said that due to delay witnesses suffered from poor memory].

Yitzhak Moda'i 1979 - Minister of Energy. Likud Party (Liberals). Allegedly was responsible for violating customs laws when he was Director General of the cosmetic company "Revlon." (5/10/79; 7/10/79) Investigation started in 1978 (8/10/79). Treatment: by Custom's Authority investigation which recommended prosecution (5/10/79; 7/10/79). Attorney General Yitzhak Zamir received the file for his review (29/10/79). Two months later, Attorney General returned the file to the Custom's Authority for more information and prohibited investigating the minister without his authorization (23/12/79) [Head of Custom's authority was dismissed a few days earlier (17/12/79) on grounds he publicly opposed the Finance Minister regarding personnel cutbacks]. Custom's Authority raided the Revlon office (13/1/80). Six months later Revlon asked a halt to the investigation against it on grounds that there was no wrongdoing on its part (14/7/80). Attorney General Yitzhak Zamir closed file; ordered to treat one count administratively (30/4/81)

Pesach Grouper 1979 - MK. Likud Party (Liberals). Allegedly attempted to cover up a 1000 dollar loan he received from the Association of Vinegrowers (28/6/79), of which he was on board of directors. At that time,

large-scale embezzlement was uncovered in the Association though it did not file a complaint with the police. Treatment: by police investigation which recommended prosecution. Attorney General Yitzhak Zamir closed the file (23/8/81).

Reouben Kliger 1980 - Mayor (Netanya). The Labor Party. Impropriety alleged in relation to his authority in granting licenses for business and building construction to private businessmen. Investigation began in 1978. (6/3/80; 13/3/80; 29/8/80). Treatment: by police investigation.

Tawfik Zayad 1980 - Mayor (Nazareth) and MK. Communist Party. Allegedly misused a contribution designated for the municipality. Case was included in report by State Comptroller and, subsequently, District Commissioner of Interior Ministry filed an official complaint with the police (3/11/80). Treatment: by police investigation.

Aaron AbuHazira 1980 - Minister of Religion. National Religious Party. Allegedly favored certain Yeshivoth in the allocation of Ministry's funds in return for a cash-money bribe (22/8/80 - date of police raid on Religion Ministry. Then publications almost on each day). Minister asked Attorney General Yitzhak Zamir to refer investigation to State Comptroller. Refused (24/8/80). Treatment: by police investigation which recommended prosecution. Attorney General Yitzhak Zamir requested Knesset's House Committee to lift Minister's immunity. Committee approved (13/1/81). Trial opened (3/2/81) and concluded in acquittal (25/5/81). No appeal by the state.

Joseph Burg 1980 (6) - Interior Minister. National Religious Party. Allegedly misused his office by channeling Ministry's funds to party-related institutions through municipalities. Allegations were voiced after police investigation started against Religion Minister Aaron AbuHazira (see AbuHazira 1980). Ministry admitted providing 23 million Shekel to Yeshivoth and religious institutions through municipalities (13/10/80). Treatment: Knesset's State Committee of Audit (15/10/80; 17/10/80). Minister opposed a proposal for commission of inquiry (20/10/80). Finance Minister Yigal Horowitz testified before committee (in camera) that practices were long-rooted and a few months earlier Interior

Ministry was officially notified practice was illegal. Parallel with Knesset's investigation, police held an investigation (15/10/80; 26/12/80; 3/12/80). Minister dismissed Police Commissioner (1/1/81; The Peach File Scandal). Then Attorney General Yitzhak Zamir ordered the police to investigate some issues related to the "Peach File" and to refer others to State Comptroller (17/4/81). New Police Commissioner denied before Knesset's Interior Committee allegation of cover up raised by Dr. Boaz Moav and a citizen watchdog group (2/6/82). Minister Burg denied "Peach File" ever existed (4/6/82; 3/2/87).

Aaron AbuHazira 1981 (2) - Minister of Religion. National Religious Party (Tamy Party since May 1981). Alleged that when he was Mayor of Ramla he fraudegently acquired funds from the Interior Ministry for a charity foundation he established and chaired. Also that he then misused them for private and partisan ends. Police raided the municipality (1/9/80). [Case largely covered and trial daily follow-up]. Treatment: by police investigation which recommended prosecution. Attorney General Yitzhak Zamir requested Knesset's House Committee to lift Minister's immunity. Committee approved (13/5/81). Trial opened (23/11/81) and concluded in conviction (20/4/82). His appeal to the Supreme Court failed (8/8/83).

BenZion Rubin 1981 - Labor and Welfare Deputy Minister. Tamy Party. Impropriety alleged in relation to his office as Deputy-Mayor of Netanya. [see Kliger 1980 case]. Investigation began in 1978 (26/2/81; 13/8/82). Treatment: by police investigation.

Gad katz 1981 (2) - Mayor (Eilat). Allegedly exchange favors for bribes in relation to his 1978 campaign (19/6/78; 21/6/81; 22/6/81). Treatment: by police investigation.

Jacob Gil 1981 - MK. Labor Party. Impropriety alleged in relation to his activities in the Labor-controlled administration of the Jerusalem sports association "Ha'Poel" (5/10/81; 20/12/81). Treatment: by police investigation. Police issued a statement that no ground for criminal suspicions against the MK were found (8/11/82).

Beni Shalita 1981 - MK. Likud Party (Liberals). Allegedly received personal bribe in his capacity as Mayor of rural Menachemia (14/11/81). Treatment: by police investigation which recommended prosecution (3/12/81). D.A. returned file to police for further investigation (15/1/82). Police again recommended prosecution for bribery (25/5/83; 16/1/84). Attorney General Yitzhak Zamir closed file (26/6/84; 28/6/84; 13/7/84). [Attorney General Zamir required MK to return a government loan for which he was not eligible (27/12/85)].

Yitzhak Modai 1982 (2) - Minister of Energy. Likud Party (Liberals). Alleged to have received illegal commissions from oil dealers. Accusation made by a Labor MK, Hashai (5/1/82) who raised same suspicion earlier (2/9/81; 3/9/81). Minister charged that this was a smear-campaign and Knesset scolded Hashai. Treatment: by police investigation. However, Minister immediately requested that Government appoint a commission of inquiry to investigate the publication of the groundless allegations (8/1/82). Three-member Bechor Commission of Inquiry soundly criticized MK Hashai, the police and the television coverage (4/8/82; 5/8/82; 6/8/82).

Menachem Poroush 1982 - MK. Agudat Israel Party. Chair of the Knesset's Finance Committee. Allegedly misused public funds he acquired through Finance Committee for partisan purposes (18/5/82; 23/5/82). MK did not deny funds were "the oil that makes the engine work" (7/5/82). Official complaints were filed with the police (18/5/82; 23/5/82). Treatment: police declined to investigate. Attorney General Yitzhak Zamir explained to the accuser, MK Shulamit Aloni, that the allocation of public funds was a political question, and the usage of the funds came under the authority of both State Comptroller and Knesset's State Committee of Audit. He said that only if one of these two bodies raised criminal suspicions could the police begin to investigate (8/1/84).

Youval Neeman 1982 - Minister of Science. Ha'Techia Party. Allegedly violated foreign currency laws between 1968-1978 in relation to an illegal bank account in the United State (26/7/82). Treatment: by police investigation. Attorney General Yitzhak Zamir recommended to deal with the matter administratively. Minister paid fine of 5000 dollars.

Hananya Gabshtein 1982 - Mayor (Rishon Le'Zion). Likud Party. Allegedly exchanged favors with a private sports center which gave him free subscription for a few years (27/11/82). Treatment: by police investigation which recommended prosecution. Attorney General Yitzhak Zamir closed file (27/1/83; 3/2/83).

Beni Shalita 1983 (2) - MK. Likud Party. Allegedly harassed witnesses in relation to a police investigation against him (25/5/83) [See Shalita 1981]. Treatment: by police investigation which recommended prosecution. Not implemented.

Aaron Ouzan 1984 - Minister of Labor and Welfare. Tamy Party. Allegedly exerted influence on behalf of his friend, the farmer Natan Chovav, in return for a bribe of 7,500 dollars in forms of furniture he allegedly received from Chovav nine years earlier (11/1/84; 24/1/84; 3/2/84). Minister claimed this was a loan which he returned. Also, allegedly violated regulations by not notifying he received foreign currency loans from abroad. Treatment: by police investigation which recommended prosecution (20/5/84). Attorney General Joseph Harish closed file (26/8/86). [In 1984 Minister retired from politics. His decision was said to be connected with his worry that the resolution in his case would be influenced by resentment toward his party, AbuHazira's Tamy].

Meir Cahana 1984 - MK. Kach Party. Allegedly violated the law by publicly supporting murder of Palestinians (31/10/84; 1/11/84; 22/11/84). Treatment: by police investigation. Attorney General Yitzhak Zamir was sharply criticized for declining to prosecute the MK (18/11/84; 6/12/84; 13/12/84).

Arie Gurel 1984 - Mayor (Haifa). Labor Party. Allegedly misused 115,000 dollars of municipal funds for his election campaign (16/5/84; 21/12/84). Treatment: by police investigation which recommended prosecution. Attorney General Yitzhak Zamir closed the file (18/1/85; 1/2/85) and ordered Labor Party city branch to return 40,000 dollars (30/9/85).

Eliezer Valdman 1984 - MK. Ha'Techiya Party. Allegedly was privy to organized terrorist actions of Jewish Settlers in occupied West Bank. This was sustained by

confessions before investigators of the General Security Services, revealed in trial of settlers accused (25/10/84; 22/11/84; 2/5/85). Treatment: by police investigation. No prosecution.

Shlomo Amar 1984 - MK. Yahad Party. Allegedly listened to an illegal telephone tap of his rival in Egged, a public transportation cooperative he chaired (29/7/84). Treatment: by police investigation which recommended prosecution. Attorney General Yitzhak Zamir requested Knesset's House Committee to lift the MK's immunity (26/6/85). Committee refused (10/7/85; 11/7/85). Two years later, Attorney General Joseph Harish asked again House Committee to lift the MK's immunity for this case (15/12/87; see Amar 1987). Committee approved (12/1/88). The MK is currently on trial.

Shlomo Amar 1985 (2) - MK. Yahad Party. Allegedly bribed voters during his 1984 election campaign (10/12/85). Treatment: by police investigation which recommended prosecution. Attorney General Yitzhak Zamir received file for his review (8/1/86). No prosecution.

Meir Nizan 1985 - Mayor. (Rishon Le'Zion). Labor Party. Allegedly misused municipal funds for his private ends in relation to airflight for his wife (23/1/85). Official complaint was filed with the police. Mayor returned the funds to the municipality Treatment: by police investigation. Attorney General Yitzhak Zamir received file for review (27/12/85). Attorney General Joseph Harish closed file (1/10/86; 8/10/86).

Abraham Sharir 1985 - Minister of Tourism. Likud Party (Liberals). Allegedly exchanged favors with businessman Michael Albin (20/12/85) [see Reisser case]. Treatment: by police investigation. Police issued a statement that no ground for criminal suspicions against the minister were found (20/12/85; 23/12/85).

Yitzhak Shamir 1985 - Deputy Prime Minister. Likud Party (Herut). Allegedly exchanged favors with land brokers for election financing at a meeting which later turned out to be at the center of a trial on charges of bribery. Brokers were asked to contribute to Likud's election campaign because of the common interest (related to development of occupied territories) shared by all

parties to the meeting. Some land brokers who participated in meeting with Shamir were involved in illegal acquisition of land in the occupied territories. One of these brokers, Samuel Einav, was legally prosecuted on the charge that his contribution for Likud's election campaign was a bribe intended to make the authorities disregard his illegal acquisition of land. He was found guilty (6/7/87). A low-ranking politician, Avi Zur, who served as the assistant of Deputy Defence Minister Michael Dekel [a party to the same meeting], was similarly prosecuted on the charge of acquiring a bribe from the land broker. Zur allegedly responsible for both illegal authorization to the broker and receiving the contributions. Shamir admitted that he asked the land brokers for contributions but explained this was an ordinary fund raising meeting for Likud election (12/8/85; 1/1/86; 7/1/86; 27/6/86; 8/7/86; 28/12/86; 6/7/87). Treatment: none.

Michael Dekel 1985 - Deputy Defence Minister. Likud Party (Herut). Allegedly misused his authority in relation to the illegal acquisition of land in the occupied territories (21/8/85; 4/12/85). Also participated in the meeting between the PM and land brokers who were asked for election contributions [see Shamir 1985]. His assistant, Avi Zur, was prosecuted on charges of bribery in relation to this affair (5/12/85; 17/12/85). An official complaint was filed with the police (10/12/85). Treatment: by police investigation. Attorney General Yitzhak Zamir received the file for his review (25/12/85). Three years later, after Dekel not elected on Likud's slate for the 1988 election, he was prosecuted on charges of breach of trust and bribery (9/4/89). Dekel appealed to Attorney General Joseph Harish to halt judicial proceedings against him (12/5/89).

Yitzhak Shamir 1986 (2) - Prime Minister. Likud Party (Herut). Alleged of being privy to the conspiracy of the General Security Services (GSS) to conceal murder of Palestinian captives by forging evidence (28/5/86; 3/9/86; 4/9/86; 5/9/86; 9/9/86; 17/9/86; 8/1/88). Treatment: by police investigation. Head of GSS and a few high-level officials were prosecuted but pardoned before trial (26/6/86); Government refused to nominate commission of inquiry to investigate the case (15/7/86).

Nominated The Landoi Commission of Inquiry to Investigate GSS's methods (4/6/87); Attorney General Joseph Harish said no solid evidence were found on involvement of political figures in the affair (25/12/86; 1/1/87).

Teddy Kolek 1986 - Mayor (Jerusalem). Labor Party. Allegedly misused 130,000 dollars from the "Jerusalem Fund" which was under his control, for private and partisan ends. Also, allegedly used the funds to exert improper influence on high-level officials (12/1/86; 9/4/86; 15/4/86; 8/5/86). Several high officials were prosecuted on the latter charge (receiving a bribe; 3/12/86; 1/4/87). Kolek was also alleged to exchange favors with Palestinians merchants who needed mayoral assistance and gave him gifts for his antiquity collection (the Raphi Levi affair 9/11/86- 9/1/87; and trial 11/10/87). Allegations of misusing the "Jerusalem fund" for extraneous ends were voiced in previous years (11/9/69; 26/5/71; 18/9/78). Treatment: by police investigation which recommended prosecution. The world-renowned mayor threatened to resign (16/11/86). When affair began, Yitzhak Zamir was Attorney General. Subsequently, Joseph Harish dealt with the case and closed file (17/4/87; 24/7/87).

Micha Reisser 1986 - Mk. Likud Party (Herut). Chair of House Committee. Allegedly exchanged favors with businessman Michael Albin in turn for air flights, rental cars, and 34,000 dollars in bonds and options (7/1/86; 1/10/86; 22/6/87). Businessman Albin killed himself in August 1985, when police began to investigate him on suspicion of large-scale embezzlement. Investigation raised suspicions of bribery to various politicians and media members on the part of the late Albin (24/1/86; 31/3/88). Treatment: by police investigation which recommended prosecution (5/11/86). Attorney General Joseph Harish closed file (8/12/87; 9/12/87).

Gideon Gadot 1986 - MK. Likud Party (Herut). Allegedly received 29,500 in bonds and options from businessman Michael Albin (25/2/86) [see Reisser case]. Treatment: by police investigation which recommended prosecution. Attorney General Harish closed file (9/12/87; 10/12/87; 11/12/87).

Eli Landau 1986 - Mayor (Herzeliya). Likud Party. Allegedly received no-interests loans and options in bonds from businessman Michael Albin when he worked as assistant of Defence Minister Ariel Sharon (4/3/87) [See Reisser case]. Treatment: by police investigation. Attorney General Joseph Harish closed file.

Shlomo Amar 1986 (3) - MK. Yahad Party. Allegedly bribed his way out from reserve service in the army, three years earlier (5/1/86). Treatment: by police investigation which recommended prosecution (24/10/86). No prosecution.

Eli Kulas 1986 - MK. Likud Party. Chair of Knesset's Law and Justice Committee. Allegedly exerted improper influence for acquiring a lawyer license for which he was not entitled according to university regulations (MK began studying in 1967, failed in exams and missed the eight-year period required to complete studies) (20/3/83; 21/3/83; 23/3/86; 24/3/86). Official complaint was made to Attorney General Yitzhak Zamir (23/3/86). Treatment: investigation by the Hebrew University's audit. Cleared both MK and university from corrupt intent (15/4/86; 17/4/86).

Shimon Peres 1986 - Deputy Prime Minister. Labor Party. Alleged of being privy to the conspiracy of the General Security Services (GSS) to conceal murder of Palestinian captives by forging evidence (9/9/86) [See Shamir 1986]. Treatment: by police investigation. Head of GSS and a few high-level officials were prosecuted but pardoned before trial (26/6/86); Government refused to nominate commission of inquiry to investigate the case (15/7/86). Nominated The Landau Commission of Inquiry to Investigate GSS's methods; Attorney General Joseph Harish said no solid evidence were found on involvement of political figures in the affair (25/12/86; 1/1/87).

Ariel Sharon 1986 - Minister of Commerce and Industry. Likud Party (Herut). Allegedly misused his authority for his private ends in relation to prohibiting import of lamb meat of which his private farm was one of the largest producers (25/9/86; 18/1/87). Official complaint was filed with the police (1/2/87; 11/5/87). Treatment: referred to State Comptroller (13/5/87).

Arie Azoulay 1986 - Mayor (Ashdod). Labor Party. Allegedly exchanged favors with businessmen for bribes (8/8/86; 9/9/86; 10/6/86). Treatment: Mayor arrested by police and held in custody for ten days. Attorney General Yitzhak Zamir authorized arrest (15/6/86). Police recommended prosecution and D.A. received file for review (20/8/86). D.A. closed file (19/10/86). File reopen after accuser appealed to new Attorney General Joseph Harish (13/8/87; 24/8/88). Harish closed file (1/1/89).

Shimon Peres 1987 (2) - Deputy Prime Minister. Labor Party. Allegedly exchanged favors with businessman Aaron Balas. Balas allegedly used his political contacts for a large-scale bank fraud. Also allegedly provided large loans and contributions to the Yahad Party for securing its political alignment with the Labor Party. (28/1/87; 29/1/87). An official complaint was filed with the police after it became known that Peres's gold watch was a gift from Balas. Treatment: Attorney General Joseph Harish ordered investigation halted on grounds that this was a gift between friends rather than a gift to Peres in his official capacity (30/1/87; 4/2/87).

Charlie Biton 1987 - MK. Communist Party - allegedly met with PLO officials in a conference in Budapest, Rumania, and violated law which bars such meetings (14/6/87). Treatment: by police investigation.

Ariel Sharon 1987 (2) - Minister of Commerce and Industry. Likud Party (Herut). Allegedly exchanged favors with businessman Meshoulam Riklis who gave him a 200,000 dollars no-interest loan and then allegedly received from Ministry a loan of 10 million dollars (19/5/87). An official complaint was filed with the police (21/5/87). Treatment: State Comptroller (6/7/87).

Ariel Sharon 1987 (3) - Minister of Commerce and Industry. Likud Party (herut). Impropriety alleged in relation to contracts given to Likud Members (1/2/87). Official complaint was filed with the police. Accuser, MK Ran Cohen, appealed to Supreme Court asking ordering Police and Attorney General to hold investigation (11/5/87). Treatment: D.A. ordered police to investigate Minister (2/11/87). Police investigation (14/1/88). D.A. received from police two files (21/3/88).

Shlomo Amar 1987 (4) - MK. Yahad Party. Allegedly harassed a witness who was under investigation against him (see Amar 1986) by participating in a meeting conducted by his lawyers (2/7/87). Treatment: police investigation which recommended prosecution. Attorney General Joseph Harish requested Knesset's House Committee to lift MK's immunity (15/12/87). Committee approved (12/1/88). [Amar did not seek reelection in 1988. He is currently on trial].

APPENDIX B:

RECORD OF KNESSET'S HOUSE COMMITTEE

IN LIFTING IMMUNITY*

1. Request of Attorney General to lift immunity of MK Shlomo Lavi on charge of involvement in a fatal car accident. On 10/8/1954, Committee decided to recommend lifting immunity for this charge and on 11/8/1954, Knesset decided to lift immunity.
2. Request of Attorney General to lift immunity of MK Shlomo Lorenz on charge of receiving a check of 3,000 dollars. On 26/5/1954, Committee decided that: after Attorney General yielded on count three of the indictment, counts one and two did not justify recommending lifting of immunity of MK Shlomo Lorenz.
3. Request of Attorney General to lift immunity of MK Y.S. Rosenberg on charge of acquiring a permit from the Foreign Currency Department to release a blocked account of a person in Switzerland. On 14/12/1954, Committee decided to recommend lifting immunity of MK Y.S. Rosenberg for this charge and on 20/12/1954, Knesset decided to lift immunity.
4. Request of Attorney General to lift immunity of MK S. Bejerano on charge of reckless driving. On 1/2/1955, Committee decided to recommend lifting immunity of MK S. Bejerano for this charge and on 8/2/1955, Knesset decided to lift immunity.
5. Request of Attorney General to lift immunity of MK Moshe Dayan, Minister of Agriculture, for a driving offense. On 10/5/1960, Committee decided to recommend lifting immunity of MK Mosh Dayan on two charges: 1) reckless driving 2) did not stop at "stop sign." On 10/5/1960, Knesset decided to lift immunity.

* House Committee records: January 24, 1990

6. Request of Attorney General to lift immunity of MK Yitzhak Raphael on charge of conspiracy to take a bribe in relation to the construction of Tel-Giborim Hospital. On 6/7/1965, Committee decided to recommend lifting immunity of MK Yitzhak Raphael on this charge and on 14/7/1965, Knesset decided to lift immunity.
7. Request of Attorney General to lift immunity of MK M. Sourkis on charge of involvement in a car accident. On 22/11/1966, Committee decided to recommend lifting immunity of MK M. Sourkis on this charge and on 29/11/1966, Knesset decided to lift immunity.
8. Request of Attorney General to lift immunity of MK Samuel Rechtman on charge of taking a bribe. On 11/7/1978, Committee decided to recommend lifting immunity of MK Samuel Rechtman on this charge and on 17/7/1978, Knesset decided to lift immunity.
9. Request of Attorney General to lift immunity of MK Samuel Plato-Sharon on charge of giving or offering bribe, in violation of count 122(1) of Knesset Elections Law 1969; and also on charge of conspiring with others to give or offer bribe, in violation of count 499 of the Criminal Law 1977. On 30/7/1979, Committee decided to recommend lifting immunity MK Samuel Plato-Sharon and on 1/8/1979, Knesset decided to lift immunity.
10. Request of Attorney General to lift immunity of MK, Minister of Religion, Aaron AbuHazira on charge of taking a bribe. On 12/1/1981, Committee decided to recommend lifting immunity of MK Aaron AbuHazira and on 13/1/1981, Knesset decided to lift immunity.
11. Request of Attorney General to lift immunity of MK, Minister of Religion, Aaron AbuHazira on charges of embezzling funds of the Yitzhak AbuHazira Foundation. On 12/5/1981, Committee decided to recommend lifting immunity of MK Aaron AbuHazira and on 13/5/1981, Knesset decided to lift immunity.
12. Request of Attorney General to lift immunity of certain MKs for driving violations. On 12/5/1982, Committee decided to recommend lifting immunity of the following MKs: Charlie Bitton; Geula Cohen; Yitzhak Rabin; Roni Milo; Moshe Shahal; Haim Korpo, for these charges. On 20/5/1982, Knesset refused to lift immunity of these MKs. (This is the only time

the Knesset refused to approve a recommendation of the House Committee to lift immunity).

13. Request of Attorney General to lift immunity of MK Shlomo Amar on charge of unlawfully listening to telephone taps. On 9/7/1985, Committee decided not to recommend lifting of immunity.
14. A new request of Attorney General to lift immunity of MK Shlomo Amar for secret tap-listening - violation of count 2(b) of the 1979 law of secret tapping 1979, which is the first count of indictment 3026/84. On 11/1/1988, Committee recommended lifting immunity of MK Shlomo Amar. On 12/1/1988, Knesset decided to lift immunity.
15. Request of Attorney General to lift immunity of MK Shlomo Amar on charge of harassing a witness, for which he was accused along with seven other people. On 11/1/1988, Committee recommended lifting immunity of MK Shlomo Amar. On 12/1/1988, Knesset decided to lift immunity.

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